

Agenda for Council

Wednesday, 29 July 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 Handel H C Bennett to say a prayer.

Dear Sir/Madam

Meeting of the Council of the District of East Devon on Wednesday 29 July 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

Newly elected Councillors please note that the Extra Ordinary and Ordinary meetings will be preceded **at 5.00 pm** with a briefing in the Council Chamber- the Chief Executive will outline the business of the meetings and the procedures.

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.

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive

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 of the [annual meeting of the Council held on 27 May 2015](#) and of the [Extra Ordinary meeting of the Council held on 3 June 2015](#).

(The minutes of the Council meeting held on [29 April 2015](#) were confirmed at the Annual Council meeting and are included in the minute book for ease of reference only.)

- 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	1-27, 28- 57
†Overview Committee	Minutes	1-5
†Scrutiny Committee	Minutes	1-7
†Housing Review Board	Minutes	1-16
Development Management Committee	Minutes	72- 79, 1-3, 4-14, 15-17, 18-22
Planning Inspections Committee	Minutes	25-27, 28-30
Audit and Governance Committee	Minutes	1-14
Licensing and Enforcement Committee	Minutes	1-5
Licensing and Enforcement Sub Committee	Minutes	37-38

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

10 **Housing Review Board – appointments**

- a) To confirm the following appointment of tenant and/or leaseholder representative on the Board: Angela Bea
- b) To confirm the following appointments of independent community representatives on the Board: Christine Drew and Julie Bingham

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

Note:

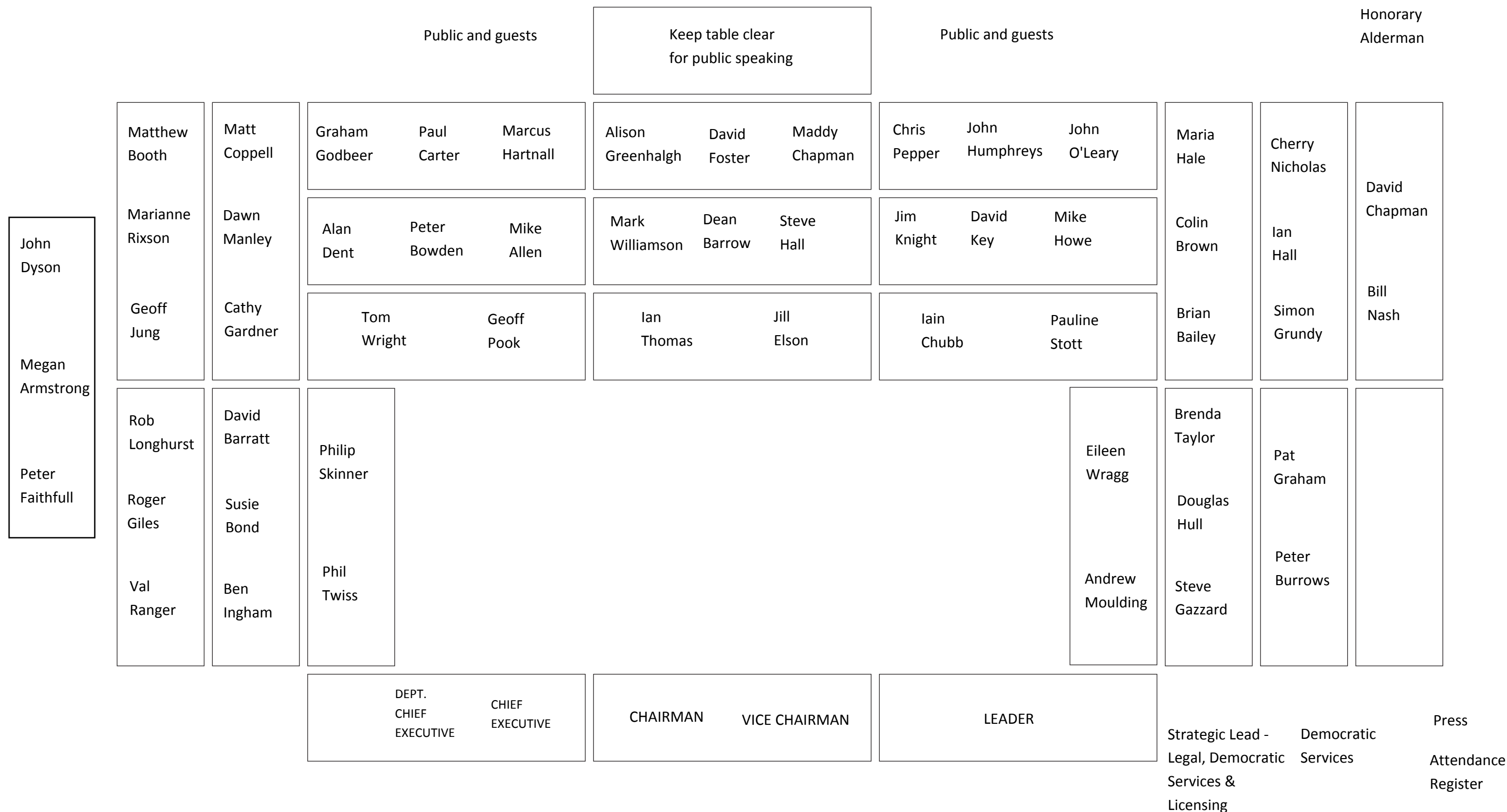
- Seating plan attached.

[Decision making and equalities](#)

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



Council Chamber seating layout



Meeting of the Council – 29 July 2015

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EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of the Council held

at Knowle, Sidmouth on 29 April 2015

Attendance list at end of document

The meeting started at 6.30pm and ended at 7.36pm.

Obituary – Alan Stephen Pascoe

The Chairman announced with great sadness that former Councillor Alan Pascoe had passed away. Alan had been elected in 1999 and represented Sidmouth Town ward until he permanently moved to Cyprus in 2005. During his time on the District Council, Alan had served on a range of Committees including planning, housing (of which he was Vice Chairman) and a number of Overview Committees. He also served on Sub Committees and Panels and represented the Council at meetings of the Local Government Association.

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

***64 Public Speaking**

There were no questions raised.

***65 Minutes**

The 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) were confirmed and signed as a true record.

***66 Declarations**

There were none.

***67 Chairman/Leader notices/announcements**

- a) The Chairman congratulated officers who had raised a significant amount of money for charity by taking part in the London Marathon the previous Sunday.
- b) The Leader announced that following a detailed assessment the Council had been accredited with Member Development Charter Plus – this built on the previous Charter accreditation. He congratulated the Member Champion for Member Development, Councillors and Officers on this major achievement.

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

No questions had been submitted in accordance with Procedure Rule 9.2.

***69 Minutes of Cabinet and Committees**

Note:

Recommendation at Minute 191- Office relocation had already been referred to the Extraordinary meeting of Council on 25 March 2015

Recommendations at Minute 64 – proposed amendments and supporting evidence to the New East Devon Local Plan and at Minute 65 – amendments to the Community Infrastructure Levy (CIL) draft Charging Schedule had already been referred to the Extraordinary meeting of Council on 26 March 2015

Recommendations of the combined meeting of Audit and Governance Committee and Overview and Scrutiny Committee on office relocation had already been referred to the Extraordinary meeting of Council on 25 March 2015)

RESOLVED

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

Cabinet

Minutes 181 – 199, 200 – 218

Development Management Committee

Minutes 57 – 62, 63 – 65, 66 - 71

Planning Inspections Committee

Minutes 22 - 24

Audit and Governance Committee

Minutes 46 – 56

Licensing and Enforcement Committee

Minutes 10 - 13

Licensing and Enforcement Sub Committee

Minutes 26 – 28, 29 – 31, 32 - 36

Combined meeting of Audit and Governance Committee and Overview and Scrutiny Committee

Minutes 1 – 5

RESOLVED

2. that the under-mentioned minutes be received.

Cabinet (minutes 187, 207 and 208) had noted or accepted the following Overview/Scrutiny Committees' and Housing Review Board's recommendations with or without amendment.

Overview and Scrutiny Committee

Minutes 68 – 80, 81 - 88

Housing Review Board

Minutes 74 - 91

Arising from consideration of the above minutes:-

a) Cabinet (minute 188 – Recycling and Refuse Partnership Board)

The wording to be corrected to refer to Exmouth Town rather than the more colloquial reference to the Colony.

b) Overview and Scrutiny

In presenting the minutes, Councillor Tim Wood, took the opportunity to reflect on his time as Chairman of the Committee and as a member of the Council. He advised that he regretted the Council's decision to change the committee structure to a Cabinet structure as he felt this had resulted in the decision making process being less visible to the public and did not readily allow 'backbench' councillors to build up a body of expertise. He invited the Council to think carefully about how it

structured meetings to ensure there was public confidence in the work of the Council. He also spoke of the need for more rigorous scrutiny of the Council's processes in the future and of genuine consultation. He suggested that the annual report be referred to the April meeting of the Council in future, particularly during election years, to allow Councillors to note and recognise the work of the Committee.

c) Housing Review Board

In presenting the minutes, Councillor Pauline Stott, spoke of the excellent work of the officers within the housing teams.

d) Development Management Committee and Planning Inspections Committee

In presenting the minutes, Councillor Helen Parr, thanked the Committee members and officers for all their hard work during her chairmanship of the two Committees. She drew attention to the Council's outstanding appeal decision record, which was above the national average and reflected the good decision making of the Council in respect of planning applications.

e) Audit and Governance Committee

In presenting the minutes, Councillor Ken Potter, spoke proudly of the way in which the Council adhered to its governance arrangements and paid tribute to the excellent and valued work of Strategic Lead – Finance and his teams, along with the internal and external auditors.

f) Licensing and Enforcement Committee and Licensing and Enforcement Sub Committee

In presenting the minutes, Councillor Steve Hall, spoke of the good work of the Committee, particularly his Vice Chairman, and officers which was reflected in the decision making.

***70 Retiring Members of Council**

The Chairman of the Council presented plaques to the following members who were not seeking re-election to the District Council on 7 May 2015:-

Councillors	Deborah Custance Baker	(4 years service)
	Tony Howard	(4 years service)
	Claire Wright	(4 years service)
	Vivien Duval Steer	(8 years service)
	Ken Potter	(8 years service)
	Tim Wood	(8 years service)
	Chris Wale	(12 years service)
	David Cox	(12 years service)
	John Jeffery	(16 years service)
	Steve Wragg	(16 years service)
	Trevor Cope	(20 years service)
	Peter Halse	(21 years service)
	Geoff Chamberlain	(35 years service)

The Chairman paid tribute individually to the service given by each of the retiring Members and extended the Council's thanks and appreciation for their valued work over the years.

Retiring Councillors were given the opportunity to address Members present. Members spoke with fondness about their time on the Council and the fulfilment they had found in serving their local communities and the wider district. Thanks were paid to the officers of the Council for their valued work and to fellow Councillors for their support over the past years; good wishes were expressed to the Council for the future.

Councillor Geoff Chamberlain received a standing ovation.

Attendance list

Councillors present:

Graham Godbeer, Chairman
Christine Drew, Vice Chairman

Mike Allen
Ray Bloxham
Roger Boote
Susie Bond
Bob Buxton
Geoff Chamberlain
David Chapman
Maddy Chapman
Iain Chubb
Trevor Cope
David Cox
Deborah Custance Baker
Paul Diviani
Vivien Duval Steer
Jill Elson
Martin Gammell
Pat Graham
Steve Hall
Peter Halse
Tony Howard
Mike Howe
Stuart Hughes
Douglas Hull
Ben Ingham
John Jeffery
Stephanie Jones
Jim Knight
Andrew Moulding
Frances Newth
John O'Leary
Helen Parr
Geoff Pook

Ken Potter
Philip Skinner
Pauline Stott
Brenda Taylor
Ian Thomas
Graham Troman
Phil Twiss
Mark Williamson
Tim Wood
Eileen Wragg
Steve Wragg
Tom Wright

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Henry Gordon Lennox, Strategic Lead – Legal and Democratic Services
Debbie Meakin, Democratic Services Officer
Diana Vernon, Democratic Services Manager
Hannah Whitfield, Democratic Services Officer

Councillor apologies:

David Atkins
Alan Dent
Steve Gazzard
Roger Giles
John Humphreys
Sheila Kerridge
David Key
Peter Sullivan
Claire Wright

Honorary Aldermen apologies:

Trevor Ffoulkes
Bernard Hughes
Ann Liverton
Graham Liverton
Margaret Rogers
David Scott

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of the Annual Meeting of the Council held at Knowle, Sidmouth, on Wednesday, 27 May 2015

Attendance list at the end of document.

The meeting started at 6.30 pm and ended at 8.10 pm

***1 Election of Chairman**

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

Councillor Andrew Moulding proposed and Councillor Jill Elson seconded Councillor Stuart Hughes being elected Chairman of the Council for the ensuing Civic Year.

In proposing, Councillor Moulding said that Councillor Hughes represented local residents at all three levels of local government in Devon – town, district and county. Councillor Moulding spoke of Councillor Hughes' early political career as a Raving Loony and his election to district (1991) and county (1993) as the Raving Loony Green Giant Party candidate. Councillor Hughes joined the Conservative Party in 1997. As current Cabinet member for Highways and Transportation at Devon County Council, Councillor Hughes' commitment was unquestionable. Councillor Moulding said that he had no doubt that Councillor Hughes would bring the same dedication to the role of EDDC Chairman and this was sure to stand the Council in good stead for the future.

In seconding, Councillor Jill Elson said that she had first met Councillor Hughes when campaigning in 1987. She believed that he would be a good Chairman and therefore had no hesitation in seconding the proposal.

There were no other nominations.

RESOLVED

that Councillor Stuart Hughes be elected Chairman of the Council for the ensuing year.

Following the election Councillor Godbeer invested the new Chairman with the Chain and Jewel of Office. Councillor Hughes took the Chair, read, and signed the Declaration of Acceptance of Office. He then spoke in response to his election. He thanked his proposer and seconder for their kind words and for Council support for his election. He said that he was honoured to accept the position and was very conscious of the duties of the role and future challenges. He said that some change was good (particularly referring to improvements to technology and communications) and some was not (giving the example of Central Government imposing the change to Cabinet arrangements from the committee system). Over the years, as a serving member of the Council, Councillor Hughes said that he had observed many excellent Chairmen and Vice Chairmen who would be hard acts to follow. He assured Council that he would do his best and was looking forward to the challenge.

The Chairman thanked Councillor Godbeer as retiring Chairman for his services and presented him with the past Chairman's Badge and an East Devon District Council plaque. Councillor Hughes referred to him as a true ambassador for the Council and that he had represented East Devon at local and county-wide events

with courtesy and friendly charm. Councillor Godbeer had chaired some difficult meetings but had done so with skill and fairness.

Councillor Godbeer spoke in response, congratulating the Chairman and thanking him for his kind words. He said that he had enjoyed serving as Chairman of the Council for the past two years and thanked those who had helped to make it such an enjoyable experience. He firstly thanked the Chief Executive for his constant support. He thanked other officers and made special reference to the democratic services team. He expressed his appreciation of the help and support from past and present Members, for their encouragement and friendship. He thanked his Vice Chairman for working with him at meetings and attending events on behalf of the Council. He also extended thanks to Reverend Jeremy White who had said prayers before each Council meeting over the last two years and who had given constant support, encouragement and understanding. Councillor Godbeer said that his wife had been his stalwart and support throughout his two years. He encouraged all Members to give their backing to the new Chairman.

***2 Appointment of Vice Chairman**

The Chairman invited nominations for the appointment of Vice Chairman of the Council for the ensuing Civic Year.

Councillor Mark Williamson proposed and Councillor Graham Godbeer seconded Councillor Helen Parr being appointed Vice-Chairman of the Council for the ensuing year.

In proposing, Councillor Williamson said that he had known Councillor Parr since 2007 and that they had worked on a number of committees together. He said that she had chaired meetings with sensitivity and referred to her work on the Overview and Scrutiny - Communities and Development Management Committees. Since joining the Council in 1995, Councillor Parr had developed a wealth of experience on a range of committees, sub committees and working parties. He said that she would dignify the role of Vice Chairman with intelligence and perception. He believed that Stuart Hughes and Helen Parr would make a good team in chairing the Council for the next two years.

In seconding, Councillor Godbeer said that, as a fellow ward member, Councillor Parr fully understood the pressure of the role. He said that she always gave great attention to detail, information and procedures. He referred to her as a beacon of honesty and integrity.

The Chairman invited further nominations.

Councillor Peter Burrows proposed and Councillor Brenda Taylor seconded Councillor Douglas Hull being appointed Vice-Chairman of the Council for the ensuing year.

In proposing, Councillor Burrows referred to Councillor Hull as the father of the house. He said that Councillor Hull had worked hard for the benefit of Axminster and East Devon as a whole.

In seconding, Councillor Taylor said that as Councillor Hull was the father and a stalwart of the Council. He deserved acknowledgement for his years on the Council and the work he had done; being Vice Chairman would be achieve this.

The nominations were put to the vote.

RESOLVED

that Councillor Helen Parr be appointed Vice-Chairman of the Council for the ensuing year.

Councillor Hull congratulated Councillor Parr on her appointment as Vice Chairman and extended best wishes. He thanked those who had voted against his nomination because he said that in not being appointed Vice Chairman, he could continue to speak out freely at meetings.

Following the appointment, the Chairman invested the new Vice Chairman with the Badge of Office. Councillor Parr, read, and signed the Declaration of Acceptance of Office. She then spoke in response to her appointment, thanking her proposer and seconder and Councillors for their support. She said that serving the Council as Vice Chairman was a great honour and that she would do her best to support the Chairman and promote the district.

The Vice Chairman thanked Christine Drew as retiring Vice Chairman for her services. The Chairman presented Christine Drew with the past Vice Chairman's Badge and an East Devon District Council plaque.

The former Vice Chairman then spoke in response, congratulating the Chairman and Vice Chairman who she was certain would do a good job. She thanked Members for giving her the opportunity to represent the Council, which she said had been an honour and pleasure. She had particularly enjoyed meeting a whole range of people during her Vice Chairmanship. She said that the Council had its ups and downs but that she was proud of it and that she would miss her involvement. She extended thanks to everyone for the help given. She reminded the new Council that Members were elected to serve the whole of East Devon and its residents.

*3

Public Speaking

The Chairman welcomed Councillors, Honorary Aldermen and members of the public.

Jeremy Woodward referred to the ruling of the appeal tribunal into the Freedom of Information request to share documents relating to the proposed office move. He asked the new Council what it was going to do about this outcome. He said that the appeal had taken too long because the Council had failed to produce the information and had sometimes been unhelpful. He said that the case demonstrated the low reputation of the Council and drew attention to the Judge's comments. Mr Woodward said that the outcome had brought the Council into disrepute with its systematic withholding of information. He questioned whether the newly formed Scrutiny Committee would undertake a full review in an independent and transparent way.

Paul Freeman said that when Councillor Diviani was appointed Leader in 2011, he gave assurance of proper consultation. The judgement of the appeal tribunal was damning in respect of lack of transparency; the Council had kept finances confidential and this had proved wrong. There was a need to ensure the probity of the Council. He urged reflection on the judgement and allegations that he said flouted the law. He asked for the former Cabinet, Leader and Chairman to resign because of falsification and delay in complying with a Freedom of Information request and for misunderstanding the business case.

In response to the public speakers, the Chief Executive advised that the Monitoring Officer would report to the July Cabinet meeting when the issue would be fully debated.

***4 Minutes**

The minutes of the meeting of the Council held on 29 April 2015 were confirmed and signed as a true record.

***5 Declarations of interest**

Cllr Paul Diviani – Min no. 18

Personal interest

Reason: County member of East Devon AONB Partnership

Cllr Jim Knight - Min no. 18

Personal interest

Reason: County member of East Devon AONB Partnership

Councillor Eileen Wragg – Min no. 18

Personal interest

Reason: County representative on East Devon Citizens' Advice Bureau

***6 Report of the Returning Officer**

The report of the Returning Officer on the District Council elections held on 7 May 2015 was received.

Questions raised on the report:

What plans were in place to report on the administrative error that had occurred when the postal votes were issued – the wrong letter had been sent out to some multi-member wards. What steps were in place so that this did not happen again and what was the cost of correcting it?

The Chief Executive advised that he had submitted a full report to the Electoral Commission and was now waiting to hear the response.

Why was there a delay in publicising the town and parish election results on the Council website? Although the district count information had been published on the day of the district count (held on Friday 8 May), the parish and town results were not published until two days after the local council count (held on Saturday 9 May). This had caused some discontent.

The Chief Executive acknowledged the delay. Some local council representatives had attended the parish and town count and so knew the results on the Saturday. He said that the counts had taken longer than anticipated, leaving staff tired. The results had been posted within 2 hours on the first working day following the count.

The Leader referred to the high number of people standing at the May elections and the complicated and protracted counts. However, he did have sympathy with the parishes and towns and said that the issue would be addressed so that the delay did not occur in future.

***7 Chairman's announcements**

The Chairman invited Councillors, Honorary Aldermen and guests to a buffet in the Members' Area following the close of the meeting.

***8 Leader of the Council**

Councillor Philip Skinner proposed Councillor Paul Diviani as Leader of the Council for the ensuing year. This proposal was seconded by Councillor Marcus Hartnell.

In proposing, Councillor Skinner said that it was an honour and delight to have been asked to propose Councillor Paul Diviani as Leader. They had both been elected onto the Council at the same time and spoke of their early days. Councillor Skinner said that Councillor Diviani was devoted to public life and served at district and county levels and represented the Council at meetings of the Local Government Association and Local Enterprise Partnerships. He also regularly attended meetings of the parish councils within his patch. He said that Councillor Diviani had steered the Council through some difficult choices and always remained true to his beliefs – this he said was the trademark of good leadership.

In seconding, Councillor Hartnell echoed the words of the proposer. He said that Councillor Diviani offered the Council strong leadership, devotion and hard work. He added that Councillor Diviani gave support to new and experienced councillors.

In accepting his appointment, Councillor Diviani thanked his proposer and seconder and Members for their confidence in him. He said that he would do his best to deliver a decisive mandate and particularly referred to local homes for local people, holding the Council Tax at its low level, progressing regeneration whilst protecting and enhancing the environment, supporting healthy lifestyles, achieving value for money, settling the local plan and promoting local involvement.

***9 Appointment of Deputy Leader**

The Leader confirmed his appointment of Councillor Andrew Moulding as Deputy Leader of the Council. Councillor Diviani said that his Deputy was his rock and respected his sound advice based on his wide experience within the work place and in local government. He said that Councillor Moulding carried out his role with dignity and style.

***10 Cabinet Members and Portfolio Holders**

The Leader spoke in praise of the Members to be appointed Portfolio Holders and outlined the rationale behind these appointments, how they would help deliver the manifesto and work with the Strategic Officers.

He proposed no changes to the titles of the Portfolio Holders. However, there would no longer be Deputy Portfolio Holders (in recent years there had been two deputies), instead he advised that the membership of the Cabinet would include two Members who were not members of the ruling party; they would be Cabinet Members without Portfolio.

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

Corporate Business Portfolio Holder	Tom Wright
Corporate Services Portfolio Holder	Phil Twiss
Economy Portfolio Holder	Philip Skinner
Environment Portfolio Holder	Iain Chubb
Finance Portfolio Holder	Ian Thomas
Sustainable Homes and Communities Portfolio Holder	Jill Elson
Cabinet Member without Portfolio	Eileen Wragg (LD)
Cabinet Member without Portfolio	Geoff Pook (I)

The Deputy Leader was appointed Strategic Development and Partnerships Portfolio Holder

Minor amendments to the remit of Portfolio Holders were reflected in the updated Constitution (agenda item 15 c) refers).

***11 Committees
RESOLVED:**

1. that Committees be established for the municipal year as set out in Articles 7, 8, 9 and 10 of the Constitution,
2. that the size and terms of reference for those Committees be as set out in Articles 7, 8, 9 and 10 of the Constitution subject to amendments included within the Chief Executive report at agenda item 15(c) and the responsibility for crime and disorder issues being within the remit of the Scrutiny (and not Overview) Committee.
3. that the membership of the Standards Committee be confirmed, namely:

Council representatives:

Chairman of the Council, Councillors Graham Godbeer, Douglas Hull, Dawn Manley and Pauline Stott

Substitute members: Councillors Susie Bond, Alan Dent and Brenda Taylor.

Non-voting Independent representatives:

Ray Davison and Tim Swarbrick.

Non-voting Parish/Town Council representatives:

Councillors David Mason and Courtney Richards.

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

4. To confirm the non District Council membership of the Housing Review Board:

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

Mike Berridge, Joyce Ebborn, John Powley, Harry Roberts and Pat Rous.

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

Julie Adkin plus one vacancy currently being advertised. When the appointment has been made, it will be reported to a future meeting of Council.

***12 Report of the Chief Executive**

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

Appendices A and B – agenda pages 35-37 refer

b) Amendments to the Council's Constitution

The report and proposed amendments to the Constitution had been sent out in advance of the meeting. The main proposed amendments in the Constitution included:

- Councillor updates following the May elections
- the committee structure in respect of Overview and Scrutiny arrangements plus changes to the 'call in' procedure
- site inspection arrangements
- officer structure
- arrangements for dismissal of Chief Officers
- Scheme of delegations in respect of Portfolio Holders and Officers
- Planning Code of Good Practice
- Contract Standing Orders
- Arrangements in respect of STRATA
- Minor/consequential amendments

c) Annual report of Overview and Scrutiny

Councillor Mike Allen presented the annual report. He referred to the diverse and complex work undertaken by the Committee under the effective chairmanship of Tim Wood. Particular highlights included the Committee's recommendations to the new Devon Clinical Commissioning Group as part of the consultation process, its understanding of the work of the Portfolio Holders, the Police and Crime Commissioner, the East and Mid Devon Community Safety Partnership and the value of the Task and Finish Forum. Much effort had been given to monitoring budgets and performance.

Councillor Allen supported the Committee's recommendation to form two separate Committees in the new Council.

d) Annual report of Housing Review Board

Councillor Pauline Stott, Chairman of the Housing Review Board used the opportunity to explain the background of why the Housing Review Board had been set up, for the benefit of newly elected Councillors. She emphasised tenant involvement in decision-making and how the Council was now in a position to increase housing stock achieved through self-financing.

She urged Councillor to attend meetings of the Housing Review Board so that they could gain a better understanding of what the Council and its tenants were achieving in partnership.

e) Member Champions

Councillor Peter Bowden, Member Champion for Flood Alleviation spoke on behalf of the Council's Member Champions and highlighted the value of their work to the Council. Member Champions had first been appointed in 2007 to help the Council achieve its priorities by working with their relevant Portfolio Holders to promote and support their champion area. Whilst some of the Champion work, such as in respect of Post Offices was very high profile and reflected national issues, other work improved Council services, systems and the lives of local people. The report highlights the range of work of all Champions during 2014/15.

RESOLVED

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

Conservative Group	(37 Members)	63%	56
Independents Group	(15 Members)	25%	23
Liberal Democrats Group	(6 Members)	10%	10
Independent	(1 Member)	2%	-
Total	(59 Members)		<u>89 seats</u>

(The political balance rules do not apply to the Cabinet).

- 1.b) that the allocation of seats on individual overview, scrutiny, regulatory and other committees be as set out on page 35 of the agenda.
2. that the political balance for Advisory Panels/Forum/Steering Boards and Joint Bodies set out at pages 36-37 of the agenda, be agreed.
- 3.a) that the amendments to the Constitution as set out in the report and attachment be accepted subject to responsibility for crime and disorder issues being within the remit of the Scrutiny (and not Overview) Committee;
- 3.b) that delegated authority be given to the Monitoring Officer to amend the Constitution/Council's Contract Standing Orders as detailed in Paragraph 8.1 of the report;
- 3.c) that delegated authority be given to the Monitoring Officer to amend the Constitution to reflect the creation of STRATA as set out in Paragraph 9.1 of the report;
- 3.d) that delegated authority be given to the Monitoring Officer to amend the Constitution as necessary to reflect legislative changes.
4. that the annual reports of the Corporate Overview and Scrutiny Committee and the Housing Review Board be received and noted.
5. that the joint report of the Member Champions on key areas of work be received and noted,

13 Chairmen and Vice Chairmen of Committees*RESOLVED:**

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

Committees	Chairman	Vice-Chairman
Overview	Peter Bowden	Mike Allen
Scrutiny	Roger Giles	Alan Dent
Housing Review Board	Pauline Stott	To be appointed by the HRB
Development Management	David Key	Mike Howe
Audit and Governance	Mark Williamson	Dean Barrow
Standards	Chairman of the Council – Stuart Hughes	
Interviewing (Chief Officers)	Leader	Deputy Leader
Employment Appeals	Deputy Leader	
Licensing and Enforcement	Steve Hall	Jim Knight

14 Appointment of Member Champions*RESOLVED**

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

Business	Marcus Hartnell
Culture	John O'Leary
Exmouth	John Humphreys
Employment	Mike Allen
Flood Alleviation	Peter Bowden
Health and Wellbeing	David Foster
Member Development & Engagement	Maddy Chapman
Neighbourhood Planning	Mark Williamson
Planning Design and Heritage	Christopher Pepper
Procurement	Graham Godbeer
Rural	Paul Carter
Tourism	Alison Greenhalgh
Youth	Maria Hale

***15 Appointment of Members to Committees**

Members of the Council considered the nominations, put forward by the political groups, for membership of various committees. An amendment from the printed proposal on the agenda was made by the Independents' Group Leader for Councillor Susie Bond's proposed place on Licensing and Enforcement Committee to be given instead to Councillor Megan Armstrong (in the same Group).

