

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the Meeting of the Council held at Knowle, Sidmouth, on Wednesday, 21 December 2016**

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

The meeting started at 6.30pm and ended at 8.32pm

**\*45 Obituaries – Honorary Alderman Dr Bill Waterworth and Honorary Alderman Trevor Ffoulkes**

The Chairman formally reported, with great sadness, the loss of two Honorary Aldermen since the last meeting of Council. Honorary Alderman Bill Waterworth who had passed away at the end of October and Honorary Alderman Trevor Ffoulkes in early November.

Dr Bill Waterworth was elected onto the Council in 1991, representing Eden Vale Ward until 2003 when boundary changes meant that his Ward was then Coly Valley. In his 16 years of service, Dr Waterworth served on a range of Committees including those on which he was given positions of responsibility. He also served on a number of Sub Committees, Panels and Forum including the Rural Aid/Community Fund Panel and Town Enhancement Grants Sub Committee appreciating the importance of local involvement and grass root funding. He was renowned for his attention to detail.

Trevor Ffoulkes was elected onto the Council in 1987, representing Seaton Ward. During his 16 years of service on the Council, Trevor served on a range of committees, sub committees and working parties including those on which he was given positions of responsibility. He cared deeply about his local ward and was a member of a number of committees and working parties which sought to achieve the best for Seaton – such as the Seaton Town Centre Regeneration Scheme Steering Group, Seaton Town Hall Advisory Committee and Seaton Arts Festival Working Group.

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

**\*46 Public speaking**

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

Sally Galsworthy spoke on the Queen's Drive development making reference to the one remaining developer involved in the project and commenting on the risks should that developer pull out. She spoke of the anger of the residents in Exmouth towards the project expressed at meetings, the town poll and on a recent march, which had been attended by some 400 people.

Laura Freeman made reference to the outcome of the recent town poll seeking additional independent consultation on the redevelopment of Queen's Drive. She considered that despite the restricted opening times of the poll, there had been a good turnout and that the outcome should be honoured and not ignored. She requested that the whole project be reviewed with a new outline application reflecting what the people of Exmouth wished to see for the area.

Jane Ashton spoke on the costs relating to both the Queen's Drive development and relocation and also made reference to the collection of Section 106 and CIL contributions. She considered that the failure to foresee the additional costs involved in both projects was the result of the incompetence of those involved and that they should be removed from their positions. In respect of Queen's Drive she commented that it would cost the Council less if it was to start the whole project from scratch.

Alec Huett advised that he had attended many meetings in the past regarding the regeneration of Exmouth and that Queen's Drive had never been seen as a priority. He queried why the masterplan had changed so much from what had first been envisaged and commented that the plans would split the town into two leisure and retail zones. He advised that he was against any large development on the sea front when it should be the town centre that was the priority for regeneration works.

Richard Thurlow spoke on the increased costs relating to the refurbishment of Exmouth Town Hall – which would now cost more than refurbishing the Knowle. He advised that there was no detail or adequate rationale to explain the reasons for the increased costs and therefore did not consider that Members could make their decision based on fact.

Tony Green spoke on the Development Management Committee meeting held on 6 December and congratulated the Committee on their decision regarding the Knowle site. He stated that the Committee had to make their decision on material planning considerations only and therefore any comments relating to the relocation project or the adequacy of the existing building for its purpose should have been disregarded to avoid the appearance of bias. He asked for confirmation that this was the case and if so, asked that members of the committee be reminded of this.

The Chairman invited the Chief Executive to respond to questions raised by the speakers. In response to the first five speakers, the Chief Executive advised that no questions had been asked and therefore they would be noted as statements, however he advised that some of the issues raised were covered in the Cabinet minutes. In response to the last speaker, the Chief Executive advised that information was often submitted by the applicant giving reasons for a proposal – the key issue was that when the Committee came to vote they only did so on relevant material planning considerations and not immaterial planning considerations.

**\*47 Minutes**

The minutes of the meeting of the Council held on 26 October 2016 were confirmed and signed as a true record.

**\*48 Declarations of interest**

Councillor Stuart Hughes; Minute No. \*52

Type of interest – Personal interest

Reason – Devon County Cabinet Member for Highway Management & Flood Prevention

**\*49 Matters of urgency**

There was one matter of urgency relating to the review of the membership of the Community Fund Panel due to the availability of the existing membership to attend meetings.

