

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the Meeting of the Council held at Knowle, Sidmouth, on Wednesday, 16 December 2015**

**Attendance list at the end of document.**

The meeting started at 6.30 pm and ended at 8.05 pm

#### **\*41 Public Speaking**

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

One question had been received with notice under the terms of 'questions and statements by the public' in respect of broadband provision in the area. The Chairman asked the member of the public to read out his questions to Council.

Question received with notice – Graham Long.

*The Council may be aware that at their Phase 2 Supplier Day in Taunton on December 4, Connecting Devon & Somerset announced that it is proposing to include the whole of the East Devon Area in one "lot" along with half of Mid Devon and part of Taunton Deane for suppliers to bid for in the Phase 2 ITT they intend to publish in February.*

*Because CDS failed to secure a Phase 2 contract before June 30, 2015, the EU Competition Commissioner is now requiring the large area of the two counties to be broken into smaller lots and the East Devon/Mid Devon/Taunton Deane lot is one of 6 Phase 2 lots that CDS now envisage running open market tenders for, funded by the BDUK £22.75M Phase 2 allocation plus local match funding. Please answer the following questions:*

*1. Will EDDC be claiming the East Devon component of the £22.75M Phase 2 allocation from BDUK for its "pivotal broadband project" announced at the 2 December Cabinet meeting or is EDDC content to forgo that funding, allowing it to go to other areas of Devon & Somerset and rely solely on funding from the BDUK Innovation Fund?*

*2. If EDDC is successful in obtaining funding from the BDUK Innovation Fund, will EDDC also invest in the programme? If so what level of investment is EDDC envisaging making and what level of investment, if any, does EDDC envisage raising from the public sector?*

Councillor Ian Thomas, Portfolio Holder, Finance, responded to the questions put by Mr Long, advising that they should be directed to Connect Devon and Somerset. He advised that there were two broad pieces of work – the Phase 2 project was intended to provide 95% Broadband coverage across the area, up from the 90% in the current contract. This was fundamentally different to the extra money that was being sought by the Council to extend coverage to 100%, rather than 95% - the two were not necessarily exclusive. Regarding the splits into smaller lots, which were a result of the EU Commissioner's intervention, this was an expectation expressed by Connecting Devon and Somerset some months ago. This was due to BT not being likely to want to take on the larger geographic area, and also, if it was envisaged that smaller contractors and suppliers were going to

take up the work, there would only be a few capable of taking on the whole of the geographic area.

The Chairman advised that under the Council's terms in respect of questions submitted in advance, the questioner now had the right to ask a supplementary question relevant to the original question printed above.

Mr Long advised that in the second part of his question he had asked about the funding that the District Council envisages investing and at what level – he said that this had not been answered. In response Cllr Thomas advised that he would follow the questions up with the Portfolio Holder responsible, who unfortunately was not able to be present at the meeting, and would provide a written answer. However, he could advise that in relation to the BDUK innovation fund, the District Council had made an expression of interest which was a positive step and, in relation to the match funding of Phase 2, as far as he was aware, no District Council had yet put forward funds.

The Chairman thanked Mr Long for his questions. Five other members of the public had indicated they wished to address the Council and the Chairman invited each of them forward in turn. As all of the questions and statements related to the development of Exmouth seafront, the Chairman advised that an answer would be provided after all the speakers had been heard.

Honorary Alderman Trevor Cope highlighted the rapid changes within Exmouth. He asked that when plans relating to the redevelopment of the seafront became available they should be published in the public domain without delay.

Lousie MacAllister spoke about the Exmouth Seafront Survey produced by Cllr Megan Armstrong. She advised that as a researcher she had considered the results of survey – respondents had included both residents and visitors - and prepared a report. She asked for the opportunity to be able to present the data to the Council. She advised that she did not feel that some Councillors had taken the results of the survey seriously and asked how the results would be used when making decisions regarding the seafront redevelopment.

Kellishea Gillard referred to the consultation undertaken at Exmouth Community College regarding plans for the redevelopment of the seafront, which she advised had included a water park. She felt that students had been misled, as since the consultation the plans had changed. She asked the Council how they could justify supporting plans for the redevelopment of the seafront which were so different from those that had been consulted on.

Malcolm Marrett advised that during a consultation in December 2012 on the redevelopment of Exmouth seafront, the public had been advised that there would be no new residential accommodation. However, proposals revealed in August 2015 showed an area between the Bowling Green and Lifeboat station with two three storey blocks to include flats and retail with no local recreation areas. He advised that the public had been misled and that the public should be re-consulted if it was now the Council's intention to provide residential accommodation in the area.

Alec Huett referred to the maintenance and clearance of the large amounts of sand build up on Queen's Drive, which was currently being undertaken by the Council, and asked who would be responsible for the maintenance if the area was redeveloped.