RESOLVED

that the membership of Committees for 2015/16 be as set out on **Appendix A** to these minutes.

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

The Leader of the Liberal Democrats' Group asked for Councillor Steve Gazzard to be included in the Economy Think Tank instead of Finance and for Councillor Peter Burrows to change from Economy Think Tank (as printed) to Finance.

RESOLVED

that the membership of the Leader's/Portfolio Holders 'think tanks' for 2015/16 be as set out in **Appendix B** to these minutes.

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

The Leader of the Liberal Democrats' Group asked for Councillor Pat Graham to be substitute member of the Lower Exe Mooring Authority Management Committee; Brenda Taylor would be the other representative (with John Humphreys) and not as printed on the agenda.

RESOLVED

that appointments be made to Steering Boards, Forum, Panels, Joint Bodies for 2015/16 as set out in **Appendix C** to these minutes.

***18 Outside Bodies**

The Chairman advised of one change in the list of Outside Bodies. This was in respect of the Exeter Science Park Board of Directors. The proposed change was for the Portfolio Holder for Economy to sit as the Shareholder representative instead of the Portfolio Holder for Strategic Development and Partnerships as printed on the agenda papers. The Portfolio Holder for Finance would remain as Director.

On the agenda report there were a number of instances of where nominations had exceeded the number of positions available. Before the Chairman took a vote on each nomination, the Leader of the Independents' Group advised that he had asked the Conservative Whip if they could negotiate on allocations before the meeting so that the Independents' Group could secure around 25% of the positions. This had not been successful resulting and therefore instances where nominations exceeded positions were put to the vote.

Councillor Roger Giles asked those appointed to report back to Members so that they could be better informed about the work of the Outside Bodies.

RESOLVED

that appointments be made to Steering Boards, Forum, Panels, Joint Bodies for 2015/16 as set out in **Appendix D** to these minutes.

*19 **Council and Committee Meetings 2015/16**

RESOLVED

that the programme of ordinary meetings of the Council, Cabinet and Committee meetings for 2015/16 be approved as set out in **Appendix E (a and b)** to these minutes.

Attendance list

Councillors present:

Mike Allen
Megan Armstrong
Brian Bailey
David Barratt
Dean Barrow
Susie Bond
Matthew Booth
Peter Bowden
Colin Brown
Peter Burrows
Paul Carter
David Chapman
Maddy Chapman
Iain Chubb
Matt Coppel
Alan Dent
Paul Diviani
John Dyson
Jill Elson
Peter Faithfull
David Foster
Cathy Gardner
Roger Giles
Graham Godbeer
Pat Graham
Alison Greenhalgh
Maria Hale
Ian Hall
Steve Hall
Marcus Hartnell
Mike Howe
Stuart Hughes
Douglas Hull
Ben Ingham
Geoff Jung
Jim Knight
Rob Longhurst
Dawn Manley
Andrew Moulding

Bill Nash
Cherry Nicholas
John O’Leary
Helen Parr
Christopher Pepper
Geoff Pook
Val Ranger
Marianne Rixson
Philip Skinner
Pauline Stott
Brenda Taylor
Phil Twiss
Mark Williamson
Eileen Wragg
Tom Wright

Honorary Aldermen:

Mike Green
Bernard Hughes
Ann and Graham Liverton
Bill Waterworth
Tony Wilkinson

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Henry Gordon Lennox, Strategic Lead – Legal and Democratic Services
Amanda Coombes, Democratic Services Officer
Diana Vernon, Democratic Services Manager
Hannah Whitfield, Democratic Services Officer

Councillor apologies:

Steve Gazzard
Simon Grundy
John Humphreys
David Key
Ian Thomas

Honorary Aldermen apologies:

Bob Peachey
Tony Reed

Chairman Date

Appendix A - Membership of Committees 2015/16

Members of Cabinet and Committees 2015/16	Cabinet 10	Scrutiny 15	Overview 11	Housing Review Board 5	Development Management 16	Standards 5	Audit & Governance 8	Interviewing (Chief Officers 7	Employment Appeals 7	Licensing & Enforcement 15
Allen Mike			Vice Chairman							
Armstrong Megan										
Bailey Brian										
Barratt David										
Barrow Dean							Vice Chairman			
Bond Susie						Substitute				
Booth Matthew										
Bowden Peter			Chairman							
Brown Colin										
Burrows Peter										
Carter Paul										
Chapman David										
Chapman Maddy										
Chubb Iain										
Coppell Matt										
Dent Alan		Vice Chairman				Substitute				
Diviani Paul	Leader							Chairman		
Dyson John										
Elson Jill										
Faithfull Peter										
Foster David										
Gardner Cathy										
Gazzard Steve										
Giles Roger		Chairman								
Godbeer Graham										
Graham Pat										
Greenhalgh Alison										
Grundy Simon										
Hale Maria										
Hall Ian										
Hall Steve										Chairman
Hartnell Marcus										
Howe Mike					Vice Chairman					
Hughes Stuart						Chairman				
Hull Douglas										
Humphreys John										

Appendix A - Membership of Committees 2015/16

Members of Cabinet and Committees 2015/16	Cabinet 10	Scrutiny 15	Overview 11	Housing Review Board 5	Development Management 16	Standards 5	Audit & Governance 8	Interviewing (Chief Officers 7	Employment Appeals 7	Licensing & Enforcement 15
Ingham Ben										
Jung Geoff										
Key David					Chairman					
Knight Jim										Vice Chairman
Longhurst Rob										
Manley Dawn										
Moulding Andrew	Deputy Leader							Vice Chairman	Chairman	
Nash Bill										
Nicholas Cherry										
O'Leary John										
Parr Helen										
Pepper Christopher										
Pook Geoff										
Ranger Val										
Rixson Marianne										
Skinner Philip										
Stott Pauline				Chairman						
Taylor Brenda						Substitute				
Thomas Ian										
Twiss Phil										
Williamson Mark							Chairman			
Wragg Eileen										
Wright Tom										

Portfolio Holders: Strategic Development and Partnerships (and Deputy Leader) – Andrew Moulding, Corporate Business – Tom Wright, Corporate Services – Phil Twiss, Economy – Philip Skinner, Environment – Iain Chubb, Finance – Ian Thomas, Sustainable Homes and Communities – Jill Elson, Cabinet Members without Portfolio – Geoff Pook and Eileen Wragg

Appendix B Leader's/Portfolio Holders' Think Tanks

		Appointments - 2015/16 (Champions indicated)
1.	Strategic Development and Partnerships Andrew Moulding	John Humphreys (Exmouth Champion) Mike Allen (Employment Champion) Megan Armstrong Alan Dent Cathy Gardner Rob Longhurst David Key Bill Nash Brenda Taylor
2.	Corporate Business Tom Wright	Brian Bailey Peter Burrows John Dyson Simon Grundy Ian Hall Marcus Hartnell Geoff Jung
3.	Corporate Services Phil Twiss	Maddy Chapman (Member Development Champion) Susie Bond Pat Graham Steve Hall Dawn Manley Chris Pepper Geoff Pook
4.	Economy Philip Skinner	Mike Allen (Employment Champion) Paul Carter (Rural Champion) Alison Greenhalgh (Tourism Champion) Marcus Hartnell (Business Champion) Christopher Pepper (Planning Design & Heritage) Matt Booth Steve Gazzard David Chapman Ben Ingham
5.	Environment Iain Chubb	Peter Bowden (Flood Alleviation Champion) Mark Williamson (Neighbourhood Planning Champion) John O'Leary (Culture Champion) Peter Faithfull Mike Howe John Humphreys Val Ranger Marianne Rixson Eileen Wragg
6.	Finance Ian Thomas	Graham Godbeer (Procurement Champion) Dean Barrow Colin Brown Peter Burrows John Dyson Ben Ingham Cherry Nicholas
7.	Sustainable Homes and Communities Jill Elson	David Foster (Health & Wellbeing Champion) Maria Hale (Youth Champion) Megan Armstrong David Barratt Matt Coppel Douglas Hull Jim Knight Pauline Stott

Appendix C – Panels and Forum

Panels and Forum

Appointments 2015/16

- | | |
|--|--|
| 1. Asset Management Forum | Portfolio Holders – Strategic Development
&Partnerships, Economy
Finance
Geoff Pook

ex officio:
Leader
Chairman of the Council |
| 2. Budget Working Party | Leader of the Council
Portfolio Holders:
Strategic Development and Partnerships
(Deputy Leader)
Corporate Business
Economy
Finance
Sustainable Homes and Communities
Cllrs:
Dean Barrow
Colin Brown
Peter Burrows
John Dyson
Geoff Pook |
| 3. Capital Strategy and Allocation Group | Portfolio Holders:
Strategic Development and Partnerships,
Finance,
Economy,
Corporate Business
Corporate Services |
| 4. Community Fund
Panel | Portfolio Holder - Finance
Cllrs:
Matt Booth
Paul Carter
Matt Coppel
Douglas Hull
David Key |
| 5. Disciplinary Panel – to consider
disciplinary matters relating to
statutory officers | Cllrs:
Megan Armstrong
Jim Knight
Pauline Stott
Brenda Taylor |

Appendix C – Panels and Forum

Panels and Forum

Appointments 2015/16

- | | | |
|----|---|--|
| 6. | Manor Pavilion Theatre Management Steering Committee | John O’Leary
(Culture Champion)
Substitute: Stuart Hughes |
| 7. | Member Development Working Party | Portfolio Holder – Corporate Services
Maddy Chapman(Champion)
Susie Bond
Alan Dent
Pat Graham
Marianne Rixson |
| 8. | New Homes Bonus Panel | Portfolio Holders:
Corporate Business
Strategic Development and Partnerships
Mike Allen
David Barratt
Marcus Hartnell
Douglas Hull
Geoff Jung
Christopher Pepper |
| 9. | New Office Executive Group | Leader of the Council
Portfolio Holders –
Strategic Development and Partnerships
Corporate Business
Finance |

Joint Bodies

Appointments 2015/16

- | | | |
|-----|---|--|
| 10. | Arts and Culture Forum | Culture Champion (to be Chairman of the Forum)
Peter Faithfull
Cllr Alison Greenhalgh

(plus 2 Community & 7 town representatives)

ex officio Portfolio Holder – Corporate Services |
| 11. | East and Mid Devon Community Safety | Cllr Steve Gazzard |
| 12. | East and Mid Devon Crime and Disorder Scrutiny Panel | Chairman and Vice Chairman of Scrutiny Committee
Cllr John Humphreys
Ian Hall (Substitute) |

Appendix C – Panels and Forum

Joint Bodies

Appointments 2015/16

- | | |
|---|---|
| 13. County Committees including:
East Devon Highways and Traffic
Orders Committee | Cllrs:
Brian Bailey
Matt Coppel
Pauline Stott |
| 14. East Devon ‘Stakeholder Panel’
re East Devon Strategic Housing Land
Availability (SHLAA) | Portfolio Holder – Strategic Development and
Partnerships |
| 15. Exmouth Regeneration Programme
Board | Portfolio Holders: Strategic Development &
Partnerships
Sustainable Homes & Communities
Economy
Plus 2 local Exmouth Members – Exmouth
Champion and
Mark Williamson |
| 16. Seaton Regeneration Programme
Board | Portfolio Holders:
Economy and Environment
Plus 2 Seaton Ward Members
(Peter Burrows and Marcus Hartnell)
Plus Axmouth Ward Member |
| 17. LED Leisure Management Ltd | Peter Bowden
Phil Twiss |
| 18. LED Leisure Joint Working Party | Culture Champion
Youth Champion
David Chapman
Pat Graham
Rob Longhurst
Geoff Pook |
| 19. Local Joint Panel | Leader
Portfolio Holders:
Finance
Corporate Services
Cllr Steve Gazzard
Ben Ingham |
| 20. Lower Exe Mooring Authority
Management Committee | John Humphreys
Brenda Taylor
(substitute: Pat Graham) |

Appendix C – Panels and Forum

Joint Bodies

Appointments 2015/16

- | | |
|---|---|
| 21. New Growth Point Delivery Team Steering Board | Leader of the Council
(substitute:
Deputy Leader) |
| 22. Recycling and Refuse Partnership Board | Portfolio Holder – Environment
(Chairman)
Steve Gazzard
Simon Grundy
Geoff Jung
Geoff Pook |
| 23. Sidmouth Main and East Beaches Steering Group | Deputy Leader of the Council
Portfolio Holder - Environment
Sidmouth Ward Members
Geoff Pook |
| 24. STRATA Joint Executive Committee (EDDC, Exeter City and Teignbridge authorities) | Leader and Chief Executive of each partner authority |
| 25. STRATA Joint Scrutiny Committee ((EDDC, Exeter City and Teignbridge authorities) | <p>EDDC appointees:
David Chapman Alan Dent, (Conservative)
Geoff Jung (Independent)</p> <p>EDDC substitutes:
Mike Allen Mike Howe (Conservative Group),
Steve Gazzard (Liberal Democrats Group)
Geoff Pook (Independent)</p> |
| 26. Waste Project Board for Devon | Portfolio Holder - Environment |

NOTES:

1. It is anticipated that a Community Infrastructure Levy Working Group will be required during the year and will be set up through Council at the appropriate time.
2. **In 2014**, named councillors were appointed as the Council's 'designated persons' to comply with the new arrangements for dealing with complaints by tenants – the designated persons to work alongside the Tenant Complaint Panel. **2015/16** nominated 'designated persons' are Ian Hall, Brian Bailey and Marianne Rixson.
3. Further to the 2012 review undertaken initially by the Corporate Business Portfolio Holder's Think Tank and recommendations of the Overview and Scrutiny Committee, supported by Cabinet at its meeting on 4 April 2012, the allocation of places to the various Leisure East Devon Partnership Forum throughout the district is no longer made formally through Council. Instead, Leisure East Devon is provided with a list of Ward Members and meeting arrangements are made direct.

Appendix D REPRESENTATION ON OUTSIDE BODIES 2015/16

	Name of Outside Body	Councillor appointments 2015/16	Portfolio Holders/ Champion – reporting link
	APPOINTMENTS: GENERAL		
1	Blackdown Hills (AONB) Joint Advisory Committee	Paul Diviani	Environment
2	Devon and Exeter Area Rail Working Party	Brian Bailey David Foster	Economy
3	Devon Authorities Waste and Recycling Committee	Environment Portfolio Holder	Environment
4	Devon Youth Service	Member Champion - Youth	Sustainable Housing/ Communities
5	East Devon AONB Partnership	Graham Godbeer Geoff Pook	Environment
6	East Devon Citizens' Advice Bureau	Brian Bailey Alan Dent	Sustainable Housing/ Communities
7	East Devon Transport, Research and Information Project (TRIP) Working Party/Management Group	John O'Leary	Sustainable Housing/ Communities
8	East Devon Volunteer Support Agency (EDVSA) – Trustee Board	Tom Wright	Sustainable Housing/ Communities
9	Exe Estuary Management Group	Mike Howe (substitute: John Humphreys)	Environment
10	Exeter International Airport Consultative Group	Phil Twiss	Economy/ Environment
11	Exeter Science Park Board of Directors: Exeter Science Park – Shareholder representative	PH – Finance (director) PH – Strategic Dev & Partnerships (shareholder rep)	PH – Finance (director) PH – Economy (shareholder rep)

	APPOINTMENTS: GENERAL		
12	Exmouth Town Management Partnership Panel	Jill Elson	Economy
13	Local Government Association General Assembly	Leader (substitute: Deputy Leader)	Council
14	Local Government Association Annual Rural Assembly	Leader (with vote) Deputy Leader (who can vote in the absence of Leader)	Council
15	Local Government Association People and Places Board	Leader* (substitute: Deputy Leader) *representing South West Districts.	Council
16	Police and Crime Panel – Devon and Cornwall	Tom Wright Substitute: Leader	Council
17	SWAP (South West Audit Partnership Ltd)	Shareholder – Audit and Governance Chairman Director – Section 151 Officer	Finance
18	South West Councils - including Employers' Panel	Leader Deputies: Portfolio Holders – Corporate Services and Corporate Business	Council
19	SPARSE – Rural Special Interest Group	Leader Sub: Rural Champion	Council

OUTSIDE BODIES - NOTE:

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

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

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

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

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

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

DATES FOR COUNCIL, CABINET & COMMITTEE MEETINGS 2015/2016

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

Please check the weekly newsletter 'The Knowledge' for most up to date details of forthcoming meetings.

MAY 2015

Wednesday	27		ANNUAL COUNCIL	6.30 pm
Thursday	28	**	STRATA Joint Scrutiny Committee (Knowle)	5.30 pm

JUNE

Wednesday	3		Development Management Committee	4.00 pm
Wednesday	10	**	STRATA Joint Executive Committee (Knowle)	5.30 pm
Tuesday	16		Development Management	2.00 pm
Wednesday	17	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	17		Cabinet	5.30 pm
Thursday	18		Housing Review Board	2.30 pm
Wednesday	24	†	Licensing and Enforcement Committee	9.30 am
Wednesday	24	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	25		Asset Management Forum	9.30am
Thursday	25		Audit and Governance Committee (DO NOT MOVE)	3.30 pm
Thursday	25		Scrutiny Committee	6.00 pm
Tuesday	30		Overview Committee	6.00 pm

JULY

Wednesday	1	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	7		Standards Committee	10.00 am
Wednesday	8	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	14		Development Management	2.00 pm
Wednesday	15	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	15		Cabinet	6.30 pm
Thursday	16		Asset Management Forum	9.30am
Wednesday	22	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	23	**	STRATA Joint Scrutiny Committee (Civic Centre, Exeter)	5.30 pm
Wednesday	29	††	Licensing and Enforcement Sub (if required) (Cttee Room)	9.30 am
Wednesday	29		COUNCIL	6.30 pm
Thursday	30		Scrutiny Committee	6.00 pm

AUGUST

Tuesday	4		Development Management	2.00 pm
Wednesday	5	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	12	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	12		Cabinet (if required)	5.30 pm
Thursday	13		Asset Management Forum	9.30 am
Wednesday	19	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	20		Scrutiny Committee	6.00 pm
Wednesday	26	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	26	†	Licensing and Enforcement Committee	9.30 am

SEPTEMBER

Tuesday	1	**	STRATA Joint Executive Committee (Civic Centre, Exeter)	5.30 pm
Wednesday	2	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	3		Asset Management Forum	9.30 am
Tuesday	8		Development Management	2.00 pm
Wednesday	9	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	9		Cabinet	5.30 pm
Thursday	10		Housing Review Board	2.30 pm
Wednesday	16	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	17		Scrutiny Committee	6.00pm
Tuesday	22		Overview Committee	6.00pm
Wednesday	23	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	24		Audit and Governance Committee	2.30 pm
Tuesday	29		Standards Committee	10.00 am
Wednesday	30	††	Licensing and Enforcement Sub (if required)	9.30 am

OCTOBER

Tuesday	6		Development Management	2.00 pm
Wednesday	7	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	7		Cabinet	5.30 pm
Thursday	8		Asset Management Forum	9.30 am
Wednesday	14	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	15		Scrutiny Committee	6.00pm
Wednesday	21	††	Licensing and Enforcement Sub (if required) (Cttee Room)	9.30 am
Wednesday	21		COUNCIL	6.30 pm
Thursday	22	**	STRATA Joint Scrutiny Committee (Knowle)	5.30 pm
Wednesday	28	††	Licensing and Enforcement Sub (if required)	9.30 am

NOVEMBER

Tuesday	3		Development Management	2.00 pm
Wednesday	4	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	4		Cabinet	5.30 pm
Thursday	5		Asset Management Forum	9.30 am
Thursday	5		Housing Review Board	2.30 pm
Wednesday	11	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	12		Scrutiny Committee	6.00 pm
Tuesday	17		Overview Committee	6.00 pm
Wednesday	18	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	18	†	Licensing and Enforcement Committee	9.30 am
Thursday	19		Audit and Governance Committee	2.30 pm
Tuesday	24	**	STRATA Joint Executive Committee (Knowle)	5.30 pm
Wednesday	25	††	Licensing and Enforcement Sub (if required)	9.30 am

DECEMBER

Wednesday	2	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	2		Cabinet	5.30 pm
Thursday	3	**	STRATA Joint Scrutiny Committee (Civic Centre, Exeter)	5.30 pm
Tuesday	8		Development Management	2.00 pm
Wednesday	9	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	10		Asset Management Forum	9.30 am
Thursday	10		Scrutiny Committee	6.00pm
Wednesday	16	††	Licensing and Enforcement Sub (if required) Cttee Room	9.30 am
Wednesday	16		COUNCIL	6.30 pm

JANUARY 2016

Wednesday	6	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	6		Cabinet	5.30 pm
Thursday	7		Asset Management Forum	9.30 am
Thursday	7		Audit and Governance Committee	2.30 pm
Tuesday	12	**	STRATA Joint Executive Committee (Civic Centre, Exeter)	5.30 pm
Wednesday	13		Joint Overview & Scrutiny - Service Planning & Budget	9.00 am
Wednesday	13	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	14		Housing Review Board	2.30 pm
Tuesday	19		Development Management	2.00 pm
Wednesday	20	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	26		Standards Committee	10.00 am
Tuesday	26		Overview Committee	6.00 pm
Wednesday	27	††	Licensing and Enforcement Sub (if required)	9.30 am

FEBRUARY

Wednesday	3	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	4	**	STRATA Joint Scrutiny Committee (Knowle)	5.30 pm
Wednesday	10	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	10		Cabinet	5.30 pm
Thursday	11		Asset Management Forum	9.30 am
Tuesday	16		Development Management	2.00 pm
Wednesday	17	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	17	†	Licensing and Enforcement Committee	9.30 am
Thursday	18		Scrutiny Committee	6.00pm
Wednesday	24	††	Licensing and Enforcement Sub (if required) Cttee Room	9.30 am
Wednesday	24		COUNCIL – setting Council Tax and agreeing budgets	6.30 pm

MARCH

Wednesday	2	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	3		Audit and Governance	2.30 pm
Tuesday	8		Development Management	2.00 pm
Wednesday	9	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	9		Cabinet	5.30 pm
Thursday	10		Asset Management Forum	9.30 am
Thursday	10		Housing Review Board	2.30 pm
Wednesday	16	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	17		Scrutiny Committee	6.00pm
Tuesday	22		Overview Committee	6.00 pm
Tuesday	22		Standards Committee	10.00 am
Wednesday	23	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	23	**	STRATA Joint Executive Committee (Knowle)	5.30 pm
Wednesday	30	††	Licensing and Enforcement Sub (if required)	9.30 am

APRIL

Tuesday	5		Development Management	2.00 pm
Wednesday	6	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	6		Cabinet	5.30 pm
Thursday	7		Asset Management Forum	9.30 am
Thursday	7	**	STRATA Joint Scrutiny Committee (Civic Centre, Exeter)	5.30 pm
Wednesday	13	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	14		Scrutiny Committee	6.00pm
Wednesday	20		Licensing and Enforcement Sub (if required) Cttee Room	9.30 am
Wednesday	20		COUNCIL	6.30 pm
Wednesday	27		Licensing and Enforcement Sub (if required)	9.30 am

MAY

Wednesday	4		Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	4		Cabinet	5.30 pm
Tuesday	10		Development Management Committee	2.00 pm
Wednesday	11		Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	18		Licensing and Enforcement Sub (if required) Cttee Room	9.30 am
Wednesday	18		Annual meeting of the Council – to be confirmed	6.30 pm

Time to be arranged

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

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

** STRATA Executive and Scrutiny meetings will be held either at the Civic Offices, Exeter or Knowle, Sidmouth – please check venue on agendas and in Knowledge.

Notes:

- ☐ Devon County Council Budget meeting time tabled for February 2016 (date to be confirmed)
- ☐ Meetings of the Standards Sub Committees will be arranged as required.
- ☐ Planned future meeting of STRATA Joint Scrutiny Committee are Thursdays 16 June (Knowle) and 29 September 2016 (Exeter).
- ☐ Planned future meetings of STRATA Joint Executive Committee are Tuesdays 24 May (Exeter), 5 July (Knowle) and 11 October 2016 (Exeter).

List of meetings 2015/2016

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

			2015								2016				
Meeting	Day	Time	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Annual Council	Wed	6.30pm	27												18
Council	Wed	6.30pm			29			21		16		24		20	
Cabinet	Wed	5.30pm		17	15~	12	9	7	4	2	6	10	9	6	4
Scrutiny Committee	Thu	6.00pm		25	30	20	17	15	12	10		18	17	14	
Overview Committee & Scrutiny Committee joint Service Plan & Budget Meeting	Wed	9.00am									13				
Overview Committee	Tue	6.00pm		30			22		17		26		22		
Development Management Committee *	Tue	2.00pm		3** 16	14	4	8	6	3	8	19	16	8	5	10
Audit & Governance Committee	Thu	2.30pm		25~			24		19		7		3		
Housing Review Board	Thu	2.30pm		18			10		5		14		10		
Licensing & Enforcement Committee	Wed	9.30am		24		26			18			17			
Licensing & Enforcement Sub Committee	Wed	9.30am		17 24	1 8 15 22 29	5 12 19 26 30	2 9 16 23 30	7 14 21 28	4 11 18 25	2 9 16	6 13 20 27	3 10 17 24	2 9 16 23 30	6 13 20 27	4 11 18
Standards Committee	Tue	10.00am			7		29				26		22		
Asset Management Forum (not open to public)	Thu	9.30am		25	16	13	3	8	5	10	7	11	10	7	
STRATA Joint Executive Committee	Wed	5.30pm		10			1#		24#		12#		23		
STRATA Joint Scrutiny Committee	Thu	5.30pm	28		23#			22		3#		4		7#	

- ❑ Sub-Committees of the Licensing and Enforcement Committee are timetabled for every Wednesday on a 'if required' basis
- ❑ # Held at Civic Centre, Exeter
- ❑ * Formal site visits as required will be held on the morning of the meeting date
- ❑ ** meeting starts at 4pm
- ❑ ~ starts an hour later due to briefing session not open to the public

EAST DEVON DISTRICT COUNCIL

Minutes of the Extra Ordinary Meeting of the Council held at Knowle, Sidmouth, on Wednesday, 3 June 2015

Attendance list at the end of document.

The meeting started at 6.30 pm and ended at 8.10 pm

***20 Introduction by the Chairman**

The Chairman advised that this Extra Ordinary meeting had been requested in accordance with the Council's Constitution by five elected members, namely, Councillors Cathy Gardner, David Barratt, Matt Booth, Matt Coppel and John Dyson.

The reason for the meeting being called was to debate a single motion. As the motion was to rescind a previous decision made at a meeting of Council within the past six months, the motion was required to be signed by at least 15 members of the Council (Council Constitution 13.1). This had been duly done.

The Chairman advised that public speaking at the start of the meeting would be limited to the single issue of the agenda - the Office Relocation motion.

***21 Public Speaking**

The Chairman welcomed those present and invited members of the public to speak to the Council.

Honorary Alderman David Scott referred to all that had been written and said on the subject of the motion, specifically letters and articles in the local press. One of the letters had been submitted by a former employee of EDDC; Hon Alderman Scott emphasised the importance of proper consideration being given to the staff. He said that the Knowle building had reached its sell-by-date and likened it to the Elizabeth Hall in Exmouth. This had generated much public opposition when threatened with closure and later demolished - but had subsequently been replaced with a popular and attractive hotel, which was an asset to the area.

Julia Harbour endorsed the motion and asked the Council to undertake further investigation of the proposed move. Mrs Harbour said that the decision made to sell the Knowle and relocate had been made with unseemly haste before the May elections without adequate public consultation or full consideration of the letters of objection. She said that the financial detail should be analysed in detail and that architectural drawings of the proposed new building at Honiton needed to be produced and made public. She anticipated that the predicted borrowing level would inevitably increase. Reference was made to the cost of borrowing, the fact that the project was not cost neutral and anticipated reorganisation of local government.

Richard Eley supported the well-worded motion. He said that the project should have been properly challenged and transparent throughout. All Councillors should have been fully informed of the terms of sale, with the whole Council critically reviewing all elements. He said that the lower main car park was not achieving full market value. The car park would be an asset to the town, benefiting the local economy. Mr Eley said that Sidmouth was being expected to pay for everything. The Council was retaining the loss making Thelma Hulbert Gallery but proposing to dispose of a valued asset – the car park at Knowle. He believed that the best

plan would be to dispose of loss making assets and retain those which were low maintenance but which had the potential to generate significant income.

Mike Temple welcomed the motion as printed. He said that the relocation process had not been democratic or transparent. He did not believe that all Councillors had been aware that the lawned terrace and garden preparation area had been included within the Knowle development site. He said that these areas had been covertly included by officers with no records being kept. All Councillors and the public should have been made aware of this change, which should have been advertised. He said that the Council had dismissed local objections as of no account and no steps had been taken to replace the proposed loss of open space. He asked the Council to reconsider its previous decision and to do so with greater transparency.

Paul Freeman referred to the comments he made at the Annual Council meeting on 27 May in respect of the outcome of the Freedom of Information appeal. He repeated that this had brought the Council into disrepute and the Judge's comments reflected a serious problem that went to the heart of the Council. He said that the Council needed to be fully investigated and that the review should not be undertaken by the Council's own legal team but by an independent external body to avoid any conflict of interest.

The Chairman stopped the speaker at this point due to Mr Freeman's tone and the accusations he was making.