**RESOLVED: that Cllrs Geoff Jung and Marianne Rixson replace Cllrs Matt Booth and Matt Coppel on the Community Fund Panel.**

**\*50 Chairman/Leader notices/announcements**

- Congratulations were passed to Cllr Maria Hale on the birth of her daughter.
- Members, Honorary Aldermen, Partners and Officers were invited to join the Chairman for his Christmas reception at the close of the meeting.
- The Leader wished everyone a happy Christmas and peaceful New Year.

**\*51 Questions (Procedure Rules 9.2 and 9.5)**

Fourteen 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 response to the supplementary question asked is set out below.

- a) Question 1 – In response to the supplementary question, the Portfolio Holder – Environment advised there was nothing to prevent Cllr Hull from viewing the finances relating to both the Thelma Hulbert Gallery and the Manor Pavilion Theatre.
- b) Question 2 – No supplementary question was asked.
- c) Question 3 – In response to the supplementary question, the Leader referred Cllr Longhurst to minute 89 of the Cabinet meeting held on 9 November 2016. He advised that when dealing with a site the size of Queen's Drive it was inevitable that there would be times when it was not possible to get exact costings.
- d) Question 4 – No supplementary question was asked.
- e) Question 5 – In response to the supplementary question, the Leader advised that where possible the best advice was sought. He did not consider it appropriate to compare a domestic project with an office relocation project.
- f) Question 6 – In response to the supplementary question, the Leader advised that Exeter City Council did not receive the level of the searches received by EDDC and referred Cllr Dyson to the answer to his original question which stated that by the end of February the target was to reduce the turnaround time to 48 hours. He could see no issue with there being a performance indicator linked to property search completions.
- g) Question 7 – In response to the supplementary question, the Portfolio Holder – Economy advised there would be consultation on phase two of the project as part of the planning process and consultation on phase three of the project.
- h) Question 8 – In response to the supplementary question, the Portfolio Holder – Economy referred Cllr Armstrong to the answer to her original question.

- i) Question 9 – In response to the supplementary question, the Portfolio Holder – Economy spoke of disappointment about the delays to the progress of Queen’s Drive. The Council had not wanted to be in legal proceedings with its tenants and would have preferred to try and reach agreement - Officers had done their utmost to try and achieve this. The length of the delay could not have been foreseen and over the two year delay it was inevitable that things would change. The Council was now in a position where it could push forward with its exciting investment plans for Exmouth.
- j) Question 10 – In response to the supplementary question, the Leader advised that Development Management Committee had made its decision on the application relating to the Knowle site. With regard to the next step, communication was awaited from the applicant - whatever their decision the Council would deal with it and move forward.
- k) Question 11 – In response to the supplementary question, the Leader advised that it was possible for the price for the Knowle to be negotiated, however dialogue needed to be held with Pegasus Life and until then it was not helpful to speculate.
- l) Question 12 – In response to the supplementary question, the Leader advised that no change to those responsible for the relocation project was required and referred Cllr Gardner to the report that would be taken to the Audit and Governance Committee on 5 January 2017.
- m) Question 13 – In response to the supplementary question, the Leader advised documents would be released in due course.
- n) Question 14 – In response to the supplementary question, the Leader advised that the officer referred to had given their professional opinion at the Cabinet meeting.

\*52 **Minutes of Cabinet and Committees**

**RESOLVED**

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

**Cabinet**

Minutes 74 – 92, 93 – 113

**Strategic Planning Committee**

Minutes 15 – 22

**Development Management Committee**

Minutes 23 – 26, 27 – 30

**Audit and Governance Committee**

Minutes 24 – 35

**Standards Committee**

Minutes 8 – 14

**Licensing and Enforcement Committee**

Minutes 4 – 8

**Licensing and Enforcement Sub Committee**

Minutes 11 – 13

that the under-mentioned minutes be received.

Cabinet (minutes 83, 85, 103, 104) had noted or accepted the following Overview/Scrutiny Committees' recommendations with or without amendment.

**Scrutiny Committee**

Minutes 19 – 25, 26 – 32

**Overview Committee**

Minutes 9 – 14, 15 – 19

Arising from consideration of the above minutes:-

➤ **Cabinet (minute \*83 – Overview Committee minute \*13 – Quality of house building in East Devon)**

Cllr Hull spoke on the role of the National House Builders Council (NHBC) and the need for an in depth study into the way that the NHBC undertook their checks as he considered these to currently be inadequate. He thanked the Chief Executive for including his request in the letter to Mr Coleville MP.