The Chairman thanked the members of the public for their questions and invited the Deputy Chief Executive to respond. In response the Deputy Chief Executive advised that:

- The Council had received, and would continue to receive, a lot of correspondence relating the redevelopment of the seafront.
- With regard to plans for the redevelopment, early drawings had been in circulation - however beyond that there were no firm proposals at this stage.
- Cllr Armstrong's Exmouth Seafront survey had been circulated to all Members. Alongside the Council's formal consultation it further showed the breadth of opinions of residents and visitors and it would be made available to the development partners.
- EDDC had gained a lot of constructive suggestions from the students at Exmouth College. This had been part of an extensive mix of consultation undertaken by EDDC regarding the developing plans for Queens Drive.
- Regarding the residential proposals, this was not something that had been originally included for the area in question within the outline planning permission. Any proposals to include residential use by developers would need to be agreed through the planning process. This would include consultation and the opportunity for the public to comment.
- This was a seafront with two miles of sandy beach and sand blew over the sea wall. Businesses had and would continue to operate right on the seafront. Any development in the area would involve cleaning and maintenance solutions.

**\*42 Minutes**

The minutes of the meeting of the Council held on 21 October 2015 were confirmed and signed as a true record.

**\*43 Declarations of interest**

Councillor Steve Gazzard; Minute No.49

Type of interest – Personal

Reason – Exeter City Football Club Trust Member and season ticket holder

Councillor Stuart Hughes; Minute No.49

Type of interest – Personal

Reason – Exeter City Football Club Trust Member

Councillor Roger Giles; Minute No.49

Type of interest – Personal

Reason – Exeter City Football Club Trust Member and season ticket holder

**\*44 Exclusion of the public**

Officers recommended that consideration of Cabinet Minute 133 – Heart of the South West Devolution be discussed in Part B due to it relating to the business affairs of the Council and the details of the bid being embargoed.

\*45 **Matters of urgency**

No matters of urgency had been identified.

\*46 **Chairman/Leader notices/announcements**

- a) The Chairman advised with sadness that former Councillor Ken Turner had passed away in October. Ken was elected in 1991 and represented Exmouth Withycombe Raleigh Ward until 1999, when he decided not to seek re-election. During his time on the District Council, Ken had served on a range of Committees including Policy, Exmouth Town, Planning, Amenities and Public Health. He also served this Council on a number of Sub-Committees which dealt with sports and culture. The Chairman invited Members to stand in silence as a mark of respect.
- b) The Chairman invited Members, Honorary Aldermen, partners and Offices to join him for his Christmas reception at the close of the meeting.
- c) The Chairman reminded Members to check their pigeon holes for post before leaving the offices.

\*47 **Questions (Procedure Rules 9.2 and 9.5)**

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

- a) Question 1 – Before asking his supplementary question Cllr Longhurst advised that he did not feel that his questions had been adequately answered. In response, the Deputy Chief Executive commented on each of the questions asked:
  - a. It was reiterated that there were legal proceeding that prevented consultations proceeding at this stage.
  - b. Response to the question gave endorsement.
  - c. There would be public consultation in advance of any planning permission being granted.
  - d. Consultations would be proceed as soon as possible, however as advised there were legal proceeding that had to be adhered to first.

In response to the supplementary question, the Leader confirmed that the consultation would be fair and impartial and that there was no reason that Members from the opposition party/group could respond into any consultation process.

- b) Question 2 – In response to the supplementary question the Deputy Chief Executive clarified that the Exmouth Regeneration Executive Group was made up of Officers and Members and was chaired by the Portfolio Holder – Strategic Development and Partnerships. The role of the Group was to take forward the decisions of Cabinet and Council relating to the regeneration of Exmouth and inform the Regeneration Board.

- c) Question 3 – In response to the supplementary question the Deputy Chief Executive advised that the Council had agreed a budget for enabling infrastructure relating to Queen’s Drive. Negotiations would continue to secure capital receipts from future development.
- d) Question 4 – In response to the supplementary question, the Leader advised that he was not aware of any Councillor using their representation on an outside body to promote their private interest. However, he would follow this up with the Councillor concerned.
- e) Question 5 – No supplementary question asked.
- f) Question 6 – In response to the supplementary question, the Portfolio Holder – Environment referred the Councillor to the answer given regarding difficulties with composting at the depots and issues with debris. He highlighted that EDDC had one of the highest recycling rates in the Country.
- g) Question 7 – No supplementary question asked.
- h) Question 8 – In response to the supplementary question, the Deputy Chief Executive advised that future documents relating to the relocation from the Knowle would be provided on a ‘real time’ basis. He congratulated officers for publishing the documents to date in such a short time frame, having had to check confidentiality and completeness – this was on top their other work responsibilities.
- i) Question 9 – In response to the supplementary question, the Leader advised that there was £10m of funding available from April 2016 which had not yet been allocated.

\*48 **Minutes of Cabinet and Committees**

**RESOLVED**

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

**Cabinet**

Minutes 107 – 121, 122 – 141 (excluding minute 133 which was considered in Part B)

**Development Management Committee**

Minutes 44 - 51

**Audit and Governance Committee**

Minutes 25 - 32

**Licensing and Enforcement Committee**

Minutes 13 - 18

**Licensing and Enforcement Sub Committee**

Minutes 21 - 24

2. that the under-mentioned minutes be received.