Jacqueline Green referred to Hugo Swire's request that the relocation decision be put on hold to await any changes to local government following the May elections. The MP had asked the Council to reconsider its position and explore alternative, more cost effective ways of using the Knowle site. It was possible that the tier of district council could be lost during a reorganisation. Times had changed since the proposal to relocate was first mooted.

In response to the issues raised, the Chief Executive gave reassurance that opinion had been widely canvassed and debated in the Chamber – past minutes and press releases were available. This had included the lower car park and effective delivery of services. Exmouth and Honiton were strategically and operationally well placed within district and were the most appropriate locations for future delivery of services.

***22 Declarations of interest**

There were none.

***23 Motion – sale of the Knowle**

“This Council resolves to suspend all processes relating to the sale of the Knowle site for six months so that the following matters can be fully addressed:

1. Development of comprehensive plans to show the distribution of services between the two proposed offices and the impact of this on staff, service users and residents;
2. Comprehensive EDDC staff consultation on the specific details and impact of the proposed office relocation to Honiton and Exmouth;
3. Full public consultation (three month process) on the proposed option;
4. Open invitation for an examination of further options for office refurbishment and location, including those which could be cost neutral, by a sub-

- committee comprising of at least 12 elected members with cross-group proportional representation;
5. Fully costed proposals for the entire relocation process including the new build, refurbished premises, removal, parking, equipment and facilities. To be prepared, reviewed and approved by full Council;
 6. Detailed consideration by full Council of the implications and ramifications of the recent Freedom of Information (FOI) cases.”

As the motion was to rescind a previous decision made at a meeting of Council within the past six months, it was required to be signed by at least 15 members. (Council Constitution 13.1)

Motion proposed by Councillor Cathy Gardiner, seconded by Councillor Matt Booth and supported by Councillors:

Megan Armstrong, David Barratt, Susie Bond, Matt Coppel, John Dyson, Peter Faithfull, Roger Giles, Ben Ingham, Geoff Jung, Rob Longhurst, Dawn Manley, Val Ranger and Marianne Rixson.

In proposing, Councillor Cathy Gardner, called on the Council to allow the relocation proposal to be reconsidered. The new Council would bring a new and different perspective to the debate. Councillor Gardner was concerned about the processes that had been adopted and the apparent secrecy involved – this had aroused suspicions. Only a limited number of Councillors had been involved in the relocation decision process and she believed that the people of East Devon deserved the decision to be made by all Councillors based on the full facts - the Council would benefit from the six-month delay proposed in the motion. Councillor Gardner said that the aims of the relocation project were unclear and had been inconsistent over time. She wanted up-to-date and far-reaching consultation with residents and employees to be undertaken on a regular, on-going basis. She highlighted the importance of democracy and transparent decision-making and for everyone to understand why decisions were made. The initial proposal was for the relocation to be cost neutral but this was no longer the case. Councillor Gardner anticipated that the reorganisation of local government was inevitable and this cast doubt on the need for new purpose-built offices to accommodate the district council.

In seconding, Councillor Matt Booth, referred to changes in the political landscape since the May 2015 elections. He said that the motion was not a single issue or just about Sidmouth but was about the processes underpinning the Council. The Council needed to be accountable, open and prepared to listen – in accordance with its Council Plan. He questioned the lack of transparency and details of costs, how decisions were made and by whom. These were important questions to ask and everyone deserved full and helpful answers. He understood that Sidmouth Urban District Council's intention, when transferring the Knowle to EDDC, was that it would be returned to the people of Sidmouth if the local authority no longer required the accommodation. He asked for full scrutiny of the facts and for the March decision to be reviewed. He invited open consideration by all Members and for this to be reflected in their vote on the motion.

During the debate, issues raised in support of the motion included the following:

- That serious consideration be given to alternative options – including use of Exmouth Town Hall plus part of the Knowle buildings instead of moving to Honiton. This would address current and future needs at a lower cost.

- There were major risks involved in a project of this size, which involved significant borrowing over a period of 20 years.
- Some concerns raised at the combined meeting of the Audit and Governance and Overview and Scrutiny Committees, including overage, had yet to be addressed.
- The relocation project was progressed by only a handful of Councillors but all Councillors should have been involved in the process.
- The public had not been kept informed on the detail of the relocation – residents and members of staff should have been fully engaged in the process as the decisions directly affected them.
- There had been insufficient consultation with staff.
- The move will devalue the Council's fixed assets.
- The proposed open plan arrangement and reduced office space was likely to cause an increase in staff stress, absenteeism and consequent higher recruitment costs. Open plan working was distracting and stressful.
- The Council's opposition group was taking proper measures to review the decision made; the group felt that the decision had been rushed. The Council now needed to be seen to be doing the right thing and following best practice.
- The Town Hall, Exmouth was not an adequate building for a modern office and parking was an issue.
- The other users of the Town Hall needed to be consulted.

During the debate, issues raised against the motion included the following:

- Continuing to remain at the Knowle was putting pressure on budgets due to the on-going high cost of management and maintenance. This was putting the Council's ability to retain and deliver high quality services at risk.
- the Council had been over-cautious with information for fear of jeopardising the sale of the Knowle.
- Parkland and the bottom car park would be gifted to Sidmouth.
- The Knowle building was unsuitable and a drain on public money.
- In the event of re-organisation, the Knowle would be deemed unsuitable in terms of location and flexibility. Negotiations for its future development/use were unlikely to be as favourable to Sidmouth as those which were currently proposed.
- Internal and external audits had been thoroughly carried out. The audits had addressed risks and identified savings that would be achieved through relocation from year one of the move. The audit work had considered the Council's reputation and governance issues and had given the project a seal of approval.
- There had been cross-party debate on the proposed relocation.
- There was an established need to relocate and this should be accelerated if possible.
- Staff wanted the Council to make a decision and act on it – the indecision was de-motivating. The Council had a duty of care to its staff.
- The relocation would provide modern office space, improve service provision and access.
- An increased presence in Exmouth would benefit the largest centre of population in the district and was welcomed. Ideally, this element of the project should be brought forward.
- Geographically, Honiton was the centre of the district and therefore the right location for the main office headquarters of the Council.
- Talk of local government reorganisation was hypothetical – the political landscape following the May elections had not significantly altered.

- The public were largely unconcerned about the site of the Council offices - people just wanted good service delivery and budgets controlled.
- The move would facilitate modern ways of working which would take full advantage of technology.
- Open plan office space was a modern and effective way of working.

The Chairman and other experienced Councillors spoke positively about the contributions made to the debate by newly elected Councillors.

Councillor Tom Wright moved and Councillor Eileen Wragg seconded that the motion as printed be put to the vote and asked for this to be a recorded vote.

Those in favour: Councillors Megan Armstrong, David Barratt, Susie Bond, Matthew Booth, Peter Burrows, Matt Coppel, John Dyson, Peter Faithfull, Cathy Gardner, Roger Giles, Ben Ingham, Geoff Jung, Rob Longhurst, Dawn Manley, Val Ranger, Marianne Rixson (16)

Those against :Councillors Paul Diviani, Mike Allen, Brian Bailey, Dean Barrow, Peter Bowden, Colin Brown, Paul Carter, David Chapman, Maddy Chapman, Iain Chubb, Jill Elson, Steve Gazzard, Graham Godbeer, Pat Graham, Alison Greenhalgh, Simon Grundy, Maria Hale, Ian Hall, Steve Hall, Marcus Hartnell, Mike Howe, Douglas Hull, John Humphreys, David Key, Jim Knight, Andrew Moulding, Bill Nash, Cherry Nicholas, John O'Leary, Pauline Stott, Brenda Taylor, Ian Thomas, Phil Twiss, Mark Williamson, Eileen Wragg, Tom Wright, Helen Parr, Stuart Hughes (38)

Absentions (0)

The motion was therefore lost.

Attendance list

Councillors present:

Mike Allen
Megan Armstrong
Brian Bailey
David Barratt
Dean Barrow
Susie Bond
Matthew Booth
Peter Bowden
Colin Brown
Peter Burrows
Paul Carter
David Chapman
Maddy Chapman
Iain Chubb
Matt Coppel
Paul Diviani
John Dyson
Jill Elson
Peter Faithfull

Cathy Gardner
Steve Gazzard
Roger Giles
Graham Godbeer
Pat Graham
Alison Greenhalgh
Simon Grundy
Maria Hale
Ian Hall
Steve Hall
Marcus Hartnell
Mike Howe
Stuart Hughes
Douglas Hull
John Humphreys
Ben Ingham
Geoff Jung
David Key
Jim Knight
Rob Longhurst
Dawn Manley
Andrew Moulding
Bill Nash
Cherry Nicholas
John O'Leary
Helen Parr
Val Ranger
Marianne Rixson
Pauline Stott
Brenda Taylor
Ian Thomas
Phil Twiss
Mark Williamson
Eileen Wragg
Tom Wright

Honorary Aldermen:

Graham and Ann Liverton
David Scott

Officers:

Mark Williams, Chief Executive
Simon Davey, Strategic Lead – Finance
John Golding, Strategic Lead - Housing
Henry Gordon Lennox, Strategic Lead – Legal and Democratic Services
Karen Jenkins, Strategic Lead – Organisational Development
Amanda Coombes, Democratic Services Officer
Steve Pratten, Relocation Manager
Diana Vernon, Democratic Services Manager
Hannah Whitfield, Democratic Services Officer

Councillor apologies:

Alan Dent

David Foster

Christopher Pepper

Geoff Pook

Philip Skinner

Honorary Aldermen apologies:

Margaret Rogers

Chairman

Date

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Knowle, Sidmouth on 17 June 2015

Attendance list at end of document

The meeting started at 5.30pm and ended at 9.00pm

***1 Public Speaking**

The member of the public who expressed a wish to speak, asked if he could do so when the particular item on the agenda was introduced (item 19 – East Devon Villages Plan).

***2 Minutes**

The minutes of the Cabinet meeting held on 15 April 2015 were confirmed and signed as a true record.

***3 Declarations**

Cllr Jill Elson – Min no. 12

Type of interest - Personal

Reason: Governor, Exmouth Community College

Cllr Ian Thomas – Min no. 12

Type of interest - Personal

Reason: Chairman of the Uplyme and Lyme Regis Cricket Club

Cllr Andrew Moulding – Min no. 13

Type of interest - Personal

Reason: President of the Cloakham Lawns Cricket Club

Cllr Paul Diviani – Min no. 14

Type of interest - Personal

Reason: County Councillor of area most affected by Boundary Commission proposals

Cllr Iain Chubb – Min no. 18

Type of interest - Personal

Reason: Owner of a builders' yard in Chardstock

***4 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.

***5 Forward Plan**

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

***6 Matters referred to the Cabinet**

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

***7 Recycling and Refuse Partnership Board meeting held on 9 April 2015**

Members received and noted the minutes of the meeting of the Recycling and Refuse Partnership Board held on 9 April 2015.

Councillor Iain Chubb, Portfolio Holder – Environment and Chairman of the Partnership Board expressed his thanks and those of the Board for the valued work carried out by David Cox, who had not stood for re-election in May. In presenting the minutes, Councillor Chubb drew particular attention to the recommended trial of a more sustainable waste collection service which had the support of the Partnership Board. This trial was the subject of a separate report considered later - agenda item 16 – Refuse and Recycling 3-weekly collection trial.

***8 Exmouth Regeneration Programme Board meeting held on 28 May 2015**

Members received and noted action points of a meeting of the Exmouth Regeneration Programme Board held on 28 May 2015.

***9 Revenue and Capital Outturn Report 2014/15**

The Strategic Lead – Finance presented his report. The budget book had been issued with the agenda and this included full details of variations, transfers and other matters. During 2014/15, monthly budget monitoring reports had informed members of budget variations and the anticipated year-end financial position. No concerns had been raised – the Council had maintained its net spending within overall approved budget levels. Members were asked to note the final position for the year and compare this outturn position with the budgets set (General Fund, Housing Revenue Account and the Capital Programme). The report outlined the implications of these results on the Council's reserves and made recommendations on reserve transfers.

Members were asked to reflect on the reserves and balances held by the Council at this stage and determine if these were appropriate. It was proposed that as the year end General Fund Balance (£4.541m) was £0.941m above the upper limit of the previously adopted range for this Fund (£2.8m - £3.6m), that this be transferred to the Capital Reserve which would be depleted in 2015/16. The monies could then be used to help fund a Capital Programme going forward.

Members were advised that the National Non Domestic Rate (NNDR)/business rate income was higher than budgeted by £0.619m for the reasons set out in the report. It was recommended that this amount be transferred to the NNDR Volatility Fund to be used in case of possible future deficits in the NNDR Collection Fund.

Members also noted that the outturn position of Housing Revenue Account showed an under-spend against budget giving a year-end balance of £5.468m which was £3.345m above the minimum level for this Account. It was proposed that the surplus over budget of £0.5m be transferred into the Housing Revenue Account Business Plan Volatility Reserve. This Reserve had been set up in 2012/13 to provide a cushion to ensure sufficient funds were available to service the self-financial loans' commitment.

RESOLVED:

1. that the outturn position for 2014/15 be agreed.
2. that the level of Reserves detailed in the report be agreed and the following transfers recommended; namely

- a. the transfer of £0.941m from the General Fund into the Capital Reserve
- b. The transfer of £0.619m into the NNDR Volatility Fund
- c. the transfer of £0.500m from the Housing Revenue Account into the HRA Business Plan Volatility Reserve.
- d. the transfers to other earmarked reserves for specific projects where funding contributions had been made in advance of spend and monies are held at year end to fund this work in future years. The Outturn Book (provided with the agenda) contained full details of these transfers in 2014/15.

REASON:

To report the Outturn position for the Council's approved budgets for the General Fund, Housing Revenue Account and Capital Expenditure. This final position would flow through to the Council's Statement of Accounts.

***10 Annual Treasury Management Review 2014/15**

EDDC Accountant, Claire Mitchell, presented this report, which detailed the overall position and performance of the Council's treasury management strategy during the last financial year. The Council was required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2014/15. The review met the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

The report included details of borrowing and debt (temporary/long term/future), investment (by the Council and Fund Managers) and prudential and treasury indicators (set out in Appendix 1)

Members' attention was drawn to the Council's net debt at year-end and levels of borrowing. It was proposed that drawing on the Council's own reserves would reduce future borrowing. Although this approach would inevitably reduce the Council's investment income, interest rates were currently so low that there was already little return on investment.

The Council had complied with the Code's requirement for Cabinet to scrutinise treasury management reports before these were reported to full Council. Member training on treasury management and governance issues was due to be delivered by Capita later this year to increase Members' understanding and support their scrutiny role.

RESOLVED:

that the investment values and performance for the year to 31 March 2015 be noted.

REASON:

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

***11 Relocation Progress report**

The report of the Deputy Chief Executive – Development, Regeneration and Partnership, provided the latest progress on relocation and set out the next steps for the implementation of the project. Cabinet agreement was sought in respect of the structure of project management and decision-making going forward - from development to delivery. To avoid unnecessary delays and additional costs, it was proposed that day-to-day operational decisions (limited to those for which a budget had been allocated) be delegated to the Deputy Chief Executive, in consultation with the Office Accommodation Executive Group.

It was proposed in the report that the terms of reference for the Officer Working Group and Executive Group be reviewed to ensure that the remit was clear and relevant for the delivery of the project. The proposed terms of reference for the Office Accommodation Executive Group and Officer Working Party were appended to the report.

It was noted that a full equalities impact analysis (including public consultation) was underway. This was to explore the potential impacts and mitigations of equality and accessibility issues.

The report, up-dated by the Chief Executive at the meeting, included details of the design procurement options, the transfer of remaining Knowle parkland, the potential modernisation and early occupation of Exmouth Town Hall and included the forward timetable of events and actions towards relocation, assuming the final move to the new offices would be October 2017.

Councillor Mark Williamson, Chairman of the Audit and Governance Committee, expressed thanks for the efforts of the Deputy Chief Executive, the quality of his report and the useful timetable, which reflected the Council's positive intention to move forward on the project without further delay. Councillor Williamson recognised the importance of giving delegated authority to the Deputy Chief Executive to avoid stalling the project. He advised that the escalation of consultants' fees would be considered by his Committee in September with a view to exploring how these could be benchmarked and monitored. He also referred to a report later in the agenda on increased sickness absence and asked that consideration be given to developing a back-up plan to resource the relocation project should staff absence threaten its delivery.

In response, the Chief Executive advised that he had already met with Teignbridge and Exeter Councils to explore a joint approach to use of consultants – it was hoped that increased bargaining power would help the partner authorities to achieve better consultancy rates. In respect of Councillor Williamson's concerns about sickness, he advised that there were specific reasons for this (which were discussed at the later agenda item) and that these were not relevant to the relocation project. He referred to the positive recommendations of the combined Overview and Scrutiny and Audit and Governance Committees' meeting in March and the assurance from auditors that the Council's relocation budget estimates were prudent – the Council was on track to deliver the project within budget.

RESOLVED:

1. that, in line with decision of the Extra-ordinary Council meeting on 25 March 2015, the following be noted:
 - a) The Council intends imminently to enter into contract with Pegasus Life Ltd for conditional sale of the Knowle site and;

- b) Via the South West Framework procurement process, selection of a design contractor for the new HQ building and modernised Exmouth Town Hall is underway;
 - c) Consultation on Equalities and Best Value considerations is in process.
2. that it be noted that the Deputy Chief Executive has formally written to Sidmouth Town Council to start negotiations toward a transfer of ownership of the remaining Knowle parkland to the town including the lower car park. A first meeting with the Chair of Sidmouth Town Council and the Town Clerk has been held and negotiations will continue;
 3. that it be noted that the Deputy Chief Executive has met with the Town Clerk of Exmouth to explore the implications of EDDC relocation to the town hall and of the modernisation of the building;
 4. that the revised terms of reference be agreed for:
 - a. The Office Accommodation Executive Group and;
 - b. The Office Accommodation Officer Working Party.(See Appendix 1 of the report)
 5. that it be noted that the Executive Group and Officer Working Party are there to both implement the key decisions of Cabinet and Council and to take operational project decisions;
 6. that a Design and Build Model be adopted for the delivery of the project including a facility to novate the design team across to the contractor. (The Council will use the same Design Team for both Honiton and Exmouth office projects, although each Project may be undertaken by a different Contractor.)
 7. that delegated authority be given to the Deputy Chief Executive in consultation with the Office Accommodation Executive Group to progress all operational matters and incur spend within agreed budget limits to ensure that the design, build and fit out phases of the project are achieved to the agreed programme;
 8. that the key milestone decisions remain for consideration by Cabinet and Council.

REASON:

To progress the Council's commitment to sell the Knowle site and relocate its operations to offices in Honiton and Exmouth.

12 Playing Pitch Strategy

Ed Freeman, Service Lead - Planning Strategy and Development Management presented the report of the Planning Policy Officer, which summarised feedback (26 responses) from the recent consultation on the Draft East Devon Playing Pitch Strategy. Feedback was largely in support of the document. The suggestions made for minor amendments had been incorporated within the strategy, which was now recommended for adoption for use across all relevant Council departments and principally in determining planning applications. Members were requested to agree that a budget be assigned to enable a working group to carry out the next stages of work relating to addressing the need for additional pitches in Honiton and Exmouth.

Comments made during consideration of the report included:

- The strategy was part of a much larger strategic approach to amenity and sports provision.
- The low level of response to the consultation was disappointing.
- The Council's role was one of facilitator rather than provider.
- Clubs and organisations included within the strategy would have increased opportunity to secure external funding.
- Members looked for improvement to resources within their own area and across the district.

Graeme Thompson, Planning Policy Officer was thanked for the quality of his work and attention to detail.

RECOMMENDED:

1. that the East Devon Playing Pitch Strategy 2015 be adopted - principally for use in determining planning applications but also to be used corporately across the Council to help inform service delivery and investment priorities.
2. that a cross department budget of up to £20,000 be assigned towards the next stages of work related to addressing the need for additional pitches in Honiton and Exmouth.

REASON:

Formal adoption by Council of a Playing Pitch Strategy (PPS) 2015, principally for use in determining planning applications, would comply with the requirements of National Planning Policy Framework (NPPF) paragraphs 73 and 74 and help with the implementation of Strategy 43 and policies RC1-7 of the draft New Local Plan. The PPS should guide the protection, provision and enhancement of playing pitches around the district - responding to planning applications is a principle way of achieving this.

The PPS should be corporately adopted across all Council departments to ensure joined-up thinking on matters related to playing pitch provision, protection and enhancement. It is vitally important that for the delivery of the PPS to work all departments work together and the efforts of one department do not undermine the ambitions of another. The PPS should help to ensure that this does not happen by making all departments aware of the action plans and priorities, which should then inform service delivery and investment priorities.

Two of the key areas of concern highlighted by the PPS are the significant pitch issues in Honiton and Exmouth. In order to progress with the work set out in action plans for these two towns an additional budget will be required. Options for resolution of these issues can only be explored if there is a budget in place.

***13 Tenanted non residential property (TNRP) Review – sports and activity clubs**

Members considered the report of the Principal Estates Officer based on the recommendations of the Asset Management Forum following a review of the Tenanted Non-Residential Property (TNRP) portfolio. The review had been undertaken as part of the delivery of the Council's Asset Management Plan. The portfolio was split into different asset clusters of which Sports & Activity Clubs was one. The Principal Estates Officer advised that currently many of the rents paid were below market value.

The purpose of the work was to challenge and review current ownership and management arrangements with the outcome of establishing a mechanism for delivering a clear,

transparent and rational means of determining levels of subsidy - a rational basis for the support given.

One of the Council's corporate asset objectives was to ensure that, where appropriate and reasonable, the Council should seek a commercial return on its property holdings. The action plan proposed that the Council worked with partners to encourage and support clubs in becoming more self-sufficient. Examples were given during the debate of clubs, which were self-funding and successful because of the work of members and supporters.

Councillors recognised that sports and activity clubs provided an important community hub and understood from the feedback that many of the clubs were finding it difficult to maintain their facilities in a satisfactory condition. They were concerned that the proposed review would raise anxiety within the clubs and emphasised the need for this to be carried out with sensitivity.

Councillor Jill Elson, Sustainable Homes and Communities Portfolio Holder suggested that the form for rent support grant could be simplified and that it might be helpful to invite clubs and organisations to a workshop where they would be given help to complete the form. This would ensure that all relevant information (including work with youth teams) was captured and clubs were given appropriate support.

It was noted that the Rent Support Grant Evaluation Manual included within the background papers of the report set out how the Panel would evaluate the clubs' submitted applications.

The work had the potential to enable the Council to extend current leases, which would make it easier for clubs to apply for external capital funding for improvements.

RESOLVED:

1. that a rent support grant scheme be adopted for the Council's sports & activity club tenants following consultation with current tenants.
2. that any future disposal of the Council's land interests, whether on a freehold or leasehold basis, be based on open market values.
3. that it be recognised that once the Playing Pitch Strategy is adopted, the challenges set out within the report will potentially have a direct impact on many of the Council's sports tenants.
4. that the Council works with national governing bodies for sport, CIPFA and Sport England to develop the provision of signposting to support and grant funding available to activity and sports clubs.
5. that if the above recommendations are resolved, Council tenants be informed of the new scheme at the earliest opportunity.

REASON:

To establish a rigorous process to ensure that decisions to provide rent subsidy support to council tenants were made in a rational and transparent way. The proposal did not reduce the existing overall help and support given to council tenants. The recommendations of the Asset Management Forum were made following a review of the sports and activity clubs cluster of the Council's tenanted non-residential property portfolio.

***14 Electoral Review of Devon - Draft Recommendations**

The report of the Chief Executive set out the recommendations of the Local Government Boundary Commission (LGBC) for Devon County Council, the consultation period for which would close on 6 July 2015.

To try to achieve electoral equality for voters, the Commission proposed that, in respect of the Divisions of Broadclyst and Exmouth, the Divisions be double-sized and represented by two County Councillors each. Members were asked to consider if this and the other proposals gave sufficient weight to the LGBC's other statutory criteria, namely, reflecting local community interests and identities, and promoting effective and convenient local government.

The Commission's proposal was deemed confusing and complex, compounded by the proposed names for the Divisions. No reference was made to Cranbrook. The Chief Executive suggested a number of possible responses to the proposals that would affect East Devon.

Concerns raised during the debate referred to:

- Proposed arrangements for Whimble and Newbridges
- The proposed split of East Budleigh, Colaton Raleigh and Otterton from Budleigh Salterton.
- Members questioned the proposals in respect of Ottery St Mary and Otterton, Feniton and Honiton and Whimble as part of the Otter Valley.
- The proposal split Exmouth seafront.
- They did not take into account the Local Plan and forward projections for development of communities.
- The proposals did not reflect local interest or community/identity
- They did not reflect existing police, educational or health divisions.
- Local opposition was anticipated.
- Other than using electorate numbers, there was no obvious logic to the proposals.
- Rural communities had an affinity with their local market town.
- Local MPs had already been lobbied about the proposals.
- The response would be made to the Boundary Commission but a copy should be sent to Devon County Council and local MPs.

RESOLVED:

1. that the Local Government Boundary Commission for England ('LGBC') be requested to review its proposals for the proposed two-member divisions for 'Broadclyst' and 'Exmouth' and recommend single member divisions instead with revised boundaries that better reflect local community interests and identities;
2. that the LGBC be requested to review its proposals for the 'Whimble & Newbridges', Budleigh Salterton, Ottery St Mary, Honiton Divisions on the grounds that they fail to meet the criteria for local community interests & identities and of effective and convenient local government;
3. that the LGBC acknowledge the creation of the new parish of Cranbrook and amend its report accordingly;
4. that (notwithstanding 2 above) the LGBC recognise the importance of local community interests and identities and re-name proposed divisions as follows:

- a) 'Budleigh Salterton Coastal' to be renamed 'South Exmouth and Budleigh Salterton'
 - b) 'Exmouth' be renamed 'Exe Estuary'
 - c) 'Whimble and Newbridges' be renamed 'East Devon Rural'
5. that the LGBC reconsider its recommendations for Exmouth Town Council, in particular the proposed creation of the single member 'Richmond Road' ward.
6. that the response be copied to Devon County Council and local MPs for their information and support.

REASON:

It was considered that these proposals were a poor compromise and appeared to place greater emphasis on electoral equality rather than other criteria, which were equality important (as referred to in the report). Bearing in mind the geographical and numerical size of these two proposed Divisions it was considered that the electors will perceive themselves to be poorly served and the two-councillor proposal would introduce confusion and unnecessary complexity. By contrast, everywhere else in Devon would have a more direct and proportionate relationship with their single County Councillor. These concerns were given greater force when the proposed names of the Divisions were considered.

15 Refuse and recycling three-weekly collection trial

Members considered the report of the Strategic Lead – Housing Health and Environment, which set out proposals for a trial of enhanced recycling collections (cardboard and mixed plastics), combined with a three-weekly residual waste collection. The trial would highlight any issues prior to a new recycling and refuse collection contract commencing in April 2016. The aim was to achieve best value for money and continual improvement to the service provided. To extend the range of materials that can be recycled through kerbside collection, the Recycling and Refuse Partnership Board, in consultation with SITA, had explored ways of reducing the weekly collection costs.

The trial, already adopted by a number of local authorities, was to implement a 3-weekly residual waste collection whilst maintaining the weekly recycling (enhanced) and food waste collections. The trial areas were Feniton and Exmouth (The Colony). The report set out the practical arrangements that would be put in place, including good communication with householders and on-going monitoring.

The Portfolio Holder – Environment advised that the intention was to encourage people to recycle rather than send waste to landfill. The monitoring would take into account specific demands, such as from young families – a scheme was being considered for disposable nappies, which may be incorporated as part of the clinical waste collections. In response to concerns raised, it was not anticipated that the new arrangements would attract seagulls or rats as weekly food waste collections would continue unchanged and only dry cardboard would be bagged and collected.

RECOMMENDED:

1. that the proposed arrangements for a trial of a more sustainable waste collection system be approved as set out in the report;
2. that a supplementary estimate of £80,000 from the Transformation Fund be approved to facilitate the trial.

REASON:

To trial arrangements that are designed to increase recycling rates to inform decisions relating to the new recycling and refuse collection contract commencing April 2016.

16 **Gypsy and Traveller report**

Ed Freeman, Service Lead - Planning Strategy and Development Management presented the report of the Planning Policy Manager, which set out the proposed approach to provision of gypsy and traveller pitches in East Devon and sought endorsement for direct District Council provision of one or more Gypsy and Traveller sites. The Government required local authorities to assess the need for gypsy and traveller pitches in their area and ensure that sufficient sites were available for at least 5 years. Although a Gypsy and Traveller accommodation needs study had been completed in Spring 2015, this had not allowed sufficient time to include site allocations within the emerging Local Plan. The needs assessment had identified:

- A need for 37 additional gypsy pitches between 2014 and 2034, with 22 of these needed in the first 5 years;
- A need for 3 new travelling show-people pitches, with 1 of these needed in the first 5 years;
- A need for 4-5 temporary/emergency stopping places, each 4-5 pitches in the first 5 years (this applies across the study area as a whole. East Devon is not specifically mentioned, although Devon County Council state that East Devon has the highest level of unauthorised stops in the County, so it could be concluded that at least one of these temporary/emergency sites should be in East Devon); and
- A need for 23 houses for gypsies and travellers (this would be met through the general housing stock).

Based on this proven need, national policy required the Council to provide means/allocate sites to accommodate it. The Local Plan Inspector would be advised that a separate Gypsy and Traveller Plan would be produced over the next year and until then any relevant planning applications would be determined against the development management policies of the Local Plan to ensure that gypsies and travellers were not disadvantaged by a delay in decision-making. The Inspector would be assured that the Council was serious about undertaking the provision and that plans were in hand to deliver. Consultations undertaken indicated the importance of strategic sites, including Cranbrook, and the Consortium had indicated its willingness to help deliver this need.

The report set out how the work to develop the Gypsy and Traveller Plan would be carried out and how the provision could be met, including budget allocation.

Points raised during the discussion of this item:

- Smaller sites, which could more easily be accommodated within the district, were preferred.
- Gypsies and travellers were reliant on good road links and sites should be delivered along the A30 corridor in particular.
- Not all existing sites were currently full – the fairground site at Clyst St Mary was not used to capacity.
- The issue of collecting rents was raised.
- Best practice at South Somerset District Council should be taken into account.

RECOMMENDED:

1. that the proposed approach to provision of Gypsy and Traveller pitches be approved;
2. that detailed further work be carried out in respect of the potential for direct Council involvement in provision of one or more gypsy and traveller sites;
3. that a budget, proposed cost of/around £500,000, be allocated for provision of one or more gypsy and traveller sites (with potential for grant aid and potential rental returns on asset investment). Cabinet and Council will require a further report (before final approval is given and this budget expended) on the full financial details and implications, including external funding available.

REASON:

To gain approval to proceed with work on securing accommodation for gypsies and travellers.

17 Proposed Revisions to Local Development Scheme

Members considered the report of the Planning Policy Manager, which had also been referred to the Development Management Committee on 16 June. It reported the need for the Council to revise its Local Development Scheme (LDS), which set out a timetable for producing planning policy documents. The existing LDS had been effective since December 2013 and was now out of date.

The new draft, appended to the report, had been updated to reflect the progress that had been made on the Local Plan, Villages Plan and Community Infrastructure Levy. Due to proposed modifications to the Local Plan, an additional document, the Cranbrook Development Plan Document, had been added to the scheme. The timetables for a gypsy and traveller plan and planning obligations plan had also been updated to reflect the Local Plan timetable.

Former Chairman of the Local Plan Panel, Councillor Mike Allen, said that the process was taking too long. Documents already produced, now had to be reviewed due to the delays. He called on the Chief Executive to speed up the process.

The Service Lead - Planning Strategy and Development Management advised that a number of the studies had already been commenced but, as it was an evolving process, the need for up-dates and reviews was inevitable. The Council was now waiting for the Local Plan to be adopted so that the planning policy documents could be submitted.

The Portfolio Holder – Strategic Development and Partnerships advised that the delays were as a result of public feedback and concern about the level of development planned. This had resulted in the process being restarted in 2011.

RECOMMENDED:

that Council adopt the Local Development Scheme with effect from 30 July 2015.

REASON:

There is a legal requirement under the Planning and Compulsory Purchase Act 2004 for local planning authorities to prepare and maintain a Local Development Scheme.

18 **East Devon Villages Plan - Proposed Criteria for Reviewing Built-up Area Boundaries**

The report of the Planning Policy Manager set out the requirement for the Council to establish criteria for consultation to inform a future review of Built-up Area Boundaries (BUABs). These were an established planning tool in East Devon that distinguished areas of 'countryside' from built-up areas. Listed in the report were settlements – in addition to East Devon towns – that will have a BUAB and would further supplement the (draft) Local Plan policies. The proposed process for the revision was set out in the report and the East Devon Villages Plan with proposed criteria for defining built up area boundaries appended to the report.

Paul Spearing, Chardstock, raised local concern that Chardstock had been included in the list of settlements that would have a built up area boundary. He said that based on the criteria used, Chardstock was not a sustainable settlement, (for example, it did not have an adequate bus service) and therefore should not be subjected to built up area boundaries. He said that the decision that Chardstock was sustainable was unsound and unsupported by evidence; it had only been deemed sustainable for the purpose of the Local Plan.

The Chief Executive advised that the matter was now before the Local Plan Inspector who would decide on what weight, if any, would be given to whether or not Chardstock met the criteria for requiring a built-up area boundary.

The Council would wait for the Inspector's report and comments – it was likely this would result in further consultation. Chardstock could opt to develop a Neighbourhood Plan, which would control development.

This report was also being presented to the Overview Committee.

RECOMMENDED:

1. that the draft consultation document attached at Appendix 1 be agreed as the basis for consultation with interested parties, with a focus on working with parish councils and neighbourhood planning groups.
2. that the criteria set out in Table 2 of Appendix 1 form the basis of initial officer survey work on defining Built-up Area Boundaries, noting that it will be necessary to respond to consultation responses.
3. that the consultation includes an opportunity for individual sites to be put forward for either inclusion or exclusion from the Built-up Area Boundaries of the settlements under assessment.

REASON:

To agree criteria to guide the review of built up area boundaries for certain settlements for public consultation.

19 **Habitat Mitigation Joint Committee**

The report of the Planning Policy Manager sought approval for the formal establishment of a new Joint Committee to comply with 'Governance Arrangement for Managing European Site Mitigation' (see Appendix 1 to the report). The importance of conserving habitats and species within the most important wildlife sites was recognised. The report advised of

EDDC's partnership work with Teignbridge District Council, Exeter City Council and Natural England in respect of gathering evidence of the negative impacts from recreation use of the Exe Estuary Special Protection Area, Dawlish Warren Special Area of Conservation and the Pebblebed Heaths.

This work had resulted in a joint approach for offsetting the impacts of tourism and development on the sites with a suite of mitigation measures to be funded by developers. EDDC had adopted this approach on 2 July 2014, followed by the other partner authorities. The proposed Joint Committee of the partner authorities would be responsible for the delivery of the mitigation measures and ensuring the authorities' Habitat Regulations obligations were met. Members noted the time-scale for committee formation, its initial meetings and the proposed governance arrangements. The flow chart within Appendix 1 to the report indicated how the projects would be delivered to protect the sites; this would be based on a 5-year investment programme.

The Portfolio Holder – Sustainable Homes and Communities recognised the importance of protecting the sites but raised concern that the measures did not damage the tourism and economy of the area.

RECOMMENDED:

1. that this Council sets up a Joint Committee, with Teignbridge District Council and Exeter City Council, to agree on detailed habitat mitigation schemes and the prioritisation and funding of mitigation projects to offset recreational impacts on European wildlife sites resulting from increased housing and tourist accommodation within the three authorities' areas.
2. that, subject to the Strategic Lead (Legal, Licensing and Democratic Services) being satisfied that the 'Governance Arrangement for Managing European Site Mitigation' (see Appendix 1 to the report) is legally compliant and otherwise acceptable, the Joint Committee be set up to operate with the Officer Working Group and Mitigation Delivery Officer according to those arrangements.
3. that the Strategic Development and Partnerships Portfolio Holder be the East Devon District Council representative on the Joint Committee.

REASON:

To implement proposals for a Joint Committee (Cabinet 2 July 2014 recommendation to Council): "that this Council agrees to the principle of the formation of a Joint Committee with Exeter City Council and Teignbridge District Councils to agree on the detailed habitat mitigation schemes and the prioritisation and funding of the projects"

***20 Exemption from Standing Orders –**

The reports of the Strategic Lead – Organisational Development and Transformation sought exemption to standing orders for the reasons given

a. Provision of Occupational Health and related services

These services have been delivered by HR One through Devon County Council. The provider has supplied excellent service to the Council for a number of years and had a deep understanding of the Council's workforce and related health screening requirements and issues.

RESOLVED:

that this exemption to standing orders be approved.

REASON:

To ensure that vital screening and absence management processes can continue.

b. Learning and Development Services – provision of employee training

The Teignbridge Learning and Development Partnership currently supplied training to over 5000 employees in public sector employment across Devon and was part of Teignbridge District Council. Learning Nexus was the company used by Teignbridge Learning and Development to provide on-line training provision. The Council was satisfied with the quality of training provided by this arrangement.

RESOLVED:

that this exemption to standing orders be approved.

REASON:

To ensure that vital and effective skills development and training opportunities continue to be available to the council, employees and elected members.

21 **Media and Publicity protocol**

Members considered the report of the Strategic Lead – Organisational Development and Transformation outlining the policy, principles and standards that the communications team will use to develop and promote the Council's reputation across the full range of its activities. The Media and Publicity Protocol was included in full in the report.

RECOMMENDED:

that the Media and Publicity protocol – to be updated to include Portfolio Holders and Member Champions - be approved and widely publicised to staff and elected members.

REASON:

To ensure that the professional standards and principles are adhered to.

22 **Recruitment of HR apprentice**

The report of the Strategic Lead – Organisational Development and Transformation sought permission to recruit an HR Recruitment apprentice for the reasons set out in the report - including the recommendations from a systems review and a recent audit. The apprentice would assist with the increased recruitment work of the team and with employment screening checks.

RECOMMENDED:

that the funding of an additional sum of £11,510 per annum be approved for the establishment of an HR Recruitment apprentice post in Human Resources. The remainder of this cost had been achieved through a reduction of hours relating to another role within HR.

REASON:

To ensure that the Human Resources team was able to carry out the appropriate employment screening checks for all new starters.

***23 Monthly Performance reports – March and April 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 March and April 2015. This allowed Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

RESOLVED:

that the progress and proposed improvement action for performance measures for the 2014/15 financial year for March and April 2015 be noted.

REASON:

The performance reports highlighted progress using a monthly snapshot report; SPAR report on monthly performance indicators and system thinking measures in key service areas including Development Control, Housing and Revenues and Benefits.

***24 Sickness Absence report**

At its April meeting, Cabinet had been advised that a report would be prepared for consideration on increased levels of staff sickness absence. The report provided a detailed analysis of sickness absence for the Council. It clearly showed a reduction in short term absence of nearly 15% on the previous year. This was closely managed through the use of return to work interviews and formal absence reviews. The Leader expressed appreciation for the efforts of the HR Officers.

However, long term absence had increased - absence for personal stress and depression and for cancer were the two main reasons for absence in the last financial year. The third reason was for work-related stress. The number of days lost as a result of work-related stress in 2013/2014 was 106.3 days compared with this year's 631 days - a 495% increase. This was due to a particular set of circumstances in StreetScene which had now been resolved.

RESOLVED:

that the reasons for sickness absence in the Council and for the increase which occurred in 2014/15, be noted

REASON:

It is important that there are clear messages about the actual reasons for absence, otherwise incorrect perceptions can inadvertently become 'fact'.

*** 25 Car Parks Cash Collection**

The report of the Service Lead, Environmental Health and Car Parks explained the outcome of a further competition process for car park cash collection. The report sought approval of an exemption to Contract Standing Orders to award a contract to the existing contractor for a further three years on the basis that this was still the most economically advantageous option.

RESOLVED:

1. that the award of a contract to Contract Security Limited for the collection of cash from East Devon District Council's car park pay and display machines for a period of 3 years be agreed;
2. that approval be given for an exemption from Contract Standing Orders for the reasons set out in the report.

REASON:

The services provided by Contract Security were proven and remained significantly less expensive than that submitted under the terms of the YPO framework.

26 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).

***27 Queen's Drive, Exmouth**

The Senior Manager – Regeneration and Economic Development presented the report, which updated Members on the development of Queen's Drive Exmouth. At its meeting on 7 January 2015, Cabinet had agreed to enter into Heads of Terms with the developer of the Watersports' Centre. Members were now advised of a potential developer of the remainder of the site - approval was being sought to enter into the proposed Heads of Terms relevant to the remainder of the site.

Members were assured that the proposal was a working draft on which there would be genuine public consultation. There was potential for local businesses to be involved with the development – it was anticipated that work would start in 2016.

Points raised during consideration of this item included:

- The development would result in the loss of small sea front established activities and businesses.
- Local businesses were uncertain about the future. In response to this concern, Members were assured that tenants have been consulted and engaged throughout the process.
- The draft proposals included an excess of restaurants and eating-places. In response, Members were advised that choice was good and that market forces would influence what facilities were provided.
- During consultation, young people had asked for a sports centre.
- There was often resistance to change but the success of the Premier Inn was a good example of positive change despite local opposition when the plan was proposed.
- The feedback on the Masterplan was that the majority wanted development at Queen's Drive.
- Water sports provision was a key promise and to achieve this, the road had to be moved and parking relocated – it had to be funded from other development.
- Any alternative use of the site in the future would be controlled by planning.
- Apartments had always been included in the draft plans.
- The Environment Agency would be consulted and if necessary plans put in place to protect the site from risk of flooding.
- The development would complement the other facilities and businesses in the area – provision was made for indoor and outdoor activities, both daytime and evening, for local people and visitors. The range of facilities would suit all age groups.
- The Masterplan work meant that there had been a vision for the seafront and so development was not piecemeal.

- Queen's Drive was at an area of the beach that was unsafe for bathing. In response to this comment, Members were assured that inexperienced users would be taken to a safe bathing place.
- The development would include some public realm/free activity.
- The aim was to try to extend the 'dwell time' of visitors in Exmouth so that they would stay and spend the evening in the town.

RESOLVED:

that the following be approved

1. the Heads of Terms as set out in the report, with the Deputy Chief Executive being authorised to enter into these and proceed with the preparation of the necessary contract documentation. The Deputy Chief Executive in consultation with the Strategic Leads of Finance and Legal, Licensing and Democratic Services to then enter into the contract when agreed,
2. the payment of any statutory compensation, professional fees and preparatory costs as set out in paragraph 9.1 of the report, be taken from the budget of £1.5m (previously agreed by Cabinet in January 2015).
3. delegated authority being given to the Deputy Chief Executive, in consultation with the Exmouth Regeneration Project Executive, to progress any negotiations with other organisations, businesses or landowners, relating to the Queen's Drive project, in order to resolve land and property issues necessary to move the project forward.

REASON:

To enable progress to be made in respect of the Queens' Drive redevelopment proposals.

Attendance list

Present:

Paul Diviani Leader/Chairman

Portfolio Holders:

Andrew Moulding	Deputy Leader/Portfolio Holder Strategic Development and Partnership
Tom Wright	Corporate Business
Iain Chubb	Environment
Ian Thomas	Finance
Jill Elson	Sustainable Homes and Communities
Phil Twiss	Corporate Services

Cabinet Members without Portfolio

Eileen Wragg

Cabinet apologies:

Philip Skinner - Portfolio Holder Economy
Geoff Pook - Cabinet Member without Portfolio

Also present:

Councillors:

Mike Allen
Megan Armstrong
Brian Bailey
David Barratt
Dean Barrow
Matt Booth
Peter Bowden
Peter Burrows
Paul Carter
David Chapman
Maddy Chapman
Alan Dent
Peter Faithfull
Steve Gazzard
Roger Giles
Graham Godbeer
Alison Greenhalgh
Ian Hall
Steve Hall
Marcus Hartnell
Mike Howe
John Humphreys
Ben Ingham
Jim Knight
Dawn Manley
Cherry Nicholas
Helen Parr
Christopher Pepper
Val Ranger
Marianne Rixson
Pauline Stott
Mark Williamson

Also present:

Officers:

Mark Williams, Chief Executive
Simon Davey, Strategic Lead - Finance
John Golding, Strategic Lead – Housing, Health and Environment
Karen Jenkins, Strategic Lead – Organisational Development and Transformation
Donna Best, Principal Estates Surveyor
David Feltham, Senior Waste Management Officer
Ed Freeman, Service Lead - Planning Strategy and Development Management
Laurelie Gifford, Financial Services Manager
Alison Hayward, Senior Economy and Regeneration Manager
Claire Mitchell, Accountant
Charlie Plowden, Service Lead – Countryside and Leisure
Graeme Thompson, Planning Policy Officer
Diana Vernon, Democratic Services Manager
Andrew Wood, East of Exeter Projects Director

Councillor apologies

Non Cabinet:

Colin Brown

Pat Graham

David Foster

Rob Longhurst

John O’Leary

Brenda Taylor

Officer apologies

Richard Cohen, Deputy Chief Executive

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

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

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

Attendance list at end of document

The meeting started at 6.30pm and ended at 9.14pm

***28 Public Speaking**

Jeremy Woodward questioned the Council on its stated presumption of releasing information through Freedom of Information (FOI) although in certain cases withholding information for legitimate reasons. He asked how this would be determined. If the Council was confident in its decisions, why were reports made confidential. The report on the agenda dealt with future FOI requests but did not address how the numbers of these requests would be reduced. Mr Woodward asked how the Council would make good its promise of greater transparency.

Paul Freeman asked the Chief Executive why he thought there was no conflict of interest in the writer of the FOI report being the Head of Legal Services as well as the Monitoring Officer. The two recent appeals criticised the Council's conduct to FOI requests yet the report explained these as a misunderstanding. Would the Council take a broader review of its FOI processes and commission an independent review of these processes. Mr Freeman asked when would all reports on the Office relocation be available on the website. He asked the Monitoring Officer how many other complaints were currently with the ICO and why were these not mentioned in this report.

Jackie Green referred to transparency and would Cabinet now release Part B reports. She questioned why the two reports on FOI were low down on the Cabinet agenda.

Four members of the public who expressed a wish to speak, asked do so when the particular items on the agenda were introduced (items 11, 20 and 23).

In response to questions, the Chief Executive stated there was a minimum resource officer-wise to deal with the increased level of complaints over the last 2 years. He confirmed that there was no conflict of interest for the Monitoring Officer to do this role competently and that his report was fair and thorough. He stated that occasionally there would be a difference of opinion as to when would be the right time to release sensitive information to the public. The Chief Executive said he would have to read the minutes of the meeting to respond to other detailed questions asked.

***29 Minutes**

The minutes of the Cabinet meeting held on 17 June 2015 were confirmed and signed as a true record.

***30 Declarations**

Cllr Phil Twiss – Min no. 20
Type of interest - Personal
Reason: Client

Cllr Peter Burrows – Min no. 23
Type of interest - Personal
Reason: Seaton Town Councillor
Cllr Marcus Hartnell – Min no. 23

Type of interest - Personal
Reason: Seaton Town Councillor

Cllr Steve Hall – Min no. 30
Type of interest - Pecuniary
Reason: EDDC Private Hire License Holder

Cllr Bill Bailey – Min no. 30
Type of interest - Pecuniary
Reason: EDDC Private Hire License Holder

***31 Exclusion of the public**

There were no confidential items which officers recommend should be dealt with in this way.

***32 Matters of Urgency**

One item was dealt with in this way. The Leader was delighted to report that after detailed negotiation, contracts had been exchanged with Pegasus Life for the sale of the Knowle site. This was an important milestone in the Council's plans to move HQ to new sites in Honiton and Exmouth. There was still a long way to go as we move through future work such as planning, design, construction and the move itself, which was planned for October 2017.

Pegasus would provide, on part of the Knowle site, a high quality retirement and assisted living community including restaurant, spa and other facilities that would also be available for use by the public. Furthermore, the facility would create jobs and generate new spend in Sidmouth. Also this important step forward would happen alongside the Council's continued commitment to hand over the remaining parkland to the ownership of Sidmouth Town Council.

***33 Matters referred to the Cabinet**

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

***34 Forward Plan**

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

***35 Audit and Governance Committee minutes of a meeting held on 25 June 2015**

Members received and noted the minutes of the meeting of the Audit and Governance Committee held on 25 June 2015. Cllr Mark Williamson stated he would do his best to continue to keep up the high profile of this committee driven by the previous chairman Ken Potter.

RESOLVED (1) that the following decision be noted:

Minute 5 - Audit and Governance - Terms of Reference

That the key functions of Audit and Governance were highlighted. These would be referred for financial and other matters affecting the residents of East Devon.

Minute 6 - 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. The key challenges and opportunities facing the Council were:

- Shared Services
- Non-Domestic rates (NDR) accounting and appeals
- Office relocation
- Local Government Finance Settlement

The audit was designed around specific risks and 2 had been identified:

1. The revenue cycle includes fraudulent transactions
2. Management over-ride of controls.

Other risks identified were:

1. Operating expenses
2. Staff remuneration

Minute 7 - Annual Audit Plan

Members considered the report of Jo George, Assistant Director, SWAP. As a key element of its Governance arrangements the Council had a partnership arrangement with South West Audit Partnership (SWAP) to deliver an annual internal audit plan. The revisions to the 2015/16 Audit Plan had now been made and were re-presented to the Committee for approval. These included the addition of the following audits:

- Use of Consultants
- Committee Decisions.

These audits replaced the audit on Regeneration, which had been removed from the Audit Plan as risks were now lower but would be reconsidered over the coming year if this changed.

Minute 8 - Internal Audit Charter

The internal audit service, provided by the South West Audit Partnership Ltd (SWAP), worked to a charter that defined its roles and responsibilities and the roles and responsibilities of the District Council's managers to show transparency and delivery. The report aims were to obtain endorsement from Members for the revised Internal Audit Charter for this current year.

Minute 9 - Annual Opinion report

This report provided the outturn position for the Internal Audit Plan at the end of 2014/15 and also the Internal Audits overall opinion on the systems of internal control at East Devon District Council.

Minute 10 - Year end full Risk Review 2014/15

Members considered the report of the Management Information Officer; the Committee monitored high strategic and operational risks outside the bi-annual reporting (March/September). Members were told that risk owners were expected to review high risks on a monthly basis.

Minute 11 - Draft Annual Governance Statement – year ended 31 March 2015

The Council had a duty to comply with its Code of Corporate Governance to which there were 6 key principals:

1. Focus on purpose of the Council, vision for local area and outcomes for the community.
2. Members and officers working together to achieve a common purpose with clearly defined functions and roles.
3. Promoting values and upholding high standards of conduct and behaviour.
4. Taking informed and transparent decisions scrutinised and risk managed.
5. Developing capacity of Members and Officers to be effective.
6. Engaging with local people to ensure public accountability.

A final governance statement would be reported back to the committee in September once members had made comments to the draft statement.

RESOLVED:

1. that the draft statement be noted
2. that a final governance statement would be reported back to the committee in September
3. that the Planning Policy Manager update the committee on the position of the 5 Year Land Supply and its monitoring for the September meeting.
4. that the Chief Executive urgently addresses how the 5 Year Land Supply is monitored and which committee bears that responsibility.

Minute 12 - Annual Revenue and Capital Outturn report 2014/15

This final outturn report had been discussed recently at Cabinet; the Audit and Governance Committee would finally agree these accounts in September 2015. Cabinet had agreed various recommendations and it was hoped that this committee would do the same.

RESOLVED:

1. that the outturn 2014/15 position be noted and that the Cabinet decision be endorsed.
2. that the level of Reserves detailed in the report and the transfers recommended be agreed; namely;
 - a) The transfer of £0.941m from the General Fund into the Capital Reserve
 - b) The transfer of £0.619m into the NNDR Volatility Fund
 - c) The Transfer of £0.500m from the Housing Revenue Account into the HRA Business Plan Volatility Reserve.
 - d) The Transfers to other earmarked reserves for specific projects where funding contributions have been made in advance of spend and monies are held at year end to fund this work in future years. The Outturn Book contains full details of these transfers in 2014/15.

Minute 13 - Audit and Governance Forward Plan

Members noted the contents of the Committee Forward Plan for 2015/16, which was updated during the meeting. The Planning Policy Manager's 5 Year land supply update would be added to the Committee Forward Plan for September 2015. The risk review for the office relocation would be added for November 2015 as well as a quarterly review.

Minute 14 - Annual audit fee letter 2015/16

The Strategic Lead, Finance reported a reduction in fees over the last four years and the change of auditors later in the year was because of a government initiative. It was good practice to swap external auditors; Grant Thornton had been the auditors for over five years. The length of KPMG's contract was to be confirmed.

36 Independent Remuneration Panel minutes of a meeting held on 16 June 2015

Members received and noted the minutes of the meeting of the Independent Remuneration Panel held on 16 June 2015.

RECOMMENDED:

1. that that no change be made to Member Basic Allowance for 2015/16;
2. that the Overview Committee Chairman be granted an SRA of £2,010 (in line with audit & Governance Committee) and the Scrutiny Committee Chairman be granted an SRA of £3,098 (in line with Housing Review Board Chairman);
3. that all other Allowances to remain the same;
4. that the S151 Officer be given authority to backdate as appropriate, any allowance.
5. that the time limit on Members travel claims should be the same as those for officers, namely that claims should be normally submitted for a calendar month, any claims over 3 months old should be referred to the Section 151 Officer for decision and approval to pay.

Note in respect of recommendation 5:

Group Leaders should be notified of this recommendation and in addition monthly reminders should be sent to Members to remind them to submit their travel expenses claims.

***37 Scrutiny Committee minutes of a meeting held on 25 June 2015**

Members received and noted the minutes of the meeting Scrutiny Committee minutes of a meeting held on 25 June 2015.

RESOLVED (1) that the following decision be noted:

Minute 5 – Final report of the Tree Task and Finish Forum

That assuming agreement of the recommendations of the TaFF by Cabinet, the Scrutiny Committee receive regular updates on the implementation of the TaFF recommendations listed in the final report.

Minute 6 – Performance and monitoring report for quarter four of 2014/15

1. That comments be requested from the Portfolio Holder for Corporate Services on the Council Promise "continue to work in partnership with Devon County Council on the roll-out of super-fast broadband internet connections so that East Devon gets the benefit";
2. That further clarification be obtained from officers on specific indicators identified;
3. That clarification on promises and indicators be sought in terms of future work on making them more meaningful and measurable targets

Minute 7 – Forward plan for Scrutiny Committee

That the forward plan be updated to include beach huts and scoping undertaken on the 7 May 2015 election and the process of the decision on the sustainability of Chardstock and Dunkeswell

RESOLVED (2) that the following recommendations be agreed:

Minute 5 – Final report of the Tree Task and Finish Forum

1. That Tree officers be involved in pre planning application meetings as standard; greater involvement at an early stage would benefit the process and enable any issues to be addressed in a timely way;
2. That, as part of the Systems Thinking review of the tree service at East Devon, to look at national guidance and best practice and where appropriate to look to adopt this within new work flow systems;
3. That a review be undertaken of information provided on the Council's website relating to arboriculture, and produce new web guidance on the main work areas to reduce service demand;
4. That the decision on the choice of which TPO system is to be adopted be made by the Arboricultural Service, but for weight to be given to the importance of providing guidance notes with the TPO form to reduce 'preventable demand'
5. That the Council develops a Tree Enforcement Policy;
6. That guidance be given to community groups working on Neighbourhood Plans to encourage particular consideration to be given to addressing issues in respect of trees and how their value within the community and landscape can be recorded and protected – the guidance to be drawn up by the Arboricultural Service in consultation with the planning policy team;
7. That the Development Management and Planning Enforcement team (with technical support from the Arboricultural Service) look for effective ways to monitor the future protection of trees following development of a site – this to include criteria for monitoring and how to involve local councils and ward members in this process so that information is fed back to the Council as quickly and effectively as possible;
8. That the benefits of remote data capture be supported and the Arboricultural Service be encouraged to undertake trials of the system so that it can be used to develop a district-wide on-line database of trees. In addition, to investigate the feasibility and cost of open mapping to plot the district's trees and calculate their ecosystem service benefits in monetary terms. (There is potential for this system, if effective, to be extended for use by community groups and tree wardens to help with logging tree information across the district – this information could also be used to populate Neighbourhood Plans);
9. That the current arrangement of local councils with Quality Status and dealing with applications for work to trees be reviewed. Although local determination of applications adds value to the customer experience, local councils seek advice from the arboricultural service and so none of the work burden was taken from the arboricultural team. In addition, not all of the decisions taken by the local councils follow advice given by officers; there have been appeals against decisions where a tree of poor quality had been approved for protection, contrary to advice from officers. This has resulted in delays in issuing a decision notice;
10. That following adoption of the Local Plan, the Planning Team, in round table consultation with the Arboricultural Service and all other services that have tree assets (including Streetscene, Housing and Countryside), develop a Tree Strategy to fit with other guidance, support and policy documents, to be taken into account during development and other related decision making. The Strategy to include:
 - a. the Council's aims in respect of urban and rural planting and the green infrastructure, trees and development, to incorporate a replacement tree strategy
 - b. subsidence
 - c. public liability, health and safety, duty of care, determination of tree works applications, the recognition and analysis of the benefits or urban and rural forests and tree canopies to the environmental, aesthetic, economic and social well being of the area and how these could be maintained and enhanced
 - d. the authority's perception and value of trees within the district

- e. the importance of succession planting
 - f. tree protection including TPOs , reviewing TPOs, enforcement and supplementary guidance
 - g. the effective capture and monitoring of data relating to canopy cover
 - h. efficient management of all trees including council owned trees
 - i. sustainability
 - j. climate change
 - k. guidance on species choice and planting
 - l. how to achieve effective partnership working with the district's communities, agencies and organisations
 - m. examples of best practice
 - n. education
11. That the Arboricultural Service work with other relevant EDDC services and its partners to develop a programme of education to widen the public's knowledge of trees and their value within the environment.

***38 Overview Committee minutes of a meeting held on 30 June 2015**

Members received and noted the minutes of the meeting Overview Committee minutes of a meeting held on 30 June 2015.

RESOLVED (1) that the following decision be noted:

Minute 5 Overview Forward Plan

That the forward plan include:

11 August 2015 - Joint meeting with Scrutiny Committee on Moving and Improving.

22 September 2015 – Presentation from Economic Development Manager – focus on the Economy Plan and the Rural Economy.

17 November 2015 – Council Plan

13 January 2016 – Draft service plans and budget 2016/17 jointly with Scrutiny Committee.

26 January 2016 – Discussion on planning policy and how this should be dealt with within the Council, possibly through a separate planning policy committee. Also Coastal Flooding and the Shoreline Management Plan.