Cabinet (minutes 115, 130, 131, 132) had noted or accepted the following Overview/Scrutiny Committees' recommendations with or without amendment.

**Overview Committee**

Minutes 14 - 23

**Scrutiny Committee**

Minutes 25 – 33, 34 – 40

**Overview and Scrutiny Committees – joint meeting**

Minutes 9 – 14

**Housing Review Board**

Minutes 34 - 48

Arising from consideration of the above minutes:-

**a) South East Devon Habitat Regulations Joint Committee (Cabinet Minute 120, recommendation 4)**

The Strategic Lead – Legal, Licensing and Democratic Services advised Members that since Cabinet had put forward the recommendations at its meeting on 4 November, due to the position adopted by Teignbridge District Council and no action by Exeter City Council, further discussion was required with Exeter City Council and Teignbridge District Council regarding the scrutiny arrangements for the Joint Committee. The matter was therefore deferred.

**b) Scrutiny Committee**

In presenting the minutes, the Chairman, Cllr Roger Giles, wished to thank members of the Committee and officers, particularly Debbie Meakin, for their work over the past few months.

**c) Licensing and Enforcement Committee**

In presenting the minutes, the Chairman, Cllr Steve Hall, drew Members' attention to minute 16 – Licensing Act 2003 as a recommendation to the Council – this was not clear from the minutes.

**\*49 Changes to representation on Outside Body**

Members were asked to formally allocate Councillors (one member, plus two substitutes) to formally represent the Council at future meetings of the Salisbury-Exeter Lineside Consortium of Authorities (SELCA). Formal representation from the Council would appropriately acknowledge the importance of rail transport to the district and help to promote future improvements to the service.

**RESOLVED**

that Councillor David Foster be appointed to represent the Council at meetings of the Salisbury-Lineside Consortium of Authorities (SELCA) and Councillors Brian Bailey and Phil Twiss be appointed a substitute representatives.

\*50 **Presentation – Football in the Community, Exeter City Football Club**

Member received a presentation from Julian Tagg and Jamie Vittles from Exeter City Football Club on the Club's Football in the Community scheme. The presentation included details of this 'not for profit scheme' and the positive work carried out for the benefit of the wider community including hard to reach groups. The Council was asked to work with the Club as a key partner. The strategic aims of the Community Scheme, which were far broader than football provision, were:

- Sports participation
- Education
- Inclusion
- Health and well being

The Chairman thanked Mr Vittles and Mr Tagg for their informative and positive presentation.

\*51 **Exclusion of the public**

that under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, being information relating to the business affairs of the Council, is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B).

\*52 **Heart of the South West Devolution – (Cabinet minute 133)**

The Leader presented the minute which included a recommendation to Council that the Leader to be given delegated authority to sign the proposed Devolution Bid on behalf of EDDC. The item had been taken in Part B (Private Session) to allow Members to question the detail of the Bid as this was currently embargoed.

The Chairman invited questions – there were none.

The approval of the minute and related recommendation would be held over to an appropriate meeting of the Council in the New Year.

**Attendance list**

**Councillors present:**

Stuart Hughes (Chairman)  
Helen Parr (Vice Chairman)  
Mike Allen  
Megan Armstrong  
Brian Bailey  
David Barratt  
Dean Barrow  
Matthew Booth  
Peter Bowden  
Colin Brown  
Paul Carter  
David Chapman

Iain Chubb  
Matt Coppel  
Paul Diviani  
John Dyson  
Jill Elson  
Peter Faithfull  
David Foster  
Cathy Gardner  
Steve Gazzard  
Roger Giles  
Graham Godbeer  
Pat Graham  
Alison Greenhalgh  
Simon Grundy  
Maria Hale  
Steve Hall  
Marcus Hartnell  
John Humphreys  
Ben Ingham  
Geoff Jung  
David Key  
Jim Knight  
Rob Longhurst  
Dawn Manley  
Andrew Moulding  
John O'Leary  
Christopher Pepper  
Geoff Pook  
Val Ranger  
Marianne Rixson  
Philip Skinner  
Pauline Stott  
Brenda Taylor  
Ian Thomas  
Mark Williamson  
Eileen Wragg  
Tom Wright

**Honorary Aldermen:**

Trevor Cope  
Ann Liverton  
Frances Newth  
Tim Wood  
Steve Wragg

**Officers:**

Richard Cohen, Deputy Chief Executive  
Henry Gordon Lennox, Strategic Lead – Legal and Democratic Services  
Hannah Whitfield, Democratic Services Manager

**Councillor apologies:**

Susie Bond  
Peter Burrows  
Maddy Chapman  
Alan Dent  
Ian Hall  
Mike Howe  
Douglas Hull  
Bill Nash  
Phil Twiss

**Honorary Aldermen apologies:**

David Cox  
Christine Drew  
Stephanie Jones  
Graham Liverton  
Bob Peachey  
Margaret Rogers

Chairman .....

Date .....