22 March 2016 – Sustainability.

RESOLVED (2) that the following recommendations be agreed

Minute 4 – Street Trading – Designation of streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1983)

That Town and Parish Councils be consulted on the following:

- a. Rescinding the Council's past resolutions to designate streets as "Prohibited Streets";
- b. To replace all previous resolutions designating 'Consent Street' with a new resolution to designate all 'streets' in East Devon as 'Consent Streets' as defined in schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. Meaning all roads, footways, service areas (as defined by section 329 of the Highways Act 1980), beaches or other areas to which the public have access without payment in East Devon would be designated as 'Consent Streets' for the purposes of Street Trading;

Before any formal consultation on the process is initiated to introduce designate all 'streets' in East Devon as 'Consent Streets' as defined in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1983.

The Deputy Leader asked on behalf of Cllr Ian Hall that a trial be carried out in one of the district's towns before Town and Parish councils were consulted. Cllr Steve Hall stated it should be down to the Licensing Manager to decide.

The Chairman of Overview brought to attention the committee's Forward Plan to members, which stated its ambitions for the future.

Jo Firth stated that the Overview committee had a remit to look at council initiatives before final decisions were made and if necessary to test public opinion. She had asked the Overview committee to look into the collection of Absorbent Hygiene Products (AHP) within the scope of the Recycling and Refuse trial being undertaken in Feniton and Exmouth. She asked that Cabinet direct Overview to review the Recycling and Refuse contract to accommodate this additional waste collection. Cllr Iain Chubb responded that at that day's Recycling and Refuse Partnership Board's meeting, proposals for a fortnightly collection of AHP had been discussed to be part of the upcoming trial.

39 Housing Review Board minutes of a meeting held on 18 June 2015

Members received and noted the minutes of the meeting Housing Review Board minutes of a meeting held on 18 June 2015.

RESOLVED (1) that the following decision be noted:

Minute 2 – Appointment of Vice Chairman

that tenant representative Pat Rous be appointed Vice Chairman of the Board for the ensuing year.

Minute 3 – Minutes

that an interview panel consisting of the Chairman, Vice Chairman, Councillor Douglas Hull and tenant Mike Berridge be set up to interview applicants to the two vacant independent community representative positions on the Board. Any appointments would need to be reported to Council for approval.

Minute 7 – Forward Plan

that the forward plan be noted and updated.

Minute 12 – Housing Service complaints April 2014 – March 2015 review

that the number and type of complaints received during 2014/15 be noted, along with the learning points arising that would be used to improve the Housing Service.

Minute 13 – Membership of Advantage South West – procurement consortium

that savings achieved during 2014/15 be noted and the continued membership of the consortium during 2015/16 be supported.

Minute 14 – HRA outturn report 2014/15

1. that the HRA outturn position for 2014/15 be agreed.
2. that the transfer of £0.500m into the HRA Business Plan Volatility Reserve be agreed.

RESOLVED (2) that the following recommendations be agreed:

Minute 8 – Revisions to the introductory, secure and flexible tenancy agreements

1. that the revised amalgamated tenancy agreement be agreed
2. that the Strategic Lead - Housing, Health and Environment and Portfolio Holder for Sustainable Homes and Communities be given delegated authority to act on the outcome of feedback from the consultation process.

Minute 11 – Tenant inspectors

that the proposal of a pilot scheme commencing in July 2015 to introduce tenant inspectors to the Housing Service be agreed.

Minute 16 – proposed purchase of properties at Mudbank Lane, Exmouth

1. that it be agreed that the proposed affordable rent dwellings were a desirable addition to the Council's housing stock.
2. that the proposed purchase be supported and delegated authority be given to the Portfolio Holder for Homes and Communities along with the Strategic Lead for Housing, Health and Environment to negotiate an appropriate level of offer to secure the dwellings.
3. that funding from the Housing Revenue Account, Commuted Sum monies and maximising the use of Right to Buy receipts be used to fund the proposed purchase.

RECOMMENDED (1) that the following recommendations be referred to Council for consideration:

Minute 9 – Tenancy anti-fraud policy and tenancy anti-fraud strategy

that the tenancy anti-fraud policy and the tenancy anti-fraud strategy be approved.

Minute 10 – Safeguarding vulnerable adults

that the changes set out in annex 1 to the Housing Review Board report – safeguarding vulnerable adults policy - be approved.

The Chairman of Housing Review Board Cllr Pauline Stott, informed Cabinet that the Council was number one in the county in producing affordable housing. The Portfolio Holder, Sustainable Homes and Communities said there was meeting arranged in September with the District's two MPs to discuss the outcome of the 8 July Budget, in particular to the Housing Revenue Account.

- *40 **Seaton Regeneration action points of a meeting held on 11 June 2015**
Members noted the Seaton Regeneration action points of a meeting held on 11 June 2015.

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

REASON:

To comply with legislation.

***42 West Hill – Community Governance Review**

The Chief Executive requested the authorisation of Council to carry out the review as a request had been received from the 'West Hill Parish Council Campaign' requesting that the Council undertake a community governance review under section 80 of the Local Government and Public Involvement in Health Act 2007. The purpose of the review was to assess whether the area of West Hill should be constituted as a separate parish and consequently no longer be part of the area of Ottery St Mary Town Council. Cllr Twiss stated that any split had to be fair and equitable.

RESOLVED:

1. that the Council undertake a Community Governance Review of Parish arrangements within the parish area of Ottery St Mary Town Council with a view to establishing a new parish of 'West Hill' for the area shown on Appendix 1 of the report and considering any consequential changes for the Ottery St Mary Town Council.
2. that the Terms of Reference be agreed, including the timetable and arrangements for public consultation.
3. that further reports would be brought to Cabinet in order that decisions may be made in respect of draft proposals and final recommendations of the Review.

REASON:

In accordance with the provisions of Part 4 of the Local Government and Public Involvement in Health Act 2007; the principal legal framework within which councils must undertake these reviews.

***43 Moving and Improving Consultation**

The Strategic Lead, Organisational Development and Transformation explained that this consultation had been designed to help inform decisions regarding how the Council organises its services in the future from offices in Honiton and Exmouth. The Council wished to consult with a broad range of stakeholders and customers to meet its equalities and best value duties, these included:

1. Customers (service users) and council tax payers (3000)
2. Stakeholder Group which included Towns and Parishes, Chambers of Commerce, Federation of Small Businesses, members of the Business Forum
3. Tenants Panel
4. Voluntary and Community Groups
5. Equalities Partners

Customer and service users would be consulted using a specific questionnaire that would be randomly sent to 3,000 households across East Devon. The questionnaire would also be available online via the Council website for all interested people to complete, including those that do not receive a postal copy. This approach would enable the Council to statistically extrapolated results to the wider population. Anything over 400 responses to questions was considered to be statistically reliable.

RESOLVED:

that members of Cabinet be aware that this report will be discussed at the Scrutiny meeting of 30 July.

REASON:

The consultation asked residents, stakeholders and equality partners to outline how and where they would like to access services in the context of two office locations, services delivered through surgeries, an improved website capability and more mobile working. This consultation would assist the council in meeting its legal duties in terms of equality and best value.

***44 Financial Plan and Draft Transformation Strategy (2015 – 2021)**

The Strategic Lead, Finance presented this report to members. Financial pressures continued resulting in the need to respond in even more profound ways through transforming services and the way the Council worked. East Devon District Council's purpose was to be a successful district council delivering or commissioning the services council tax payers expect despite the huge reductions in grants. The Transformation Strategy sits alongside the Council Plan and outlined how transformation would deliver services despite the £2.6m budget gap.

The Strategic Lead, Organisational Development and Transformation informed members that this strategy was going to both Overview and Scrutiny Committees.

It was intended that this was a dynamic (rather than static) 5-year strategy and would require review and update on at least an annual basis, so progress and savings made could be tracked.

The following 'strategic themes' made up the Transformation Strategy.

- 1) Deliver the Worksmart Strategy and transform culture through new ways of working, underpinned by the right technology when the time was right.
- 2) Deliver improved online services through the Open for Business project.
- 3) Implement systems thinking reviews across all services.
- 4) Maximise the value of assets through commercial thinking with a focus on income generation, sustainability and developing local economies.
- 5) Actively pursue alternative service delivery methods and models

Discussions included:

- how the Council would explore opportunities to reduce numbers of members on committees and how this would be decided. The Chief Executive said this was part of the electoral review to be undertaken
- reviewing the benefits of Parks and Gardens
- commitment to regeneration projects in Axminster and Honiton
- it needed to made clearer to the public the difference between discretionary and mandatory services to make for better understanding
- local services should be in the hands of local people
- Britain in Bloom was a prime example of community involvement
- people would pay more in their precepts to cover costs of local services

RESOLVED:

1. that the financial position of the council and the draft Transformation Strategy which would be debated and informed by Members at Scrutiny be noted.
2. that 'and Community Benefit' was added to item 4 in the Transformation Strategy.

REASON:

It was good practice in managing the finances of the Council to produce a Financial Plan looking at the future direction of the Council's budgets.

***45 Cliff Inspections - Exemption to Contract Standing Orders**

Cliff inspections were carried out annually by a specialist geotechnical consultancy (currently David Roche). Cliff inspections were carried out at Budleigh Salterton east cliff, Sidmouth Connaught Gardens, Beer east cliff and Seaton West Walk.

It was important that the inspections take place before Easter so that any risks to the public using our beaches and foreshore facilities could be identified. Works needed to be carried out and any debris cleared prior to beach huts being erected for the season. Inspections and any remedial works also decrease the risk of damage to EDDC assets, as well as ensuring that beaches and foreshores can remain open to the public.

The inspections and associated works were due to go to tender in 2015, but due to staff sickness this did not happen. To wait to tender the works would have put bank holiday and summer visitors at increased risk of injury from cliff falls. To enable the inspections to go ahead prior to Easter 2015 an exemption to contract standing orders was requested. The request was approved by the relevant officers, enabling the inspections to go ahead in time for the holiday season.

RESOLVED:

that the exemption to standing orders be noted.

REASON:

Cliff inspections for 2015 had now been completed following previous approval of exemption to Contract Standing Orders. Future annual cliff inspections would be put out to tender.

46 Car Parking Strategy – Younghayes Place

At its meeting of 9 January 2013, Cabinet resolved to approve the transfer of the Younghayes Centre, Cranbrook to the Council. The transfer subsequently took place on 7 October 2013. It was also resolved that the verification of the parking arrangements for the adjacent Younghayes Place should be subject to the separate approval of Cabinet.

The New Community Projects Officer updated members that the Neighbourhood Centre, including 7 retail units, was under construction with completion expected by mid July 2015. Allowing time for fitting out, it was anticipated that the first retailers would be operating by the end of the summer/early autumn 2015. The units would include a Southern Co-op convenience store, pharmacy, estate agent, fish and chip shop, Chinese takeaway/restaurant, cafe and Barnado's charity shop.

The Car Parking Strategy had been drafted in accordance with the Section 106 Legal Agreement and Transfer Agreement and sets out the following key principles:

- Younghayes Place was provided for the shared benefit of the Younghayes Centre and Neighbourhood Centre.

- From the date of practical completion of the Neighbourhood Centre responsibility for the management of the Car Park would pass to its owners - Devonfields and CJL Rogers Properties Limited.
- The Council would pay 25% of the total costs incurred by the owners in respect of the management and maintenance of the Car Park.
- No spaces should be specifically allocated to either users of the Younghayes Centre or Neighbourhood Centre.
- The Car Park would be managed as a short-stay, free car park with a maximum stay of 2 hours and no return within 1 hour.
- If deemed appropriate the managing agents may engage specialist car park managers to control the use of the car park.
- With one month's notice, the Car Park may be used for community uses for up to 28 days per year.

Details of the service charge budget (covering repairs and maintenance) and the Council's level of responsibility for this were included in the report together with a set of standard terms and conditions to accompany the Car Parking Strategy

At its meeting of 9 January 2013, Cabinet noted the intention to transfer the Younghayes Centre and potentially Younghayes Place to the Town Council. The New Community Projects Officer would work with the Town Council to explore the potential for this and report this to Cabinet.

Discussions included:

- There was no signage to the car park and it was not big enough
- Could the New Community Projects Officer and his team develop a 'walking and cycling' policy to alleviate the pressure of lack of parking?
- Use the larger car park opposite the Younghayes Centre as an overspill car park
- Devise a protocol on how the car park is used

RECOMMENDED :

that members:

1. Endorse the draft Car Parking Strategy.
2. Delegate approval of the final Service Charge Budget and Agreement Terms and Conditions to the Deputy Chief Executive.
3. Delegate approval of any replacement car parking agreement for Younghayes Place to the Deputy Chief Executive.

REASON:

To ensure that the requirements of the S106 Legal Agreement for the Council to approve a Car Parking Strategy for the Younghayes Place were met.

*47

Addressing Anti-social Behaviour linked with Personal Water Craft

John Adams spoke of community concerns of PWCs. The closure of Mamhead Slipway had exacerbated the problem and there should be a third slipway in a safe area for PWCs (mostly jet skis). The present slipway was not near the area that the PWCs were allowed to use. There were a large number of vehicles and trailers parked near the beach.

Ian Cudd said he was a keen and considerate jet skier and was well aware of the problems caused by inconsiderate users. He agreed with Mr Adams that the problem was down to the closure of the Mamhead Slipway. He was a member of a PWC club whose members were well aware of the issues and were actively looking for solutions to the launching problem.

The report sought Cabinet approval to undertake a period of consultation on issues of nuisance and annoyance at Belshers Slipway and Shelly Beach, Exmouth. The consultation would take place from 1 - 31 August 2015 and would include residents in the vicinity, users of the beach and slipway and those with local interest including user groups, the police, town and district councillors and Devon County Council.

There was an issue on the Exe Estuary with speeding boats and Personal Water Craft (PWC). This problem had existed since the removal of the Exeter City Harbour Patrol in 2001 but the anti-social behaviour was made worse by problems with launch areas off Exmouth and their close proximity to residential areas. Control or careful management and education at launch points would go a considerable way in educating and changing a culture that had developed over many years.

Discussions included:

- The Exmouth masterplan should supply these facilities and the need to look at the wider area for access to the sea for PWCs
- Amend the bylaws to include Shelly beach
- The need for a patrol boat to police the water

RESOLVED:

that a consultation be carried out to gain useful information and an understanding of the issues of uses of the beach and slipway at Belshers Slipway and Shelly Beach. This is so the Council could consider whether making a Public Spaces Protection Order to deal with alleged issues of nuisance and annoyance from the residents at Exmouth Quay was reasonable, proportionate and justified as required under the legislation.

REASON:

There was a statutory requirement to carry out consultation before imposing a PSPO on an area to which the public have access.

***48 Monthly Performance reports - May 2015**

The Cabinet considered the report of the Strategic Lead - Organisational Development and Transformation setting out performance information for the May 2015. This allowed Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

Two indicators showed excellent performance, namely:

- Percentage of planning appeal decisions where the planning inspector has disagreed with the Council's decision
- Percentage of non-domestic rates collected

One indicator showed concern:

Working days lost due to sickness absence – The sickness absence was considered by June Cabinet, outlining the current issues that had caused the increase in absences. Further work would be undertaken if this trend continues.

RESOLVED:

that the progress and proposed improvement action for performance measures for the May 2015 be noted.

REASON:

The performance reports highlighted progress using a monthly snapshot report; SPAR report on monthly performance indicators and system thinking measures in key service areas including Development Control, Housing and Revenues and Benefits.

***49 Environmental Protection Team reorganisation**

The Strategic Lead – Housing, Health and Environment highlighted the changing priorities that were emerging through the work of the Environmental Protection team and proposed; as part of the Council's transformation agenda, a new team structure to ensure that the best possible use of resources in dealing with antisocial behaviour could be made.

RESOLVED:

that the following new Environmental Protection team structure be approved:

1. Establish an additional Technical Officer post to act as the team's lead officer in Anti-Social behaviour, supporting housing officers and the Police on request. Cost: £31,200.
2. Utilise recent efficiency savings arising from the voluntarily reduced working hours of the Community Safety and Antisocial Behaviour Coordinator, one Technical Officer and one Environmental Health Officer. Saving: £18,800.
3. Enhance the use of the clause in the kennelling contract, which required the collection of found dogs during the working day on request. We predict that the net additional cost would be in the region of £3,000.
4. Extend dog control duties so that more of staff were empowered to deal with dog-related anti-social behaviour and, where necessary, to serve fixed penalty notices, delete the dog warden post and return/reallocate the lease van. Saving: £29,597
5. Provide training and management support for other field-based council officers to provide advice, education and evidence gathering for dog-related anti-social behaviour. Net saving: £14,200

In the first year, there would be redundancy costs associated with the deletion of the dog warden post. This cost would be around £6,000 reducing the first year saving to £8,200.

REASON:

To make the best use of enforcement resources to protect the wellbeing of residents affected by anti-social behaviour.

***50 Seaton Town Hall**

Carol Manley spoke on issues not included in the report such as the Town Hall's justifiable debt; it had no other debts or loans, the £80,000 spend on equipment, the creation of jobs and the £200,000 spent in the local economy from visitors to the Town Hall events. She spoke of the value to Seaton and the civic pride of its Town Hall. There was a need for a phased withdrawal and the need for the Council to support them through this.

Cllr Knight thanked Seaton Voice and asked if the eight car parking spaces were included in the transfer. These were part of the overall car parking review in Seaton so the Town Hall did not know whether these spaces would be included. Cllr Hartnell said this was a positive transfer not just for Seaton but all of East Devon, as visitors would stay locally. The Portfolio Holder, Sustainable Homes and Communities formally thanked Seaton Voice for all their hard efforts to transform this asset. The question of an overage clause was raised with assurance given that there was in place that would taper downwards over the years.

The Principal Estates Surveyor's report requested consideration of the possible transfer of Seaton Town Hall, Seaton to Seaton Town Council. The community group, Seaton's Voice currently leased and managed those parts of Seaton Town Hall that were not let to the Town Council or Museum. During their tenure, Seaton's Voice had greatly increased their use of the premises and it was now a vibrant entertainment and community hub. It had also reduced the Council's burden of subsidy significantly. By way of example, the total net cost of the Hall 2009/10 was £122,159. The net cost 2014/15 was £14,798.

Members were asked to consider a proposal to transfer Seaton Town Hall to Seaton Town Council at nil consideration. The transfer would be supported by EDDC with a phased withdrawal over a two year period, with financial support provided in year one and professional property support remaining in place in year two. Seaton's Voice and the Museum would become the tenants of the Town Council: negotiations between the two parties were already underway.

RESOLVED:

that Seaton Town Hall be transferred to Seaton Town Council subject to the terms set out in the main body of the report.

REASON:

This would be an opportunity to place this public building in the hands of the local community. This would ensure its future as a public building was protected to provide for the needs of the town council, local residents and visitors.

***51 Electoral Review Programme 2015 – 2019 and EDDC Polling Districts**

The Chief Executive informed Cabinet of a proposed Electoral Review to be conducted by the Local Government Boundary Committee for England commencing in September 2016 and to consider what advance activities could be carried out. The review of polling districts and polling places would be undertaken pursuant to the Electoral Administration Act 2013.

The Local Government Boundary Commission for England (LGBCE) periodically carried out electoral reviews of Council areas in England, either on request, or where it had identified levels of electoral imbalance that were unlikely to be rectified through foreseeable changes to the electorate. There was nothing unusual in this: more often than not, it was a consequence of communities growing over the years in response to development pressure. The new town of Cranbrook was a case in point. Cabinet had been advised at its June meeting that the Council had been consulted on the electoral review that the LGBCE has been undertaking in respect of Devon County Council.

The Chief Executive informed Cabinet that the Overview Committee would now undertake the scoping work as it needed a wider ownership.

RESOLVED:

1. that the Overview Committee undertake the initial investigation and scoping work to ensure the Council had assessed possible options prior to the LGBCE electoral review commencing in September 2016.
2. that a review of polling districts and polling places be undertaken.

REASON:

To ensure the Council is well prepared in advance of the LGBCE Electoral Review and that the Council complies with statutory requirements.

***52 Monitoring of formal complaints 2014/15**

The Information and Complaints Officer considered the Council's responses to complaints which reach stage 2 of the formal complaints procedure, and prepared responses for consideration by the Monitoring Officer so that a response could be given. In most cases, a complaint which reached stage 2 indicated that the complainant had already received a response from the service manager and remained dissatisfied.

If a complainant was still dissatisfied after the stage 2 consideration, they could refer their complaint to the Local Government Ombudsman.

Complaints about Housing matters (excluding complaints about the housing register and allocations) are referred to the Designated Tenant Complaint Panel and then to the Housing Ombudsman if a complainant remained dissatisfied.

Complaints and compliments were regularly considered by Cabinet and appropriate action taken, including learning from mistakes.

RESOLVED:

that Cabinet considered the nature of complaints dealt with and learning points arising.

REASON:

To continue to improve the way the Council handles, and learns from, complaints.

***53 Local Government Ombudsman complaints 2014/15**

The Information and Complaints Officer provided information on complaints referred to the Local Government Ombudsman during 2014/15.

The Council had received the annual summary of statistics on the complaints made to the Local Government Ombudsman during the year 2014/15. 41 complaints were received by the Ombudsman during the year of which 34 were decided (closed) by the Ombudsman. Three complaints were upheld during the year. In each case, the Ombudsman found no fault in process but upheld the complaints on the basis of delays in responding to correspondence in each case.

The Ombudsman had provided a link to a useful training resource for Members in complaint handling. Members were encouraged to read this information and to contact the Information and Complaints Officer if they had any queries.

RESOLVED:

1. that Cabinet noted the number of complaints dealt with and their outcomes
2. that Members take advantage of the training resource provided by the Local Government Ombudsman.

REASON:

To continue to improve and learn from the way complaints are handled.

*** 54 Freedom of Information Act requests 2014/15**

The report of the Information and Complaints Officer provided information on requests received under the Freedom of Information Act (and Environmental Information Regulations) between 1 April 2014 and 31 March 2015. It also considers the subject matter and origin of requests.

486 requests have been dealt with under the Freedom of Information Act (Environmental Information Regulations) during the year 2014/15.
This figure has fallen slightly from 563 in 2013/14.

There continued to be a trend for requests originating from commercial organisations asking questions relating to Council contracts. There also continued to be a steady rise in the numbers of local search companies requesting data in connection with house-sales through the Environmental Information Regulations. If a person making a request felt dissatisfied with the way the Council had responded to a request for information, they had the right to complain to the Information Commissioner (ICO). Two decision notices were issued in respect of complaints to the ICO during 2014/15. One was not upheld and the other was upheld in part.

Although the volume of requests had decreased this year, the complexity of some of the requests received continued to be an issue in terms of pressure on resources. The Council remained committed to publishing as much information as possible on the website, particularly in relation to key major projects.

To this end, a number of key documents had already been published in an online project archive dedicated to the office re-location project. Continued work to get through these historic documents with a view to publishing all information up to December 2014 was underway. The aim was to publish documents in full where practical to do so.

RESOLVED:

that Cabinet noted the number and type of requests received under the Freedom of Information Act during 2014/15.

REASON:

To continue to improve the way requests for information were dealt with.

***55 Review of FOI decisions**

The Strategic Lead - Legal, Licensing and Democratic Services highlighted the purpose of the report was to review two recent requests for information (the Freeman and Woodward cases), one that had resulted in findings of breach for not complying with the statutory timeframes and both of which had contained adverse comments about the conduct of the Council. The report considered whether there were lessons to be learnt or changes to procedures that were required to prevent the same from happening again. He emphasised the need for the Council to demonstrate presumption in favour of releasing information.

RESOLVED:

that the content of the report be endorsed and the following accepted and agreed;

1. That the Legal Department ensure that the quality of bundles being provided for legal proceedings are thoroughly checked before issue.
2. That the tone / content of letters issued in context of legal proceedings be considered more carefully.
3. That there will be full engagement with any investigation of the ICO into an appeal they are considering.
4. That the Council seek to ensure that appropriate advice and assistance is given to FOI requesters where the scope of their request is unclear.
5. That the Council will seek to ensure that each request is considered on its own merits, and answered in accordance with the legislative requirements in terms of providing justified reasons for withholding information.

6. That there is a stated presumption in favour of releasing information (in support of the Council's transparency aims) although acknowledging that in appropriate cases withholding information for legitimate reasons is still acceptable.
7. That on contentious or sensitive matters the views of an officer peer are obtained before a final decision on withholding information is made.
8. That additional resource was agreed to ensure sufficient resourcing for dealing with complaints and FOI requests across the Council's functions.

REASON:

The recommendations were appropriate steps to take for the reasons set out in the report.

***56 Sustainable Communities Act**

The Council took advantage of the opportunity presented by the Sustainable Communities Act during 2009 to generate proposals from communities which contributed to the sustainability and wellbeing of local areas. Members decided to take part again in 2013. However, neither proposal was accepted by national government. For this and several other reasons outlined in the report, it was recommended that the Council did not take part in the Act again.

RESOLVED:

that the Council no longer gathers in proposals under the Sustainable Communities Act, but instead promotes the national government 'Barrier Busting' website.

REASON:

that the Council does not take part in the Act again for several reasons:

- Involvement was not essential. Communities had the opportunity to submit suggestions directly to government using the Barrier Busting website: <https://barrierbusting.communities.gov.uk/>
- The two proposals that were eligible in 2014 came from national organisations that then sought communities at the local level to champion them. Neither of the two eligible proposals actually came initially from East Devon communities.
- It was resource intensive in terms of officer time to gather in the proposals and then go through the lengthy approval process, both times without a positive outcome.
- It falsely raised the expectations of the community and community representatives. The Council had no control over whether national government decided to take action on suggestions put forward, but its reputation could be damaged.
- The parameters were clearly explained but the majority of proposals put forward by the community were not eligible. Taking part in the Act was optional. The vast majority of other district councils nationwide were no longer taking part in the Act for similar reasons.

57 Hackney Carriage and Private Hire Licensing – Proposed Licensing Fee Increases 2015

The Licensing Manager's report showed the current fee structure in respect of Private Hire and Hackney Carriage licensing fees charged by East Devon District Council and sought authority to increase those fees from 1 October 2015, in order to continue to recover the cost to the Council for carrying out its regulatory responsibilities.

RECOMMENDED:

that the proposed licensing fees set out in Appendix A of the report for Hackney Carriages and Private Hire Licences be recommended for approval by Full Council and

1. that the proposed scale of fees be introduced from the 1 October 2015 for both private hire and hackney carriage licences;
- 2a. that notice be given in accordance with Section 70(3) of the Local Government (Miscellaneous Provisions) Act 1976 of the proposed variation of licence fees determined by the Council for this year;
- 2b. that should objection be received resulting from the notice and not withdrawn, delegated authority be granted to the Chief Executive in consultation with the Leader of the Council
 - i. to consider the objection(s) as provided by Section 70 and;
 - ii. to set a further date not later than two months after the first specified date on which the variation should come into force with or without modification.

REASON:

To enable the District Council to continue to recover the cost of carrying out its responsibilities concerning the licensing of Hackney Carriage and Private Hire vehicles, drivers and operators.

Attendance list

Present:

Paul Diviani Leader/Chairman

Portfolio Holders:

Andrew Moulding	Deputy Leader/Strategic Development and Partnership
Tom Wright	Corporate Business
Iain Chubb	Environment
Ian Thomas	Finance
Jill Elson	Sustainable Homes and Communities
Phil Twiss	Corporate Services
Philip Skinner	Economy

Cabinet Members without Portfolio

Geoff Pook
Eileen Wragg

Cabinet apologies:

None

Also present:

Councillors:

Mike Allen
Megan Armstrong
Brian Bailey
David Barratt
Dean Barrow
Matt Booth
Peter Bowden
Colin Brown
Peter Burrows
Paul Carter
Maddy Chapman

Alan Dent
Peter Faithfull
Cathy Gardner
Pat Graham
Alison Greenhalgh
Simon Grundy
Maria Hale
Steve Hall
Marcus Hartnell
John Humphreys
Ben Ingham
Geoff Jung
Jim Knight
Dawn Manley
Cherry Nicholas
John O'Leary
Helen Parr
Val Ranger
Marianne Rixson
Pauline Stott
Mark Williamson

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
Darren Summerfield, New Community Projects Officer
John Tippin, Licensing Manager
Janet Wallace, Principal Environmental Health Officer
Amanda Coombes, Democratic Services Officer

Councillor apologies

Non Cabinet:

David Chapman
Alan Dent
David Foster
Steve Gazzard
Roger Giles
Ian Hall
Mike Howe
Brenda Taylor

Officer apologies

None

Chairman

Date.....

Minutes of a Meeting of the Overview Committee held at Knowle, Sidmouth on 30 June 2015

Attendance list at end of document

The meeting started at 6.00pm and ended at 8.18pm.

***1 Chairman's introduction**

The Chairman welcomed the committee, in particular the newly elected members. He emphasised the need for team work between the Chairman, Vice Chairman, supporting officers and committee members to undertake the overview role successfully.

The Chairman asked for nominations for Vice Chairman in Councillor Allen's absence. Councillor Graham Godbeer was nominated as Vice Chairman for the meeting.

***2 Public Speaking**

Richard Eley of Sidmouth Chamber of Commerce reported that he and the Chamber of Commerce were against any change to the current Street Trading Consents and saw no advantage to the town from these proposed changes. He did not want a free for all in the town and felt that the current system operated successfully. He was also concerned about the future costs of the scheme to the taxpayer and who would enforce the scheme, due to lack of officer time.

Jo Frith of Sidmouth Vision Group requested that the Committee include the specification of, and consultation about, the new Recycling and Refuse Contract in their work programme for the forthcoming year. She was concerned that any new contract should include the collection of Absorbent Hygiene Products. She asked would residents prefer a weekly collection of cardboard or of Absorbent Hygiene Products, which was carried out by many other local authorities.

In response to Jo Frith, the Chairman, advised that the Scrutiny Committee had already set aside their meeting on 10 December to look at the feedback from the refuse and recycling trial for Feniton and part of Exmouth.

***3 Role of the committee**

The committee discussed a briefing paper outlining the principles of overview and the purpose of the committee as set out in the Council's constitution. A scoping template was set out in the briefing paper to which members were encouraged to familiarise themselves. Members were encouraged to think of other scoping questions.

Councillor Matthew Booth expressed a concern about the frequency of meetings and whether there was the possibility for Members to explore topics outside of committee meetings. The Strategic Lead – Legal, Licensing & Democratic Services reported that if the committee's workload dictated then additional meetings of the committee could be arranged.

***4 Street Trading – Designation of streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1983**

The Committee received the report of the Licensing Manager. This set out the background of a request to the Licensing and Enforcement Committee for authority for public consultation to be undertaken on changing the current Street Trading arrangements within

East Devon. This would provide more flexibility whilst allowing the Council to retain its control on the issue of Street Trading Consents.

This proposal would make the whole of East Devon a Consent area for the purposes of Street Trading, abolishing the current piecemeal system of Prohibited and Consent Streets. It was noted that in some towns such as Ottery St Mary there were no Prohibited or Consent Streets, meaning that Street Trading could not be effectively controlled. Each request for Consent for Street Trading would be considered on its merits and if necessary be considered by a meeting of the Licensing & Enforcement Sub Committee, which would have the final decision, as there was no appeal mechanism under the Local Government (Miscellaneous Provisions) Act 1983. South Somerset District Council and Taunton Deane Borough Councils had both introduced the 'Consent Street' system and found that it had been very successful, particularly at reducing unregulated trading in lay-bys, which was a particular problem for these authorities.

Councillor Steve Hall, Chairman of the Licensing & Enforcement Committee, spoke in support of designating all streets in East Devon as 'Consent Streets'.

Debate on the issue also included:

- Fees from Consent Streets would pay for staff to enforce this;
- There had been no discussion about the Council running its own markets;
- The current enforcement of Prohibited Streets was de facto the responsibility of the Licensing Service;
- Concern expressed that there would be less control if the new system was operated;
- Prohibited streets had been introduced in Exmouth, due to concerns expressed by shops that street traders were not paying rates etc and this was unfair to those shop owners who were;
- The need for a clear and consistent policy for all Consent Street applications;
- Consent Streets in Exmouth should be limited to The Strand, Magnolia Centre and parts of Queens Drive;
- Parish and Town Councils would be consulted before any decision was taken;
- The Council should be supportive of existing businesses and there was concern expressed on the effect that this proposal would have on them;
- The policy for Consent Streets could include a proposal that consents would not be granted that could be detrimental to adjacent businesses;
- The current Street Trading policy had worked well in East Devon and there was not the appetite for change amongst local residents;
- Any fees charged by the Licensing Service must recover costs and should not be to make a profit for the service;
- Possible introduction of a trial area for 'Consent Streets' to help promote trust;
- The introduction of 'Consent Streets' was a means of controlling ad hoc traders and could be seen as a benefit to achieve this.

In response from a question from Councillor Mike Howe, the Licensing Manager explained the procedure, timescale, consultation framework and costs of introducing Consent Streets in East Devon. Councillor Howe expressed a view that particular account should be taken of the views of Parish and Town Councils for Consent Street applications, as they understood their local area and the views of local residents.

RECOMMENDED

That Town and Parish Councils be consulted on the following:

- a. Rescinding the Council's past resolutions to designate streets as "Prohibited Streets";
- b. To replace all previous resolutions designating 'Consent Street' with a new resolution to designate all 'streets' in East Devon as 'Consent Streets' as defined in schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. Meaning all roads, footways, service areas (as defined by section 329 of the Highways Act 1980), beaches or other areas to which the public have access without payment in East Devon would be designated as 'Consent Streets' for the purposes of Street Trading;

Before any formal consultation on the process is initiated to introduce designate all 'streets' in East Devon as 'Consent Streets' as defined in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1983.

***5 Overview forward plan**

The committee discussed items for the forward plan, and agreed the following topics to be scoped before further consideration on how to proceed:

Members discussed the possibility of a joint meeting with Scrutiny Committee to discuss the new Refuse and Recycling contract. Members also discussed consideration of planning policy issues and whether the Overview Committee was the correct forum to discuss these issues as it was not a decision making body and input from Development Management Committee was needed on these matters. The Committee accepted that Planning policy issues would be programmed to be discussed at the 26 January 2016 meeting.

The Committee considered whether having a presentation from the North Devon Healthcare NHS Trust would be appropriate at the meeting on 26 January and Debbie Meakin, Democratic Services Officer agreed to speak to the CCG on this issue and report back to the Committee at the next meeting.

RESOLVED

That the forward plan include:

11 August 2015 - Joint meeting with Scrutiny Committee on Moving and Improving.

22 September 2015 – Presentation from Economic Development Manager – focus on the Economy Plan and the Rural Economy.

17 November 2015 – Council Plan

13 January 2016 – Draft service plans and budget 2016/17 jointly with Scrutiny Committee.

26 January 2016 – Discussion on planning policy and how this should be dealt with within the Council, possibly through a separate planning policy committee. Also Coastal Flooding and the Shoreline Management Plan.

22 March 2016 – Sustainability.

Attendance list

Present:

Peter Bowden (Chairman)

Matthew Booth

Peter Faithfull

Graham Godbeer

Pat Graham

Maria Hale

Ian Hall

John Humphreys

Rob Longhurst

Christopher Pepper

Also Present:

David Barrett

Alan Dent

Jill Elson

Steve Hall

Mike Howe

Bebn Ingham

Geoff Jung

Pauline Stott

Henry Gordon Lennox, Strategic Lead - Legal, Licensing & Democratic Services

John Tippin, Licensing Manager

Debbie Meakin, Democratic Services Officer

Chris Lane, Democratic Services Officer

Apologies:

Mike Allen

Rob Longhurst

Andrew Moulding

Tom Wright

Chairman

Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Scrutiny Committee held at Knowle, Sidmouth on 25 June 2015

Attendance list at end of document

The meeting started at 6.00pm and ended at 7.51pm.

***1 Chairman's introduction**

The Chairman welcomed the committee, in particular the newly elected committee members. He emphasised the need for teamwork between the Chairman, Vice Chairman, supporting officers and committee members to undertake the scrutiny role successfully. He would also work to ensure that work is presented clearly; in order to ensure understanding for both councillors and the public. This included clear explanation of jargon and acronyms that often appeared in officer reports.

***2 Public Speaking**

Paul Spearing of Chardstock Parish Council addressed the committee about a recent decision to define Chardstock parish as a parish sustainable in the context of the Local Plan. He outlined the discussion at a recent Development Management Committee where the officer advice showed that Chardstock did not meet the criteria for definition as sustainable; and that a decision at full Council determined that it was, which he felt an incorrect decision to take. He asked for a re-evaluation of the parish and for a consistent approach to determination of sustainable, in particular in the context of an appeal of that status in relation to Offwell.

David Everett of Chardstock Parish Council spoke of his concern that Cabinet did not seek to correct the decision made at full Council to deem Chardstock parish as sustainable. He stressed the need to base decisions on evidence and not opinion, and that the decision could have a lasting effect of damaging the parish.

***3 Declarations of Interest**

No declarations were made.

***4 Role of the committee**

The committee discussed a briefing paper outlining the principles of scrutiny and the purpose of the committee as set out in the Council's constitution.

A training session is set for 16 July 2015 in conjunction with Exeter City Council and Teignbridge District Council and the committee were encouraged to attend.

***5 Final report of the Tree Task and Finish Forum**

Councillor Mike Howe was unable to attend the meeting to present his report. The Chairman read out an email to the Committee from Cllr Howe highlighting recommendation 10 in the report on developing a Tree Strategy.

The Chairman thanked the Strategic Lead for Housing and Environment, Service Lead for Countryside and Leisure, and the Senior Arboricultural Officer along with other officers for their contribution to the Forum.

Questions and debate from the committee on the report included:

- Why there was no specific reference to the Areas of Outstanding Natural Beauty (AONB) in the Forum's report: in response, the Service Lead for Countryside and

Leisure advised the committee that the tree service covered the whole of the district with close liaison with the AONB officers. The Senior Arboricultural Officer explained that different legislation covered Tree Preservation Orders (TPOs) to that of AONBs;

- Why there was no specific reference to the mitigating effect of trees on flooding: in response, the Chairman outlined that the many benefits of trees including that aspect were taken as a given in the report and the Forum operated on that basis. More specific detail on those benefits would be set out in the Tree Strategy once produced;
- Educational benefit of tree planting, with a recent community orchard planting scheme expected to be rolled out across the District;
- Excellent work by Sidmouth with an active arboretum committee to survey trees in that area and in due course produce a policy;
- TPOs can be placed on trees on Council owned land, but generally, this was not considered necessary, as there was an expectation that the tree management would be sufficient that the tree would not be under threat. Full planning consent overrides a TPO but in determining an application a process is undertaken to weight the merit of overriding a TPO;
- Recent shift in culture meant that developers were being educated in the benefits to retaining existing trees. The wrong tree in the wrong place can be a problem for a developer, but equally the right tree with a mature canopy could add between 10 and 15 percent to the value of the site. In recent years new TPO numbers had decreased but so too had pre-emptive removal of trees by developers;
- Any TPO over six months old and not confirmed was no longer valid.

RECOMMENDED:

1. That Tree officers be involved in pre planning application meetings as standard; greater involvement at an early stage would benefit the process and enable any issues to be addressed in a timely way;
2. That, as part of the Systems Thinking review of the tree service at East Devon, to look at national guidance and best practice and where appropriate to look to adopt this within new work flow systems;
3. That a review be undertaken of information provided on the Council's website relating to arboriculture, and produce new web guidance on the main work areas to reduce service demand;
4. That the decision on the choice of which TPO system is to be adopted be made by the Arboricultural Service, but for weight to be given to the importance of providing guidance notes with the TPO form to reduce 'preventable demand'
5. That the Council develops a Tree Enforcement Policy;
6. That guidance be given to community groups working on Neighbourhood Plans to encourage particular consideration to be given to addressing issues in respect of trees and how their value within the community and landscape can be recorded and protected – the guidance to be drawn up by the Arboricultural Service in consultation with the planning policy team;
7. That the Development Management and Planning Enforcement team (with technical support from the Arboricultural Service) look for effective ways to monitor the future protection of trees following development of a site – this to include criteria for monitoring and how to involve local councils and ward members in this process so that information is fed back to the Council as quickly and effectively as possible;
8. That the benefits of remote data capture be supported and the Arboricultural Service be encouraged to undertake trials of the system so that it can be used to develop a district-wide on-line database of trees. In addition, to investigate the feasibility and cost of open mapping to plot the district's trees and calculate their ecosystem service benefits in

monetary terms. (There is potential for this system, if effective, to be extended for use by community groups and tree wardens to help with logging tree information across the district – this information could also be used to populate Neighbourhood Plans);

9. That the current arrangement of local councils with Quality Status and dealing with applications for work to trees be reviewed. Although local determination of applications adds value to the customer experience, local councils seek advice from the arboricultural service and so none of the work burden is taken from the arboricultural team. In addition, not all of the decisions taken by the local councils follow advice given by officers; there have been appeals against decisions where a tree of poor quality had been approved for protection, contrary to advice from officers. This has resulted in delays in issuing a decision notice;
10. That following adoption of the Local Plan, the Planning Team, in round table consultation with the Arboricultural Service and all other services that have tree assets (including Streetscene, Housing and Countryside), develop a Tree Strategy to fit with other guidance, support and policy documents, to be taken into account during development and other related decision making. The Strategy to include:
 - a. the Council's aims in respect of urban and rural planting and the green infrastructure, trees and development, to incorporate a replacement tree strategy
 - b. subsidence
 - c. public liability, health and safety, duty of care, determination of tree works applications, the recognition and analysis of the benefits or urban and rural forests and tree canopies to the environmental, aesthetic, economic and social well being of the area and how these could be maintained and enhanced
 - d. the authority's perception and value of trees within the district
 - e. the importance of succession planting
 - f. tree protection including TPOs , reviewing TPOs, enforcement and supplementary guidance
 - g. the effective capture and monitoring of data relating to canopy cover
 - h. efficient management of all trees including council owned trees
 - i. sustainability
 - j. climate change
 - k. guidance on species choice and planting
 - l. how to achieve effective partnership working with the district's communities, agencies and organisations
 - m. examples of best practice
 - n. education
11. That the Arboricultural Service work with other relevant EDDC services and its partners to develop a programme of education to widen the public's knowledge of trees and their value within the environment.

RESOLVED

that, assuming agreement of the recommendations by Cabinet, the committee receive regular updates on the implementation of the recommendations listed.

*6 Performance monitoring report for quarter four of 2014/15

Questions and debate relating to the fourth quarter included:

- Working days lost due to sickness (showing as a "red" indicator) had previously been discussed at Cabinet. Analysis had shown that the increased number of staff with long term sickness issues had resulted in two quarters with the indicator flagged as above the set target. No link had been identified between the planned relocation and sickness absence. The committee will receive a report in full on sickness absence and the methods adopted in dealing with both existing cases and in prevention at their meeting on 30 July 2015;

- The status of “on track” was questioned in relation to the Council Promise “continue to work in partnership with Devon County Council on the roll-out of super-fast broadband internet connections so that East Devon gets the benefit”; concern was voiced that this was not the case and an update from the Portfolio Holder should be obtained and circulated to the committee;
- “Number of random general licence checks” needed further explanation to clarify the figures and to establish if the target was correctly set in light of regular busy periods for the team that affected their ability to carry out checks;
- “Percentage of minor planning applications determined within 8 weeks” (showing as “red” for the last two quarters) had a clear explanation on resource issues and the Chairman welcomed the approach to contract agency planners to assist in that workload. In answer to a question, it was confirmed that income from planning fees for applications was not ring fenced to the service;
- “Continue to support the development management function in securing the right development in the right place, and taking effective enforcement action against unauthorised and harmful development” was commented on as an unclear target and no officer comments were present on the report to help explain it;
- “Implement the Home Energy Conservation Act Strategy aimed at improving the thermal efficiency of homes in the district” was now on track following additional work before submission;
- Need for close working with Audit and Governance Committee in reviewing performance indicators to avoid duplication of work.

The Chairman reassured the committee that close liaison between the Chairman of the Scrutiny, Overview and Audit and Governance committees would help to clarify the respective roles of each committee as work progressed.

RESOLVED

1. That comments be requested from the Portfolio Holder for Corporate Services on the Council Promise “continue to work in partnership with Devon County Council on the roll-out of super-fast broadband internet connections so that East Devon gets the benefit”;
2. That further clarification be obtained from officers on specific indicators identified;
3. That clarification on promises and indicators be sought in terms of future work on making them more meaningful and measurable targets

***7 Forward plan for the Scrutiny Committee**

The committee confirmed the items already set out on the forward plan, and agreed the following topics to be scoped before further consideration on how to proceed:

- Build out report on planning applications, to help inform on the process of the local plan;
- 7 May Election issues;
- The process of how the decisions on Chardstock and Dunkeswell sustainability assessment were made.

Beach huts would be discussed at the September meeting of the committee to review the consultation analysis and hear from the Asset Management Forum on the proposals, allowing the committee to produce recommendations to be considered by Cabinet before a decision on the proposals is made.

Members will receive a link to the report by a previous Communications Task and Finish Forum as background information to the Media Strategy report set for the July meeting of the committee.

Explanation of the delegated system for planning applications would be referred to the appropriate officer to discuss with Councillor Greenhalgh.

RESOLVED

That the forward plan be updated to include beach huts and scoping undertaken on the 7 May 2015 election and the process of the decision on the sustainability of Chardstock and Dunkeswell.

Attendance list

Committee Members present:

Roger Giles (Chairman)

Alan Dent (Vice Chairman)

Dean Barrow

David Foster

Cathy Gardner

Alison Greenhalgh

Simon Grundy

Marcus Hartnell

Bill Nash

Cherry Nicholas

Val Ranger

Marianne Rixson

Brenda Taylor

Other Members present:

Peter Faithfull

Tom Wright

Pauline Stott

Megan Armstrong

Susie Bond

Geoff Jung

David Barratt

Jill Elson

Peter Bowden

Graham Godbeer

Steve Gazzard

Ben Ingham

John Dyson

Officers present:

Debbie Meakin, Democratic Services Officer

Giles Salter, Solicitor

John Golding, Strategic Lead for Housing and Environment

Charlie Plowden, Service Lead for Countryside and Leisure

David Coleman, Senior Arboricultural Officer

Committee Members apologies:

David Chapman

Maddy Chapman

Other Members apologies:

Mike Howe

Peter Burrows

Iain Thomas
Eileen Wragg

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Housing Review Board held at Knowle, Sidmouth on 18 June 2015

Attendance list at end of document

The meeting started at 2.30pm and ended at 4.45pm.

Before the meeting began Councillor Pauline Stott, Chairman of the Board welcomed all those present and invited everyone to introduce themselves. The Strategic Lead - Housing, Health and Environment gave an introduction and overview of the role of the Housing Review Board. This included:

- Background to the Board and its role
- Reference to the Homes and Communities Plan
- Ring fenced Housing Revenue Account (HRA), with an £18m annual turnover
- Annual report to tenants
- Housing service and its four teams:
 - Landlord services
 - Housing needs and strategy
 - Property and asset management
 - Private sector housing
- Self financing reform – freedoms and flexibilities
- 30 year HRA business plan
- Future challenges and opportunities for housing

***1 Public Speaking**

Councillor Douglas Hull requested that the Board be provided with a breakdown of housing owned by the Council, into size, type and location, across the district and that this be taken into consideration when building new houses. This information was circulated at the meeting. It was noted that further information could be found in the annual report to tenants, which was available on the Council's website.

The Chairman suggested that a trip be arranged for HRB members to visit some of the Council's housing across the district, including some newly acquired property and housing in more remote locations.

Councillor Douglas Hull went on to request information on the void times of two bedroom bungalows and the implications of bedroom tax on letting these. The Strategic Lead - Housing, Health and Environment advised that void times were reported monthly to Cabinet via capability charts, but this item could be added to the HRB forward plan.

Tenant member John Powley questioned the timing of the HRB meetings. He felt that the change of start time had not been adequately debated by Board members. The Chairman and The Strategic Lead - Housing, Health and Environment explained the reasons behind the change of time, which originated from a tenants request, and advised that the trial could be reviewed at the end of the Council year.

Councillor Megan Armstrong asked how much information was recorded during the Devon Homes Choice bidding process. The Housing Needs and Strategy Manager advised that it was difficult to assess the number of times an individual had to bid or wait for a property due to changes in their housing need and circumstances. The Housing Needs & Strategy Manager welcomed all members to talk to the housing managers if they wanted more information on the services and invited them to consider work-shadowing staff.

***2 Appointment of Vice Chairman**

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

RESOLVED that tenant representative Pat Rous be appointed Vice Chairman of the Board for the ensuing year.

***3 Minutes**

The minutes of the Housing Review Board meeting held on 19 March 2015 were confirmed and signed as a true record.

The Strategic Lead - Housing, Health and Environment reported that the two independent community representative positions on the Board were currently vacant. Rob Finch had served the maximum two terms on the Board as set out in the Constitution. The Strategic Lead - Housing, Health and Environment had written to Rob on behalf of the Board and thanked him for his valued contribution and support. The other independent community representative, Julie Adkin had also resigned due to time constraints.

Julie Bingham from Devon and Cornwall Housing Association had been invited to attend the meeting to observe how the Board operated. The Strategic Lead - Housing, Health and Environment advised that he had also received an expression of interest from a former councillor and Board member. Douglas Hull requested that an interview panel be set up to appoint the independent community representatives.

RESOLVED that an interview panel consisting of the Chairman, Vice Chairman, Councillor Douglas Hull and tenant Mike Berridge be set up to interview applicants to the two vacant independent community representative positions on the Board. Any appointments would need to be reported to Council for approval.

***4 Declarations of Interest**

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

Joyce Ebborn: Personal Interest - Housing tenant

Cllr Ian Hall: Personal Interest – Family member lives in a Council owned property and uses Home Safeguard

Cllr Douglas Hull: Personal interest – Family member lives in a Council owned property.

John Powley: Personal Interest - Housing tenant

Pat Rous: Personal Interest - Housing tenant

***5 Matters of urgency**

There were no matters of urgency identified.

***6 Exclusion of the Public**

RESOLVED:

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

***7 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 further issues to the next forward plan by informing him or the Democratic Services Officer.

During the meeting the following items were added to the forward plan:

- Void times
- Age restriction issues (particularly in relation to sheltered housing)

RESOLVED: that the forward plan be noted and updated.

***8 Revisions to the introductory, secure and flexible tenancy agreements**

The Housing Projects Officer's report explained that the secure tenancy agreement had not been revised since 2007 and required updating to meet current good practice and legislation. It was proposed that one tenancy document was produced which incorporated the introductory, secure and flexible tenancy agreements. This would ensure that all the documents carried the same rights and obligations (where appropriate) and that where the tenancy conditions varied due to the type of tenancy being used, these would be clearly highlighted throughout the combined document. The Housing Projects Officer outlined the consultation process and how tenants would be formally notified. It was planned that the new tenancy agreement would come into effect from 1 January 2016.

RECOMMENDED:

1. that the revised amalgamated tenancy agreement be agreed
2. that the Strategic Lead - Housing, Health and Environment and Portfolio Holder for Sustainable Homes and Communities be given delegated authority to act on the outcome of feedback from the consultation process.

***9 Tenancy anti-fraud policy and tenancy anti-fraud strategy**

The Housing Projects Officer presented to the Board a draft tenancy anti-fraud policy and a draft tenancy anti-fraud strategy. This followed recommendations from the South West Audit Partnership (SWAP) internal auditors that the Council should clarify its position and policy with a documented approach that defined how the Council would prevent and address tenancy fraud.

RECOMMENDED: that the tenancy anti-fraud policy and the tenancy anti-fraud strategy be approved.

***10 Safeguarding vulnerable adults**

Adult safeguarding was the process of protecting adults from neglect or abuse. The Care Act 2014 amended and strengthened this as a statutory duty for local authorities and along with statutory guidance set out clear expectations. The Property and Asset Manager's report updated members on the requirements set out under the Council's corporate Safeguarding Vulnerable Adults Policy and refreshed the policy in response to recent changes in legislation and learning. The Strategic Lead - Housing, Health and Environment reminded the Board that safeguarding adults was not exclusively housing's domain, but the service tended to take the lead on this. There was mandatory annual training for all housing staff. Training would also be arranged for Councillors later in the year as part of their welcome/induction and refresher process.

RECOMMENDED: that the changes set out in annex 1 – safeguarding vulnerable adults policy be approved.

***11 Tenant inspectors**

The Property and Asset Manager's report outlined a proposal to carry out a pilot scheme (6 months – starting in July 2015) involving tenant inspectors working alongside the Housing Property and Asset Management team. Tenant inspectors represented an excellent way of tenants and front line officers working together to ensure agreed standards were maintained. Mid Devon District Council had been running a successful tenant inspector programme for a number of years.

The report focused on tenant inspectors being involved in the void management of properties within the responsibility of the repairs and maintenance team. Tenant inspectors work would not replace any part of the current technical inspections carried out by Maintenance Surveyors, but would act as an additional resource. There would be no requirement for tenant inspectors to attend every void property.

Details of the scheme, including recruitment, training and monitoring were outlined in the report. The pilot project would be reviewed after six months and the outcome of the review would be presented to the Housing Review Board in order to seek approval for Tenant Inspectors to be a new addition to the Tenant Involvement Strategy. The review would also form the basis of whether tenant inspectors could play a useful role in other parts of the Housing Service.

RECOMMENDED: that the proposal of a pilot scheme commencing in July 2015 to introduce tenant inspectors to the Housing Service be agreed.

***12 Housing Service complaints April 2014 - March 2015 review**

The Landlord Services Manager's report provided information on formal and other complaints received in relation to the Housing Service for the period April 2014 - March 2015. Complaints were taken seriously and carefully monitored. They were used for learning wherever possible. Although there had been an increase in complaints, it still fell below the HouseMark benchmark. The main messages and lessons learnt from formal complaints were noted in the report and included communication and staff attitude.

RESOLVED: that the number and type of complaints received during 2014/15 be noted, along with the learning points arising that would be used to improve the Housing Service.

***13 Membership of Advantage South West – procurement consortium**

The Strategic Lead - Housing, Health and Environment informed the Board of the purpose of the membership to the Advantage South West consortium and highlighted savings achieved during 2014/15. As well as savings opportunities through the procurement consortium, Advantage South West also provided the benefit of additional areas of expertise.

RESOLVED: that savings achieved during 2014/15 be noted and the continued membership of the consortium during 2015/16 be supported.

***14 HRA outturn report 2014/15**

During 2014/15 monthly budgeting reports had informed members of the anticipated year end position. The Housing Accountant's report contained the final position for the year-end and compared this outturn position against the budgets set for 2014/15.

35 Rights to Buy sales had been completed during 2014/15. The timetable for expenditure of Right to Buy receipts to be incurred was included in the report and it was noted that spending on the provision of new social housing was ahead of schedule.

Following a question regarding the Council's vulnerability to Right to Buy sales, the Strategic Lead - Housing, Health and Environment advised that the HRB business plan would be tested in terms of sensitivity to Right to Buy sales. The financial model could be manipulated in terms of its sensitivity to many different factors, such as inflation rates.

RESOLVED:

1. that the HRA outturn position for 2014/15 be agreed.
2. that the transfer of £0.500m into the HRA Business Plan Volatility Reserve be agreed.

***15 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 item in private session (Part B).

***16 Proposed purchase of properties at Mudbank Lane, Exmouth**

The Strategic Lead - Housing, Health and Environment's report sought Board support for the proposed purchase of 13 affordable rented dwellings upon completion of the development at Mudbank Lane, Exmouth from Devon and Cornwall Housing. The proposed purchase was subject to contract, including price negotiations and securing full planning permission.

RECOMMENDED:

1. that it be agreed that the proposed affordable rent dwellings were a desirable addition to the Council's housing stock.
2. that the proposed purchase be supported and delegated authority be given to the Portfolio Holder for Homes and Communities along with the Strategic Lead for Housing, Health and Environment to negotiate an appropriate level of offer to secure the dwellings.
3. that funding from the Housing Revenue Account, Commuted Sum monies and maximising the use of Right to Buy receipts be used to fund the proposed purchase.

Attendance list

Present:

Cllr Pauline Stott (Chairman)
Megan Armstrong
Ian Hall
Cllr Douglas Hull

Co-opted tenant members:

Mike Berridge
Joyce Ebborn
John Powley
Pat Rous

Officers:

John Golding, Strategic Lead - Housing, Health and Environment
Sue Bewes, Landlord Services Manager
Emma Charlton, Housing Projects Officer
Marian Hitchcock, PA to Strategic Lead Housing, Health & Environment and Housing
Andrew Mitchell, Housing Needs & Strategy Manager
Giles Salter, Solicitor
Alethea Thompson, Democratic Services Officer
Melissa Wall, Housing Projects Officer
Mandy White, Accountant

Also present:

Cllr Jill Elson, Portfolio Holder – Sustainable Homes and Communities
Cllr David Barratt
Cllr Tom Wright

Julie Bingham Devon and Cornwall Housing Association

Apologies:

Harry Roberts – tenant
Cllr Jim Knight
Cllr Paul Diviani – Leader of the Council

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 21 April 2015

Attendance list at end of document

The meeting started at 2.00pm and ended at 6.15pm.

***72 Minutes**

The minutes of the Special Development Management Committee meeting held on 23 March 2015 and Development Management Committee meeting held on 31 March 2015 were both confirmed and signed as true records.

***73 Declarations of interest**

Cllr Geoff Pook; 14/2695/FUL; Personal Interest (remained in the Chamber during the debate and vote); Acquaintance of the applicant.

Cllr Geoff Pook; 15/0427/FUL; Pecuniary Interest (left the Chamber during the debate and vote); Associated with the applicant.

Cllr Peter Burrows; 14/2695/FUL; Personal Interest (remained in the Chamber during the debate and vote); Member of Seaton Council.

Cllr Vivien Duval Steer; Minute 77 and 15/0549/COU; Personal Interest (remained in the Chamber during the debate and vote); Member of Exmouth Town Council.

Cllr Mark Williamson; Minute 77 and 15/0549/COU; Personal Interest (remained in the Chamber during the debate and vote); Member of Exmouth Town Council.

Cllr David Atkins; 15/0157/FUL; Personal Interest (remained in the Chamber during the debate and vote); Clerk to Newton Poppleford and Harpford Parish Council.

***74 Planning appeal statistics**

The Committee received and noted the Service Lead – Planning Strategy and Development Management's report setting out appeals recently lodged and five appeal decisions notified, all of which had been dismissed. Members' attention was drawn to the last two decisions listed where the Inspector had upheld reasons for refusal relating to sustainability. This supported the Council's stance of considering sustainability.

***75 Annual planning appeal status report**

The Committee considered the Service Lead – Planning Strategy and Development Management's report providing an overview of the results of planning appeals for the year from 1 April 2014 to 31 March 2015.

The Committee noted that of the 74 appeals decided in the last year (up from 57 decisions the previous year) only 23% had been allowed, compared with the national average of 35.2% (2013/14 figure). 77% of appeals had been dismissed. This figure reflected the consistency and the quality of the Council's decision making process.

The financial implications relating to cases where an application for costs had been made and granted were outlined - one partial award of costs had been awarded against the Council and one partial award of costs had been awarded in favour of the Council.

It was imperative that the Inspector's appeal decisions were constantly analysed to ensure that any changes in accordance with the National Planning Policy were implemented and decisions on planning applications were made in accordance with current Government advice.

The Chairman, echoed by the Committee, congratulated and thanked the Service Lead – Planning Strategy and Development Management and his teams for their outstanding achievement.

RESOLVED: that the Development Management Committee notes the annual appeal status report.

***76 Off-site affordable housing contribution calculator**

The Committee considered the Planning Policy Manager's report seeking endorsement for the completion and use of a trial off-site affordable housing calculator to determine the appropriate level of affordable housing contribution that should be sought where on-site affordable housing provision was not suitable or desirable.

The Committee was advised that on residential schemes, and under adopted and emerging Local Plan policy, the Council would seek to secure a proportion of the overall scheme as affordable housing. The preference was that the affordable housing was built on the site of the planning application as part of, or allied to, the overall development scheme. However, circumstances could arise where there was a need for some or all of the relevant affordable housing provision to be located off-site. In some cases, the developer might have a specific site where the affordable housing could be located, however more frequently it would be the case that the Council would need to secure a financial contribution from the developer which would be used to fund affordable housing provision off-site.

The key principle of the calculator was that the developer of a scheme should be no worse or better off financially, whether they provide the affordable housing on-site or as a commuted off-site sum - it sought to establish a cost neutral outcome for the developer. By inserting variables, including location, number of dwellings, policy compliant affordable housing requirements and the mix/form of affordable housing equivalent that was sought, the calculator generated the relevant contribution level. Members' attention was drawn to an example illustrating the basic working of the calculator within the report.

In response to questions raised by members of the Committee during discussion, the Planning Policy Manager advised:

- The calculator was a bespoke model, which built on the overarching viability assessment work of the consultants, Three Dragons;
- Further work was required to establish a strategy for expenditure of monies raised through off-site contributions. The preference would be to deliver affordable housing where it meets the need, however this was dependant on sites being available;
- Legislation set the threshold for affordable housing contributions at five dwellings and above – contributions were not sought from developments with less than five dwellings (unless they are 'exception (to normal policy) sites).
- There were a series of variables that needed to be entered into the calculator in order to generate an outcome.

RESOLVED:

1. **that the Development Management Committee agrees to the completion of the trial version of the off-site affordable housing calculator;**
2. **that the Development Management Committee agrees, on completion, to the adoption and use of the calculator as the Council's means to establish and negotiate for off-site affordable housing contributions;**
3. **that the Development Management Committee be regularly updated on progress in respect of developing a strategy for the expenditure of monies raised through off-site affordable housing contributions.**

***77 National Trust setting study for A la Ronde, Exmouth**

The Committee considered the Planning Policy Manager's report summarising the main findings of the setting study for A la Ronde produced by the National Trust and raising concerns about some of the recommendations contained within the report for the Council to action.

The Committee was advised that the National Trust had produced studies of several important heritage assets in their ownership including A la Ronde, which was located to the north of Exmouth, including Grade 1 listed buildings, together with the associated Grade 2 registered park and garden. Changes proposed to the emerging new Local Plan referred to the study and stated that it might be a material consideration in the determination of planning applications.

The conclusions and recommendation section of the report set out a series of recommended actions for the Council and were summarised within a table in the committee report along with a proposed response. Specific concern was raised in respect of two of the recommendations – these were:

- Seek Section 106 contributions to enhance the setting of and improve access to National Trust Land – It was considered that the legal tests required for seeking Section 106 contributions were unlikely to be met as any contributions would need to mitigate any adverse impact on the heritage asset (if the impact was severe the application would be refused).
- Consider use of an Article 4 direction suspending permitted development rights on properties adjoining the western boundary of A la Ronde, to enable control of highly visible changes within the identified core setting – There were significant procedural and legal obligations for removing permitted development rights and therefore it was not considered that the study demonstrated harm caused by the exercise of permitted development rights to justify such an extreme course of action by the Council.

RESOLVED:

1. **that the National Trust setting study for A la Ronde and its relevance to development proposals that might affect the setting of the heritage assets concerned be noted.**
2. **that the proposed responses to the recommended 'East Devon District Council Actions' section of the report, as set out in paragraph 4 of the committee report be submitted to the National Trust.**

***78 New East Devon Local Plan – weight to be attributed to policies**

The Committee considered the Service Lead – Planning Strategy and Development Management’s report seeking to advise Members of the status of the new East Devon Local Plan also provide guidance as to the weight that could be attributed to specific policies. It was intended that this information would aid the Committee in making informed decisions by affording appropriate weight to the new Plan when considering planning applications.

The report contained a list of the policies within the new Local Plan which were coloured coded, using a traffic light system, according to the weight officers felt could be attributed based on criteria set out within the National Planning Policy Framework (NPPF). The Committee was advised that although officers had provided guidance, Members as the decision makers must ultimately decide on the weight that should be attributed to each policy.

Members’ attention was drawn to Strategy 34 – District wide affordable housing provision targets. Following the Secretary of State’s decision stating he was minded to allow the appeal at Pinn Court Farm, Pinhoe, significant weight could now be given to the proportions of affordable housing sought. Because of this decision, officers were obliged to revisit applications where approval had been granted but the decision notice had not yet been issued to ensure compliance with the policy. In most cases, the proportion of affordable housing had increased and negotiations were currently taking place with the applicants. However there was a reduction to level of affordable housing provision required at the Old Park Farm (phase 2), Pinhoe application (13/001/MOUT), which had been considered by the Committee on 25 March 2014, from 40% to 25% and the Committee was asked to make a further resolution to this affect.

RESOLVED:

- 1. that the Development Management Committee gives appropriate regard to the policies of the new Local Plan having considered the guidance within the committee report in the decision making process;**
- 2. that the affordable housing provision in respect of approved application 13/001/MOUT (Old Park Farm (phase 2), Pinhoe) be reduced from 40% to 25% in order to comply with Strategy 34 (District wide affordable housing provision targets) of the new East Devon Local Plan.**

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 13 – 2014/2015.

Attendance list

Present:

Committee Members

Councillors:

Helen Parr (Chairman)

David Key (Vice Chairman)

David Atkins

Roger Boote

Peter Burrows

Bob Buxton

Alan Dent
Vivien Duval Steer
Martin Gammell
Ben Ingham
Geoff Pook
Peter Sullivan
Mark Williamson

Officers

James Brown, Principal Planning Officer
Matt Dickins, Planning Policy Manager
Ed Freeman, Service Lead – Service Lead - Planning and Development Management
Henry Gordon Lennox, Strategic Lead – Legal and Democratic Services
Nick Hill, Locum Planning Solicitor
Paul Lowe, Housing Enabling Officer
Gavin Spiller, Principal Planning Officer
Graeme Thompson, Planning (Policy) Officer
Hannah Whitfield, Democratic Services Officer

Also present

Councillors:
David Cox
Paul Diviani
Roger Giles
John Jeffery
Stephanie Jones
Jim Knight
Ian Thomas

Apologies:

Committee Members

Councillors:
Mike Allen
Geoff Chamberlain
Mike Howe

Non-committee members

Councillors:
Steve Gazzard
Tony Howard
Ken Potter

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

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

Attendance list at end of document

The meeting started at 4.00pm and ended at 4.10pm.

***1 Minutes**

The minutes Development Management Committee meeting held on 21 April 2015 were confirmed and signed as a true record.

***2 Declarations of interest**

Cllr Steve Gazzard; 15/0961/LBC; Personal Interest (remained in the Chamber during the debate and vote); Member of Exmouth Town Council.

Cllr Mark Williamson; 15/0961/LBC; Personal Interest (remained in the Chamber during the debate and vote); Member of Exmouth Town Council.

Cllr Alison Greenhalgh; 15/0961/LBC; Personal Interest (remained in the Chamber during the debate and vote); Member of Exmouth Town Council.

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

RESOLVED:

that the application before the Committee be determined as set out in Schedule 1 – 2015/2016.

Attendance list

Present:

Committee Members

Councillors:

David Key (Chairman)

Mike Howe (Vice Chairman)

Mike Allen

David Barratt

Susie Bond

Colin Brown

Peter Burrows

Paul Carter

Matt Coppel

Steve Gazzard

Alison Greenhalgh

Simon Grundy

Chris Pepper

Mark Williamson

Officers

Matthew Barrett, Locum Planning Solicitor

Chris Rose, Development Manager

Hannah Whitfield, Democratic Services Officer

Also present

Councillors:

Ian Hall

Geoff Jung

Apologies:

Committee Members

Councillors:

Alan Dent

Ben Ingham

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 16 June 2015

Attendance list at end of document

Due to a technical issue, there is no audio recording for the morning session.

The meeting started at 10am and ended at 5.10pm.

***4 Declarations of interest**

Cllr Alan Dent; 15/0682/FUL; Pecuniary interest (left the Chamber during the debate and vote); Applicant.

Cllr Alan Dent; 14/3001/FUL & 15/0440/FUL; Personal Interest (remained in the Chamber during the debate and vote); Member of Budleigh Salterton Town Council.

Cllr Ben Ingham; 114/2946/MFUL & 14/2947/LBC; Personal Interest (remained in the Chamber during the debate and vote); Owns a property on Courtlands Lane.

Cllr Steve Gazzard; 114/2946/MFUL & 14/2947/LBC, 13/1230/MFUL, 15/0872/FUL, 14/2239/FUL, 15/0983/CM, 15/0670/FUL; Personal Interest (remained in the Chamber during the debate and vote); Member of Exmouth Town Council.

Cllr Alison Greenhalgh; 114/2946/MFUL & 14/2947/LBC, 13/1230/MFUL, 15/0872/FUL, 14/2239/FUL, 15/0983/CM, 15/0670/FUL; Personal Interest (remained in the Chamber during the debate and vote); Member of Exmouth Town Council.

Cllr Alison Greenhalgh; 114/2946/MFUL & 14/2947/LBC; Personal Interest (remained in the Chamber during the debate and vote); Acquaintance of a resident that lives near to the application site.

Cllr Steve Gazzard; 114/2946/MFUL & 14/2947/LBC, 13/1230/MFUL, 15/0872/FUL, 14/2239/FUL, 15/0983/CM, 15/0670/FUL; Personal Interest (remained in the Chamber during the debate and vote); Member of Exmouth Town Council.

Cllr Steve Hall; 15/0440/FUL; Personal Interest (remained in the Chamber during the debate); Owns a property on Honey Park Road.

Cllr Steve Hall; 14/3001/FUL; Personal Interest (remained in the Chamber during the debate); Applicant has previously carried out building works for the Councillor. Cllr Eileen Wragg; 15/0983/CM; Personal Interest (remained in the Chamber during the debate); Devon County Councillor.

***5 Planning appeal statistics**

The Committee received and noted the Service Lead – Planning Strategy and Development Management’s report setting out appeals recently lodged and six appeal decisions notified, of which five had been dismissed. The Committee’s attention was drawn to the one appeal allowed in Courtlands Lane, Exmouth, for prior approval of a proposed change of use of an agricultural building to a dwelling. The Inspector had overruled sustainability reasons for refusal, however it was noted that during the course of the appeal that amendments had been made to the Government’s Planning Practice Guidance in relation to applications for prior approval. The amendments clarified that the Class MB permitted development rights did not apply a test in relation to sustainability of the location.

6 Proposed revisions to the Local Development Scheme

The Committee considered the Planning Policy Manager's report outlining the need for the Council to update its Local Development Scheme (LDS), which set out a timetable for producing planning policy documents, to reflect progress made on the Local Plan, Villages Plan and Community Infrastructure Levy. The current LDS had been effective since December 2013. Members noted the addition of the Cranbrook Development Plan Document to the scheme in light of modifications to the Local Plan and that timetables for the Gypsy and Traveller Plan and Planning Obligations Plan had also been updated to reflect the Local Plan timetable.

The Committee was advised that the consultation on Local Plan changes had ended the previous Friday, with approximately 200 representations received which would be forwarded to the Local Plan Inspector. A report providing feedback on the comments received would be produced for the Committee meeting on 23 June. Oral Hearings were due to recommence on 7 July.

RECOMMENDATION: that the Council adopts the Local Development Scheme with effect from 30 July 2015.

7 Cranbrook Development Plan Document

The Committee considered the Planning Policy Manager's report setting out a proposed work programme for production of a Cranbrook Development Plan Document. In 2014 the Council had commissioned a master planning exercise, which would set out, amongst other matters, the proposed form and nature of future Cranbrook development and land areas appropriate for future development. The content and conclusions of the Masterplan would need to be 'translated' into a formal Development Plan Document which would carry greater weight in the decision making process.

In response to a question, the Planning Policy Manager clarified Cranbrook could proceed with its own Neighbourhood Plan, which was a separate process from the Development Plan Document.

The Planning Policy Manager referred to comments submitted from Broadclyst Parish Council. They asked that concerns raised by the joint parishes were not just noted but actively addressed. The joint parishes had met with the New Community Partners to discuss ways of enabling cohesion between existing neighbouring parishes and the new community. The Parish Council hoped that the local knowledge offered by the joint parishes was welcomed and would prove valuable to the Masterplan process as it moved forwards.

RECOMMENDATION: that Council agrees the defined work programme as set out in the Committee report for the production of the Cranbrook Development Plan Document.

8 East Devon Villages Plan – Proposed criteria for reviewing Built-up Area Boundaries

The Committee considered the Planning Policy Manager's report seeking to establish a criteria to guide the definition of Built-up Area Boundaries (BUABs). This was ahead of a review of the 17 'Strategy 27' settlements, which would form part of the preparation of the Villages Plan. The Committee was asked to endorse that the proposed criteria be consulted on. It was recommended that the consultation include the opportunity for sites or land to be proposed for inclusion or exclusion of BUABs. The results of the consultation would be reported back to the Committee, along with input from the relevant Parish Councils, prior to formal consultation on the Villages Plan.

The Planning Policy Manager referred to comment received from Broadclyst Parish Council. They raised concern that there was potential for discrepancy between village BUABs and Neighbourhood Planning, especially where the democratic decision had been taken not to allocate housing site(s), as was the case for Broadclyst Parish Council.

In response to questions and comments raised by the Committee, the Service Lead – Strategic Planning and Development Management advised that:

- The Villages Development Plan Documents needed to be prepared in accordance with the Local Plan – the Local Plan did not make provision for increased levels of development in rural settlements, therefore the proposed criteria for BUABs included that expansion should not be sought to facilitate additional development. In a majority of East Devon's settlements, significant development would be needed to bring forward facilities and services to make them sustainable.
- In respect of the inclusion of Chardstock and Dunkeswell in Strategy 27, which had been included by Council, it would be for the Inspector to consider whether they along with the other 15 settlements recommended by officers were sustainable and as a result should have BUABs.
- Strategy 27 of the Local Plan set out those settlements considered sustainable. The Villages Development Plan Document would define BUABs for those settlements.
- Full Council would ultimately make the decision to submit the Villages Development Plan Document for examination, however the Development Plan Document would have the opportunity to comment.

RECOMMENDATION:

- 1. that the draft consultation document as set out in Appendix 1 to the Committee report be consulted on with interested parties, with a particular focus on working with parish councils and neighbourhood planning groups.**
- 2. that the criteria set out in table 2 of Appendix 1 to the Committee report forms the basis of initial officer survey work on defining Built-up Area Boundaries, noting that it will be necessary to respond to consultation responses.**
- 3. that the consultation on criteria for defining Built-up Area Boundaries includes an opportunity for individual sites to be put forward for either inclusion or exclusion from Built-up Area Boundaries of the settlements under assessment.**

9 Gypsy and Traveller Plan and means for securing sites

The Committee considered the Planning Policy Manager's report detailing the proposed work programme for production of a Gypsy and Traveller Development Plan Document for endorsement. The report also sought to inform and gain the view of the Committee on proposals to Cabinet for direct District Council provision of one or more Gypsy and Traveller sites.

The Planning Policy Manager referred to comments received from Broadclyst Parish Council. They advised that the Growth Point area has traditionally been a stop-off point for travellers moving west-east in the spring and then east-west again in the autumn, with many families historically using land which Cranbrook and the Science Park now occupied. These recorded unauthorised stops (and subsequent evictions) related to travelling families whose movement patterns had been affected by developments in the West End of East Devon. They did not consider that there was a direct link between the expansion of settled families on sites such as Broadclyst and Sowton, and the location of unauthorised stops, evictions and subsequent clean up costs. They felt that the outcomes of the Plan should

reflect these two very different areas of need and that the record of unauthorised stops should not be considered a basis for locating a site in the Growth Point.

Points raised during discussion on the report included:

- The need limit the size of gypsy and traveller sites to avoid them becoming too large and unmanageable;
- Support for the approach that the Council become a site provider in its own right or partner with other organisations in respect of site provision;
- Disappointed at the length of time that it had taken to bring forward proposals;
- Previous legal judgements in the area of Rockbeare did not support expansion – smaller sites needed to be considered;
- Need to find a solution that works for the Council and the gypsy and traveller community;
- Importance of liaising with the education department when considering sites was highlighted.

RECOMMENDATION: that the Council agrees the defined work programme as set out in the Committee report for the production of the Gypsy and Traveller Development Plan Document

RESOLVED: that the Development Management Committee endorses the recommendations set out in the report to Cabinet (17 June 2015), which proposes direct District Council involvement in provision of one or more gypsy and traveller sites.

10 Planning Obligations Development Plan Document

The Committee considered and discussed the Planning Policy Manager's report which detailed the proposed work programme for the Planning Obligations Development Plan Document. The Plan would set out the Council's policy and approach to the collection and use of developer contributions.

It was anticipated that in 2016 the Council would be a position to formally adopt the Community Infrastructure Levy (CIL) Charging Schedule, which would form an income stream to help provide for infrastructure needed to support development. However, some infrastructure could not be provided for by CIL, such as affordable housing. The Plan, which would be supported by evidence, would cover topic matters such as:

- Affordable housing (overall standards, delivery and the off-site calculator);
- On-site Section 106 contributions;
- Off-site Section 106 contributions;
- CIL and the relationship between CIL and Section 106;
- CIL and payment in kind (such as provision of land rather than cash contributions)

RECOMMENDATION: that Council agrees the defined work programme as set out in the Committee report for the production of the Planning Obligations Development Plan Document.

***11 Enforcement report – Plot 406 Hawkerland, Colaton Raleigh**

The Committee considered the Service Lead – Strategic Planning and Development Management's report updating Members on recent events and the enforcement history in respect of Plot 406, Hawkerland and to outline the available options for further enforcement action.

The Service Lead – Strategic Planning and Development Management showed the Committee pictures of the site. Despite issuing a Section 215 notice in 2012 the site remained in a poor condition due to the derelict building, caravan and previously imported waste material. Prosecution proceedings had been commenced, however the court had been unable to proceed due to the address of the landowner (who does not reside at the site) being unknown. Members were advised that water and electricity had now been connected to the site and therefore there was considered a risk of residential occupation on the site. The recommended actions were outlined to the Committee. Due to the site's environmentally sensitive location and proximity to the Pebblebed Heaths, which had led to concerns being raised by both Natural England and the RSPB, it was also considered appropriate that a pre-emptive injunction be sought making it illegal for the site to be occupied.

A letter had also been received from the DCLG outlining the powers available to local authorities to take action and reduce the number of unauthorised gypsy and traveller sites.

The Service Lead – Strategic Planning and Development Management referred to comments received on behalf of Hawkerland Community Association requesting that firm action be taken in the form of a pre-emptive injunction.

The Chairman invited the parish council representative and two members of the public that had registered to speak on the issues at Plot 406 to address the committee. These included:

- Disappointment in the District Council's actions in respect of the site, particularly given the areas environmentally sensitive status;
- Concerns about the security of the adjacent property;
- There were a number of actions available to the District Council to deal with the matter. The Parish Council wished to be kept informed about progress of how the site will be cleared;
- Issues have been ongoing for a number of years and had a significant impact on the close community of Hawkerland;
- Impact on wildlife from the tipping of waste;
- Residents wished to enhance the area and therefore the site should be returned back to its original state;
- District Council's previous actions had not been effective. Pre-emptive injunction action required to prevent residential occupation – this was the Government's favoured approach.
- Public money should not be used to tidy up site.

The Ward Member for Raleigh spoke of the need for prompt action in the form of a pre-emptive injunction to avoid occupation on the site, as this would lead to further delays. He referred to the site's environmentally sensitive and protected status and concerns that had been raised by various groups/organisations.

The Committee discussed the issues relating to the site and options available. In response to questions and comments received, the Strategic Lead – Strategic Planning and Development Management advised that:

- The Police were aware of the site and problems caused to the local community. Any breach of the pre-emptive injunction could result in those responsible being arrested;
- Contaminated materials had been reported on the site in 2010 and the Environment Agency had been involved at that time. The materials were removed from the site;
- Prosecution had been commenced in respect of the failure to comply with the Section 215 notice - this was likely to result in a fine. If the site failed to be cleared then authority to take direct action would be sought along with how it was proposed that the cost would be recovered;
- The derelict building on the site would not benefit from permitted development rights. The Section 215 required the building to be demolished.

RESOLVED:

- 1. that the Council proceed with prosecution proceedings against the owner of the site for non-compliance with the previously served Section 215 notice to address the untidy condition of the site.**
- 2. that due to the environmentally sensitive status of the area and the proximity of the site to the Pebblebed Heaths the Council do apply to the High Court for an injunction against the owner of the site and all other persons**
 - (a) preventing the use of any part of the site for the stationing of caravans/mobile homes and/or residential use including the occupation of caravans/mobile homes for residential purposes, the storage of vehicles, caravans/mobile homes, residential paraphernalia and/or materials including hardcore further to the hardcore already stored on the site**
 - (b) preventing any development taking place on the Land including:**
 - i. the laying of further hardcore on the site**
 - ii. the creation of any hardstanding or any further hardstanding and/or**
 - iii. the creation of an access and/or a bund without an express grant of planning permission for that.**
- 3. that the Council monitors activities on the site and review potential actions against unauthorised occupation of the site in the event that the site becomes occupied.**

***12 Waste Management and Infrastructure – Draft Supplementary Planning Document by Devon County Council**

The Committee considered the Planning Policy Manager's report advising Members of a consultation on a draft Supplementary Planning Document (SPD) produced by Devon County Council in respect of waste matters. The SPD dealt with waste related issues that fell outside of the County Council's role as the Waste Planning Authority. The guidance was primarily aimed towards local planning authorities and developers in considering waste issues in schemes, such as new housing developments.

RESOLVED:

- 1. that the Committee welcomed the production of Devon County Council's draft Waste Supplementary Planning Document.**
- 2. that proposed wording within the Committee report be submitted to Devon County Council as the Council's comments on the draft Waste Supplementary Planning Document.**

***13 East Devon Playing Pitch Strategy 2015**

The Committee considered and discussed the Planning Policy Officer's report outlining that a report would be presented to Cabinet on 17 June 2015 recommending adoption of the East Devon Playing Pitch Strategy 2015, principally for use in determining planning applications but also corporately across the Council to help inform service delivery and investment priorities. Given the Strategy's principle role it was considered appropriate that the Committee was asked to endorse the Strategy and recommend to Cabinet that it be adopted.

The Planning Policy Manager referred to comments submitted by Broadclyst Parish Council. They highlighted the importance of regular reviews of the Strategy, as a live document, to ensure strategic funding decisions were based on the most up to date information available; developer contributions meeting fundamental requirements such as being accessible to a wide section of the community; and consideration of the maintenance costs of facilities and who pays for them.

RESOLVED: that the Committee endorses the East Devon Playing Pitch Strategy 2015 and recommends that Cabinet that they adopt the Strategy principally for use in determining planning applications but also corporately across the Council to help inform service delivery and investment priorities.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 2 – 2015/2016.

Attendance list

Present:

Committee Members

Councillors:

David Key (Chairman)

Mike Howe (Vice Chairman)

Mike Allen

David Barratt

Susie Bond

Colin Brown

Peter Burrows

Paul Carter

Alan Dent

Steve Gazzard

Alison Greenhalgh

Simon Grundy

Ben Ingham

Chris Pepper

Mark Williamson

Officers

Matthew Barrett, Locum Planning Solicitor

Matt Dickins, Planning Policy Manager

Ed Freeman, Service Lead – Strategic Planning and Development Management

Henry Gordon Lennox, Strategic Lead – Legal and Democratic Services

Paul Lowe, Housing Enabling Officer
Linda Renshaw, Senior Planning (Policy) Officer
Claire Rodway, Senior Planning (Policy) Officer
Chris Rose, Development Manager
Tim Spurway, Neighbourhood Plan Officer
Graeme Thompson, Planning (Policy Officer)
Janet Wallace, Principal Environmental Health Officer
Hannah Whitfield, Democratic Services Officer

Also present

Councillors:

Megan Armstrong
Peter Bowden
Paul Diviani
Jill Elson
Steve Hall
Geoff Jung
Andrew Moulding
Bill Nash
Pauline Stott
Brenda Taylor
Eileen Wragg
Tom Wright

Apologies:

Non Committee Members

Cllr Rob Longhurst

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

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

Attendance list at end of document

The meeting started at 2pm and ended at 4.15pm.

***15 Declarations of interest**

Cllr Paul Carter; 15/0677/FUL; Pecuniary interest (left the Chamber during the debate and vote); Applicant.

Cllr Peter Burrows; 15/0626/LBC; Pecuniary interest (left the Chamber during the debate and vote); Applicant.

Cllr Peter Burrows; 14/2293/FUL; Personal interest (remained in the Chamber during the debate and vote); Member of Seaton Town Council.

Cllr Peter Burrows; 15/0585/FUL; Personal interest (remained in the Chamber during debate but did not vote); Applicant was Assistant Clerk to Seaton Town Council.

***16 East Devon Local Plan and Community Infrastructure Levy – feedback report on consultation response received**

The Chairman agreed for the Planning Policy Manager's report to be taken as an urgent item in order to provide the Committee with a summary of the representations received during an eight-week consultation on proposed changes to the Local Plan and revised Community Infrastructure Levy (CIL) Draft Charging Schedule. The proposed changes responded to the Planning Inspector's letter of 2014 and were a result of further evidence gathering.

In respect of the proposed changes to the Local Plan the Planning Inspector had posed 14 questions for the consultation covering four subject areas:

- Housing, including overall numbers and distribution;
- Gypsies and Travellers;
- Site allocations;
- Other general matters

The Committee noted that 145 responses had been received from individuals and organisations and these had been forwarded onto the Planning Inspector. The Committee report included a table summarising the main themes and issues featured in the representations (full representations were available on the Council's website). The Planning Policy Manager updated the Committee that a statement of common ground had now been reached with the East Devon New Community Partners regarding Cranbrook related matters and this included reference to gypsy and traveller provision. In response to comments raised by Natural England regarding the Habitat Regulations, consultants had been instructed to undertake further work ahead of the oral hearing sessions.

In respect of proposed changes to the CIL Draft Charging Schedule, 10 representation had been received and were summarised in the committee report. The Inspector's question had focused on the residential CIL rate for Cranbrook expansion areas.

The Planning Policy Manager advised that oral hearings were due to commence on 7 July 2015 and a proposed programme for the sessions was outlined in the report.

RESOLVED: that the representations received during the eight week consultation on proposed changes to the Local Plan be noted.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 3 – 2015/2016.

Attendance list

Present:

Committee Members

Councillors:

David Key (Chairman)

Mike Howe (Vice Chairman)

David Barratt

Susie Bond

Colin Brown

Peter Burrows

Paul Carter

Matt Coppell

Steve Gazzard

Alison Greenhalgh

Simon Grundy

Chris Pepper

Mark Williamson

Officers

Matthew Barrett, Locum Planning Solicitor

Matt Dickins, Planning Policy Manager

Alison Hayward, Senior Manager - Regeneration & Economic Development

Chris Rose, Development Manager

Gavin Spiller, Principal Planning Officer

Hannah Whitfield, Democratic Services Officer

Also present

Councillors:

Simon Grundy

Marcus Hartnell

Geoff Jung

Andrew Moulding

Apologies:

Committee Members

Councillors

Mike Allen

Alan Dent

Ben Ingham

Non-Committee Members

Paul Diviani

Graham Godbeer

Jim Knight

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 14 July 2015

Attendance list at end of document

The meeting started at 11am and ended at 4.35pm.

***18 Minutes**

The minutes of the Development Management Committee meetings held on 3 June 2015, 16 June 2015 and 23 June 2015 were all confirmed and signed as true records.

***19 Declarations of interest**

Cllr Matt Coppel; 15/1187/FUL; Personal interest; Lives adjacent to the application site.
Cllr Ben Ingham; 14/2946/MFUL & 14/2947/LBC; Personal interest; Lives on Courtlands Lane.

Cllr Peter Burrows; 13/1091/MOUT & 15/1228/CPL; Personal interest; Seaton Town Councillor.

Cllr Steve Gazzard; 14/2946/MFUL & 14/2947/LBC, 15/1176/CPL, 15/1268/LBC & 14/1768/FUL; Personal interest; Exmouth Town Councillor.

Cllr Alan Dent; 15/0997/FUL; Personal interest; Budleigh Salterton Town Councillor.

Cllr Alison Greenhalgh; 14/2946/MFUL & 14/2947/LBC, 15/1176/CPL, 15/1268/LBC & 14/1768/FUL; Personal interest; Exmouth Town Councillor.

Cllr Alison Greenhalgh; 14/2946/MFUL & 14/2947/LBC; Personal interest; Acquaintance of a resident that lives near to the application site.

Cllr Mark Williamson; 14/2946/MFUL & 14/2947/LBC, 15/1176/CPL, 15/1268/LBC & 14/1768/FUL; Personal interest; Exmouth Town Councillor.

Cllr Chris Pepper; 15/0453/FUL; Personal interest; Broadclyst Parish Councillor.

***20 Plot 406 Hawkerland, Colaton Raleigh update**

The Strategic Lead – Legal, Licensing and Democratic Services updated the Committee that following the resolutions made in respect of Plot 406 Hawkerland at a previous meeting, the High Court had granted a final injunction against the owner of the site.

***21 Planning appeal statistics**

The Committee received and noted the Development Manager's report setting out appeals recently lodged and four appeal decisions notified, of which three had been dismissed.

The Development Manager advised Members that following the Local Plan Enquiry held the previous week; further work was required in respect of the Council's five year land supply. As result of this, when considering applications full weight could not be given to the Council having an up to date supply and therefore applications needed to be considered on sustainability.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 4 – 2015/2016.

Attendance list

Present:

Committee Members

Councillors:

David Key (Chairman)

Mike Howe (Vice Chairman)

Mike Allen

David Barratt

Susie Bond

Colin Brown

Peter Burrows

Paul Carter

Matt Coppel

Alan Dent

Steve Gazzard

Alison Greenhalgh

Simon Grundy

Ben Ingham

Chris Pepper

Mark Williamson

Officers

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

Alison Hayward, Senior Manager - Regeneration & Economic Development

Rob Murray, Economic Development Manager

Chris Rose, Development Manager

Hannah Whitfield, Democratic Services Officer

Jeremy Upfield, Devon County Council Highways

Also present

Councillors:

Megan Armstrong

Andrew Moulding

Pauline Stott

Apologies:

Non-Committee Members

Councillors

Paul Diviani

Jill Elson

Steve Hall

Jim Knight

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Planning Inspections Committee held at Knowle, Sidmouth on 17 April 2015

Attendance list at end of document

The meeting started at 10.30am and ended at 11.00am.

***25 Minutes**

The minutes of the Planning Inspections Committee meeting held on 20 February 2015 were confirmed and signed as a true record.

***26 Declarations of interest**

There were none.

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

The Committee considered the following application:

Exmouth Halsdon: 14/2912/FUL – Construction of attached two storey dwelling at 2 Gipsy Lane, Exmouth

The Committee report considered by the Development Management Committee on 31 March 2015 can be viewed at:

<http://eastdevon.gov.uk/media/1002890/310315-combined-dmc-agenda-compressed.pdf>

RESOLVED: APPROVED with conditions as per recommendation

Attendance list

Present:

Committee Members

Councillors:

Helen Parr (Chairman)

David Key (Vice Chairman)

David Atkins

Geoff Chamberlain

Alan Dent

Geoff Pook

Peter Sullivan

Mark Williamson

Officers

Henry Gordon Lennox, Strategic Lead – Legal and Democratic Services

Nick Hill, Locum Solicitor

Chris Rose, Principal Planning Officer

Chris Lane, Democratic Services Officer

Ward Members

Councillors:
Pauline Stott

Apologies

Committee Member
Councillor Martin Gammell

Ward Member
Councillor Jill Elson

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Planning Inspections Committee held at Knowle, Sidmouth on 1 May 2015

Attendance list at end of document

The meeting started at 10.30am and ended at 11.09am.

***28 Minutes**

The minutes of the Planning Inspections Committee meeting held on 17 April 2015 were confirmed and signed as a true record.

***29 Declarations of interest**

There were none.

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

The Committee considered the following application:

Ottery St Mary Town: 14/2820/FUL – Siting of a temporary mobile home for an agricultural worker at Ward Farm (land at), Ottery St Mary EX11 1PJ

The Committee report considered by the Development Management Committee on 21 April 2015 can be viewed at:

<http://eastdevon.gov.uk/media/1049543/210415-combined-dmc-agenda-compressed.pdf>

RESOLVED: APPROVED with conditions as per recommendation subject to an additional condition requiring the mobile home to be of an appropriate colour so to that was less visible in the landscape, which was to be agreed with the Local Planning Authority.

Attendance list

Present:

Committee Members

Councillors:

Helen Parr (Chairman)

David Key (Vice Chairman)

David Atkins

Roger Boote

Martin Gammell

Geoff Pook

Peter Sullivan

Mark Williamson

Officers

James Brown, Principal Planning Officer

Nick Hill, Locum Solicitor

Hannah Whitfield, Democratic Service Officer

Ward Members

Councillors:

David Cox

Roger Giles

Also Present:

Councillor Bob Buxton

Apologies

Committee Member

Councillor Alan Dent

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Audit & Governance Committee held at Knowle, Sidmouth on 25 June 2015

Attendance list at end of document

The meeting started at 3.30pm and ended at 4.55pm.

***1 Chairman's welcome**

The Chairman welcomes everyone to the meeting. He paid special thanks to the previous Chairman Ken Potter. He paid tribute to Ken's great drive to promote the importance of the Audit and Governance Committee to make it centre stage in the Council's work. The Council owed him a great deal of thanks for this service.

The Chairman introduced the Vice-Chair Cllr Dean Barrow.

***2 Public Speaking**

There was no public speaking.

***3 Minutes**

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

***4 Declarations**

None

***5 Audit and Governance - Terms of Reference**

The key functions of Audit and Governance were highlighted. These would be referred to for financial and other matters affecting the residents of East Devon. The Chairman suggested that all members on the committee keep a copy for future meetings.

RESOLVED:

that the terms of reference were noted.

***6 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 the year-end 31 March 2015 included: the Audit Plan and Audit and Governance update. The key challenges and opportunities facing the Council were:

- Shared Services
- Non-Domestic rates (NDR) accounting and appeals
- Office relocation
- Local Government Finance Settlement

The audit was designed around specific risks and 2 had been identified:

1. The revenue cycle includes fraudulent transactions
2. Management over-ride of controls.

Other risks identified were:

1. Operating expenses
2. Staff remuneration

Value for Money work would be undertaken to identify areas of risk. Work in the following areas to address the risks identified was:

- review the Council's medium term financial planning regarding plan to balance budgets and responsiveness to changes
- review the transition of ICT services to Strata and savings achieved
- consider sickness absence and effect on service delivery

There was discussion on the office relocation expenses; Grant Thornton stated all expenses were clearly shown.

Barrie Morris, Director from Grant Thornton highlighted other issues from the Audit and Governance committee update report.

- The second welfare reform report, 'Easing the burden', followed on from 'Reaping the benefits?' provided insight into the impact of welfare reform on English local authority and social housing organisations over the past two years.
- 'Spreading your wings' was the first in a series on alternative delivery models in local government. This report focused on how to set up a local authority trading company and how to make it successful.
- Inspection into the governance of Rotherham Council looking at functions on governance, children and young people and taxi and private hire licensing. Discussion around this case included the impact of this through licensing with members being assured that thorough checks were made on all taxi drivers in East Devon. Where drivers come from outside the EU, their prospective embassies were asked to do checks.

The Chairman thanked Barrie for the reports.

RESOLVED:

1. that the contents of the Audit Plan/Audit Committee update be noted;
2. that the Value for Money conclusion be reported to the Committee in September.

***7 Annual Audit Plan**

Members considered the report of Jo George, Assistant Director, SWAP. As a key element of its Governance arrangements the Council had a partnership arrangement with South West Audit Partnership (SWAP) to deliver an annual internal audit plan. The Assistant Director for SWAP, together with the Council's S151 Officer and in consultation with the Senior Management Team produced an Audit Plan for 2015-16 that was presented for approval by the Audit and Governance Committee in March 2015.

The plan was approved, subject to the following resolution:

"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." The revisions to the 2015/16 Audit Plan had now been made and were re-presented to the Committee for Approval. These included the addition of the following Audits:

- Use of Consultants
- Committee Decisions.

These audits replaced the audit on Regeneration, which had been removed from the Audit Plan as risks were now lower but would be relooked at be over the coming year if this changed.

RESOLVED:

that the revisions to the Internal Audit Plan of 376 days for April 2015 to March 2016 be approved.

***8 Internal Audit Charter**

The internal audit service, provided by the South West Audit Partnership Ltd (SWAP), worked to a charter that defined its roles and responsibilities and the roles and responsibilities of the District Council's managers to show transparency and delivery. Best Practice in corporate governance require that the Charter be reviewed and approved annually by the Audit and Governance Committee. The Charter was last reviewed by the Audit Committee at their meeting on 26 June 2014.

The report aims was to obtain endorsement from Members for the revised Internal Audit Charter for this current year. Only minor updates (such as job titles) had been made to the Charter since it was approved by the Committee last June.

RESOLVED:

that the Internal Audit Charter be approved.

***9 Annual Opinion report**

This report provided the outturn position for the Internal Audit Plan at the end of 2014/15 and also the Internal Audits overall opinion on the systems of internal control at East Devon District Council. The Audit and Governance Committee agreed the 2014/15 Internal Audit plan at its March 2014 meeting. An update was provided for Quarters 1 and 2 in September 2014 and Quarter 3 in January 2015. This report was the final outturn position at the end of Quarter 4.

Discussions included the delay in the production of some reports and the lead-time taken to commission reports. Jo suggested report writers be given advanced warning of at least one month. David Hill, SWAP stated it was difficult to collect Audit Partnerships benchmarking figures from the private sector because of commercial sensitivity. However benchmarks against audit services within local government were available.

RESOLVED:

that the content of the Internal Audit Annual Report and Opinion be noted.

***10 Year end full Risk Review 2014/15**

Members considered the report of the Management Information Officer; the Committee monitored high strategic and operational risks outside the bi-annual reporting (March/September). Members were told that risk owners were expected to review high risks on a monthly basis.

To acquire consistency in approach refresher training had been completed for risk owners since the last review. Offices accepted that risk descriptions needed to have plenty of detail of what was involved.

Discussions included:

- Concerns why Exmouth Town Hall lone working scores were lower than Landlord services.
- The question of risks for relocation – it was explained that the office relocation had its own risk review in place. The Management Information Officer had a summary of

this review; the Chairman requested this be reported to the committee at the next meeting.

The Chairman thanked the Management Information Officer for her report.

RESOLVED:

1. that the report be noted
2. that a summary of the relocation risk review be reported at the meeting in September.

***11 Draft Annual Governance Statement – year ended 31 March 2015**

The Council had a duty to comply with its Code of Corporate Governance to which there were 6 key principals:

1. Focus on purpose of the Council, vision for local area and outcomes for the community.
2. Members and officers working together to achieve a common purpose with clearly defined functions and roles.
3. Promoting values and upholding high standards of conduct and behaviour.
4. Taking informed and transparent decisions scrutinised and risk managed.
5. Developing capacity of Members and Officers to be effective.
6. Engaging with local people to ensure public accountability.

A final governance statement would be reported back to the committee in September once members had made comments to the draft statement. The Strategic Lead, Finance went through the scope of responsibility and explained the annual review would check the effectiveness of the governance framework. Improvements in governance arrangements were the new post of Corporate Counter Fraud & Compliance Officer. There was a report going to the next Cabinet meeting on the recent tribunal and ICO decisions.

SWAP audit recommendations during the year included three areas worth including in this Statement because of their nature:

- A review and update of the Council's Business Continuity Plan.
- Formal review of the Emergency Planning Service and ensure an up to date service level agreement is in place which reflects the Council's priorities.
- The need to adopt a social housing anti-fraud policy and that action is taken to ensure the editing of notes on the housing choice based letting system (Home Connections) is no longer possible.

The length of time taken on the Graham Brown investigation was raised. The Strategic Lead, Finance confirmed that SWAP had undertaken testing in the area of planning and risk of influence that could be placed on decisions made but this was in relation to controls in place to prevent fraud in general rather than an investigation into an individual's activities.

The 5 Year Land Supply and its monitoring was discussed, the committee structure and who was accountable for this was still ongoing. It was suggested this was put on the forward plan for future discussion. The Chairman requested assurance that the Council has a 5 Year Land Supply at all times and a mechanism on how to manage and monitor this. Members were not sure if this committee could ensure this but suggested it be taken up with the Overview of Scrutiny committees. An update of this situation was requested for the next Audit and Governance meeting.

RESOLVED:

1. that the draft statement be noted
2. that a final governance statement would be reported back to the committee in September
3. that the Planning Policy Manager update the committee on the position of the 5 Year Land Supply and its monitoring for the September meeting.
4. that the Chief Executive urgently addresses how the 5 Year Land Supply is monitored and which committee bears that responsibility.

***12 Annual Revenue and Capital Outturn report 2014/15**

This final outturn report had been discussed recently at Cabinet; the Audit and Governance committee would finally agree these accounts in September 2015. Cabinet had agreed various recommendation and it was hoped that this committee would do the same.

RESOLVED:

1. that the outturn 2014/15 position be noted and that the Cabinet decision be endorsed.
2. that the level of Reserves detailed in the report and the transfers recommended be agreed; namely;
 - a) The transfer of £0.941m from the General Fund into the Capital Reserve
 - b) The transfer of £0.619m into the NNDR Volatility Fund
 - c) The Transfer of £0.500m from the Housing Revenue Account into the HRA Business Plan Volatility Reserve.
 - d) The Transfers to other earmarked reserves for specific projects where funding contributions have been made in advance of spend and monies are held at year end to fund this work in future years. The Outturn Book contains full details of these transfers in 2014/15.

***13 Audit and Governance Forward Plan**

Members noted the contents of the Committee Forward Plan for 2015/16, which was updated during the meeting. The Planning Policy manager's 5 Year land supply update would be added to the Committee Forward Plan for September 2015. The risk review for the office relocation would be added for November 2015 as well as a quarterly review.

RESOLVED:

that the updated Forward Plan be noted.

***14 Annual audit fee letter 2015/16**

The Strategic Lead, Finance reported a reduction in fees over the last four years and the change of auditors later in the year was because of a government initiative. It was good practice to swap external auditors; Grant Thornton had been the auditors for over five years. The length of KPMG's contract was to be confirmed.

RESOLVED:

that the Annual audit fee letter 2015/16 be noted.

Attendance list

Present:

Councillors

Mark Williamson (Chairman)

Dean Barrow (Vice Chairman)

John Dyson

Steve Gazzard

Steve Hall

Ben Ingham

Bill Nash

Geoff Jung

Megan Armstrong

Ian Thomas, Portfolio Holder Finance

Apologies:

John Humphreys

Mark Williams

Officers:

Simon Davey, Strategic Lead – Finance

Joanne Avery, Management Information Officer

Amanda Coombes, Democratic Services Officer

Jo George, Assistant Director, South West Audit Partnership (SWAP)

David Hill, South West Audit Partnership (SWAP)

Kristian Hawkes, South West Audit Partnership (SWAP)

Barrie Morris, Director, Grant Thornton

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Committee held at Knowle, Sidmouth on Wednesday, 24 June 2015

Attendance list at the end of the document

The meeting started at 9.30am and ended at 11.20am

*1 Minutes

The minutes of the meeting of the Licensing & Enforcement Committee held on 18 February 2015, were confirmed and signed as a true record.

*2 Declarations of interest

Councillor Steve Hall

Minute 3

Disclosable Pecuniary Interest – private hire licence holder

Councillor Brian Bailey

Minute 3

Disclosable Pecuniary Interest – hackney carriage licence holder

Councillor Geoff Jung

Minute 3

Personal Interest

Councillor Colin Brown

Minute 3

Personal Interest

*3 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 pre-event meetings, that officers are involved with at the beginning of the year, for some of the large summer events that take place in East Devon. During February and April officers chaired multi-agency pre-event meetings for the Sausage and Cider Festival held in Honiton, Folk Week held in Sidmouth and also attended a meeting for the Kite Festival including two concerts held in Exmouth. Officers were also involved in checking the premises of the new Premier Inn on Exmouth Seafront prior to the premises opening to the public and with the opening of a new nightclub known as Fever (previously Pulse) situated in Exmouth Town Centre.

Members noted a report published by the Institute of Economic Affairs looking at the impact of the Licensing Act 2003 over the last decade. This indicated that evidence suggested the changes had neither a strong negative nor strong positive on alcohol-related health problems, public order or Accident and emergency admissions. The report conclusions included information on reduced drinking levels in the UK (including binge drinking) and continuing reductions in the levels of violent crime since the start of the new licensing regime.

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 drew attention to the Council's challenge of the veracity of supermarket employees' members' clubs in three Tesco branches within the district. This had the interest and support of the Gambling Commission, which was seeking talks with the main supermarket chains to provide guidance.

Members noted that in recent weeks North Devon District Council licensing officers had been liaising with East Devon officers as the same operator who made the unsuccessful applications to this council was in the process of making similar applications relating to Tesco in North Devon. The Licensing Manager also reported that since the report was compiled he had received a similar enquiry from Teignbridge District Council

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 now carried out works to lower the pavement at one end of the Strand, Exmouth taxi rank.

Councillor Jim Knight reported that Devon County Council had discussed the removal of the taxi rank in Beer and had said that they would expect Beer Parish Council to pay for the traffic order to remove the taxi rank, which was expected to cost between £3-6,000.

Councillor Brian Bailey raised an issue in relation to the licensing of hackney carriage vehicles that were just outside the four year age limit for licensing. He asked that more vigorous tests be made on these vehicles. The Licensing Manager confirmed that this had been investigated and that in future where applicants sought to licence vehicles over 4 years old for the first time they will be advised that members of the Licensing & Enforcement Sub Committee who are considering the application will be expecting the applicant to provide a comprehensive inspection report of the vehicle carried out by a recognised inspection regime nominated by the council. In addition any essential repairs highlighted in the report would also need to have been completed.

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

4. 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. The applications for Street Trading pitches on the Esplanade at Sidmouth during Sidmouth Folk Week had been made available on the council's website on the 1 April. The applications for all available 60 pitches were oversubscribed and there was a waiting list being run. The Licensing Manager confirmed that a report

requesting for authority for public consultation to be undertaken on changing the current Street Trading arrangements in East Devon would be considered by the Overview Committee at its meeting on 30 June. The final decision on this policy was within the power of this Committee.

The Licensing Manager reported that the Local Government Association had been a strong supporter of the new Scrap Metal Dealers Act 2013 when it came into force and a copy of a recent press release on the subject by the LGA was attached to the report.

5. Consultations

The minutes of the taxi liaison meeting held on Wednesday 1 April 2015, were attached to the report. The next meeting would be held on Thursday 29 October.

Members noted that a member of the Licensing Team attended the quarterly East and Mid Devon Drug and Alcohol Group meetings, arranged by Gerry Moore, Anti Social Behaviour Safety Co-ordinator. They requested that Gerry Moore be invited to a training session after a future meeting to explain the work of the Group.

6. Member Training

There had been a one day training seminar for members on Monday 8 June 2015 held in the Council Chamber and was taken by Philip Kolvin, QC. The event was very well attended with a total of 65 attendees including councillors and officers from South Somerset, Mid and West Devon, South Hams and Exeter together with three police personnel. The Chairman wished to thank all those members who attended the training. It was envisaged that further short training sessions on specific areas of licensing, for example taxi or gambling licensing would be run at the end of the Committee's quarterly meetings.

7. Entertainment Deregulation came into effect 6 April 2015

The Licensing Manager reported that as a result of the Legislative Reform (Entertainment Licensing) Order 2014 various aspects of entertainment deregulation contained in the Order came into effect from 6 April 2015. The Order generally exempted a number of entertainments up to 11pm only.

8. Deregulation Bill finally receives Royal Assent

The Deregulation Bill received Royal Assent of Thursday 26 March and became the Deregulation Act 2015. The Act brought a swath of deregulation measures across many aspects of our lives, including licensing law. Included were the abolition of the requirement to renew Personal licences and changes to the duration of taxi driver licences and Private hire operator licences.

RESOLVED: that the report be noted.

- *4 Deregulation changes to the duration of Hackney Carriage and Private Hire driver licences and Private Hire operator licences and a proposal to change the council's current default taxi licence expiry dates

Members noted that from 1 October 2015 there would be a deregulation change effecting the duration of Hackney Carriage and Private Hire driver licences and Private Hire Operator licences. In particular there would be a requirement for the

council to offer 3 year driver licences. In order to ensure that all drivers remained fit and proper to carry out their role the Licensing manager requested that the Committee approve a policy of requiring all drivers to produce their DVLA driving licence and share their electronic driving licence record with the licensing authority at initial application, at each renewal and at the end of year one and two of a three year hackney carriage or private hire driver's licence. The licensing Manager also sought the committee's approval of the proposal to change the current taxi licence default expiry date of one per year of 31 May for all Private Hire licences and 31 October for all hackney carriage licences to 12 default dates annually for all taxi vehicles.

RESOLVED:

1. that the legislation requirements introduced by the Deregulation Act 2015 and effective from the 1 October 2015 to introduce 3 year hackney carriage and Private Hire Driver licences and 5 year Private Hire Operator licences be noted;
2. that a policy requiring all drivers to produce their DVLA driving licence and share their electronic driving licence record with the licensing authority at initial application, at each renewal and at the end of year one and two of a three year Hackney Carriage or Private Hire Driver's licence be approved;
3. that a move from one annual licence default expiry date of 31 May for Private Hire licences and 31 October for Hackney Carriages to twelve monthly default dates (the last day of each month) for all taxi licences be approved. This to be effective from 1 October 2015.

*5 Any other business

Exmouth Festival

Councillor Maddy Chapman raised the issue of the TEN notice served allowing the Manor Garden café to serve alcohol after normal licensed hours during Exmouth Festival. This had caused Exmouth Town Council a number of problems, particularly regarding allocating security staff to oversee the activities of members of the public buying alcohol from this facility in the family orientated area. Councillor Chapman indicated this was a recurring issue and centred around the need for the Manor Garden café operators to supply their own security staff. It was suggested that Exmouth Town Council, as the festival organisers, should liaise with the Exmouth Police during the planning of next year's Exmouth Festival. If the police supported the Town Council's view they could bring pressure of the café to provide sufficient security staff and if that failed they could object to any TENs served by the café for this event in future years.

Attendance list

Councillors present

Steve Hall (Chairman)
Jim Knight (Vice Chairman)
Megan Armstrong
Brian Bailey
Dean Barrow
Matthew Booth
Colin Brown
Maddy Chapman
John Dyson
Pat Graham
Alison Greenhalgh
Geoff Jung

Cherry Nicholas

Officers present

John Tippin, Licensing Manager

Steve Saunders, Licensing Officer

Giles Salter, Solicitor

Chris Lane, Democratic Services Officer

Apologies:

Councillors:

John O'Leary

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Licensing &
Enforcement Sub-Committee held at Knowle, Sidmouth on
Wednesday, 22 April 2015

Attendance list at the end of the document

The meeting started at 9.30 am and ended at 11.25 am

- *37 Minutes
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 8 April 2015, were confirmed and signed as a true record.
- *38 Application for a variation of a premises licence to amend the layout of the premises and to extend the hours for entertainment, late night refreshment, the sale of alcohol on and off the premises and opening hours on a Wednesday at Fever, 7 The Parade, Exmouth

The Sub Committee gave consideration to an application for a variation of a Premises Licence to amend the layout of the premises and to extend the hours for entertainment, late night refreshment, the sale of alcohol on and off the premises and opening hours on a Wednesday at Fever, 7 The Parade, Exmouth.

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 town centre 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.

At the start of the hearing the Licensing Officer updated the sub committee on the latest developments. Mrs Jill Wheller, EHO had attended the premises very recently at the invitation of the applicant to set the limiter levels in an attempt to further dampen the escape of music, particularly the bass to which the interested party (Mr Gibbon) referred. The sound system had been turned down by 10dB. Mrs Wheller was confident that for the present time the noise nuisance would be limited and acceptable within Mr Gibbon's flat with the windows closed, although she acknowledged that some further 'tweaking' was required to ensure the limiter was

correctly set for night time, and to a level where Mr Gibbon could open his bedroom windows. She hoped to be attending the premises with the applicant's engineer very shortly to ensure that further testing and setting was undertaken.

The applicant's case represented by Mr Andrew Woods of Woods Whur Solicitors and Nigel Blair – applicant, was that the Fever Group was experienced in running 25 premises throughout the UK and dealing with and managing issues associated with the type of premises which was the subject of the application.

There had been investment of £200k in the premises with 30 new employees. It had been open since the 27 March on Temporary Event Notices. The premises had been installed with sound proofing and there was an appropriate distributed 14 speaker sound system installed which would attenuate (reduce the effect of) the noise escape from the premises.

The General Manager, Mr Mason, who was present, had distributed leaflets to all residents in the area prior to the club opening which stated the management's desire to cooperate and work with residents so that the club could coexist in an amicable ongoing relationship of trust with residents. Mr Mason was a resident above the club.

Mr Woods stated that there appeared to be little issue with the first part of the variation which was the change to the internal layout. There had been no representations from the Police or Environmental Health. The club had inherited 69 conditions on its premises licence and conditions 39- 44 dealt with issues of noise and control. The reason for the extension of hours was to match competitors' hours within the town.

It was acknowledged that the smokers outside the club on the public highway were difficult to manage and condition. However Mr Blair and Mr Mason stated that they would revisit the matter. There was an offer made to Mr Gibbon that the cordoned area would be moved to the other side of the entrance during the early hours of Thursday am. Mr Mason stated that whilst he had dialogue with residents he had been unable to speak with Mr Gibbon who had appeared reluctant to engage in dialogue.

Mr Blair stated that management used incident mapping, Challenge 25, fixed and roving security within the premise to ensure that the club was effectively run. He was willing to ensure that a member of staff was available to supervise the smoking area at all times.

Mr Mason stated that he ensured that any issues raised by a resident about the management and supervision of the club would be addressed within 24 hours.

The interested parties' case was on paper regarding the prevention of public nuisance. The constant and intolerably loud thumping bass which penetrates the party's bedroom between 9.30pm and 3.30am, prevented sleep.

On about three occasions the rear door of the property had been opened at around 2.30am which led to the bass beat intensifying and waking Mr Gibbon up. There was also a problem with patrons standing outside the rear door in the early morning talking loudly. This had woken him up and it was difficult to get back to sleep.

There was also continuous loud noise, and on three occasions Mr Gibbon had heard shouting and swearing from a 'street party' of about 12 smokers in the cordoned-off area on the pavement outside of the front of the club. This was loud and prevented him from sleeping in his front bedroom. Mr Gibbon feels that it was difficult for the club to control this noise because it related to the amount of alcohol that the patrons had consumed.

At the hearing Mr Gibbon added that the setting of the noise limiter had improved matters although he could not sleep in his rear bedroom with a window open.

He still had some concerns about the management of the smoking area at the front of the club in the early hours of the morning, and with doors being opened in the alley way at the rear which led to him being woken up.

The Sub Committee carefully considered the operating schedule put forward by the applicants and the likely impact of the application. In relation to the evidence heard regarding the history of the premises, members considered that the establishment would be well managed with suitable conditions in place.

The Sub Committee did have some concerns with the issue of noise nuisance for residents and particularly for Mr Gibbon and for that reason they were pleased that the applicant and interested party had attempted to reach a compromise to manage the concerns raised.

The Sub Committee also welcomed the applicants' willingness to work with the council's Environmental Health Officer and it was acknowledged that the applicant agreed that the sound system required further monitoring by the EHO and the applicants' engineer to ensure that night time dB levels were appropriate.

The Sub Committee had carefully considered the operating schedule put forward by the applicants and the likely impact of the application. In relation to the evidence heard regarding the history of the premises, it was considered that the establishment will be well managed with suitable conditions in place.

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 believed 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 extent of the areas within which the various activities will be permitted is as indicated by the legends on the applicants plan.
- b) Permitted hours for the various licensable activities will as set out in the amended Appendix A.
- c) The conditions are shown in Annexes 1, 2 & 3.
- d) Amend Condition 44 of Annexe 2 to read "a noise limiter to be set at a level to the satisfaction of the Council's Environmental Health Officer".
- e) Condition 41 "The Sub Committee would like the applicant to review the issue of signage at key exit points so that noise nuisance is managed appropriately and with consideration for the surrounding residential premises".
- f) Mr Gibbon to be issued with a phone number that is directly connected to the manager on duty on any day the premise is open.
- g) The smoking area to be closed at 2.45am on Thursday mornings.
- h) The applicants' plan to be amended to remove the "smoking area" which is misleading because it refers to an area within the building.

2.

the designated Premises Supervisor will be: John Mason.

Attendance list

Councillors present:

Steve Hall (Chairman)
Jim Knight (Vice Chairman)
Frances Newth

Apologies:

Councillor Steve Gazzard
John O'Leary

Officers present:

Giles Salter, Solicitor
Neil McDonald, Licensing
Chris Lane, Democratic Services

Chairman Date