➤ **Cabinet (minute 89 – Queen's Drive site, Exmouth update)**

Cllr Longhurst referred to the additional funds required for both the Queen's Drive and relocation projects. He considered there to be an insufficient breakdown of the finances to enable Members to make a decision on increasing the funds. He welcomed the report that would be presented to Audit and Governance on 5 January but proposed an amendment to the recommendation to include '...and the Council agrees that in projects of this nature, Councillors should receive regular updates every six months and statement of the budget and associated expenditure included as an agenda item and minuted at every meeting.' The amendment was seconded by Cllr Ingham.

Comments during discussion on the amendment included:

- There were no guarantees that grant fund applications would be successful;
- It was appropriate that Members should have financial updates on projects of this nature at least every six months;
- Preparing the financial statement would not be a good use of officer time;
- Should await the report from SWAP to Audit and Governance;
- Members were responsible and accountable for public money and therefore it was reasonable to request regular financial updates;
- Insufficient costing details were contained in the committee report to Cabinet;
- The amendment was premature – Members should await the evidence from the auditors as this would give a basis for debate;
- The amendment wouldn't preclude any action resulting from Audit and Governance Committee's consideration of the auditor's report.

A recorded vote was proposed by Cllr Longurst and seconded by Councillor Ingham. The proposal for a recorded vote was put to the vote and carried.

The amendment was put to the vote and lost.

For: Councillors Megan Armstrong, Peter Burrows, Peter Faithfull, Cathy Gardner, Steve Gazzard, Roger Giles, Pat Graham, Douglas Hull, Ben Ingham, Geoff Jung, Rob Longhurst, Dawn Manley, Marianne Rixson, Brenda Taylor and Eileen Wragg (15)

Against: Councillors Paul Diviani, Dean Barrow, Peter Bowden, Colin Brown, Jenny Brown, Paul Carter, Maddy Chapman, Iain Chubb, Bruce de Saram, Jill Elson, Graham Godbeer, Simon Grundy, Ian Hall, Steve Hall, Mike Howe, John Humphreys, Jim Knight, Andrew Moulding, Bill Nash, Cherry Nicholas, John O'Leary, Chris Pepper, Geoff Pook, Philip Skinner, Pauline Stott, Mark Williamson, Tom Wright, Phil Twiss, Ian Thomas and Helen Parr (30)

Abstention: Councillor Stuart Hughes (1)

➤ **Cabinet (minute 106 – Relocation report update)**

Cllr Cathy Gardner spoke of there being no business case for relocation or justification for accelerating the refurbishment of Exmouth Town Hall in isolation to the rest of the relocation project. She raised concern that the Council would be approving the refurbishment before passing through Gateway 7 and advised that the Council should be following best practice project management procedures.

Comments raised during discussion included:

- As the largest town in East Devon there should have been a Council presence of key services in Exmouth a long time ago. Benefits were already being realised from the relocation of the housing prevention officers to the town;
  - Providing services from the Town Hall would lead to a reduction in officer time wasted spent travelling to Exmouth;
  - Concerns expressed about the increase in costs of the refurbishment, however the Council needed to deliver services in the town;
  - Refurbishment should be seen as an investment and the chance to offer a better service to the Town;
  - Robust project management was expected to ensure value for money;
  - The Town Hall was a strategic asset, therefore the Council should progress with refurbishment;
  - Knowle site was allocated for housing, therefore accelerating the refurbishment of the Town Hall was not considered to be a significant risk;
  - Maintenance of the building had been neglected – this needed to be put right;
  - Best value would be achieved through the normal tendering processes;
  - Delays in the relocation process had largely led to the increased costs;
  - Support for the refurbishment, however the process needed to be transparent and accountable to the public. Members currently didn't have sufficient facts before them.
- **Scrutiny (minute \*28 – NEW Devon CCG Consultation)**  
Cllr Cathy Gardner advised since the meeting where recommendations were made in respect of the NEW Devon CCG consultation more information had come to light and therefore the recommendations should be strengthened. In response the Chief Executive advised that procedurally it was not possible to amend an approved minute (the minute had been

approved by Cabinet on 14 December), however it might be possible to include the comments in the Council's consultation response and invited Cllr Gardner to submit her comments to him.

The Portfolio Holder – Sustainable Homes and Communities encouraged all Councillors to respond to the consultation.

### **Attendance list**

#### **Councillors present:**

Stuart Hughes (Chairman)  
Helen Parr (Vice Chairman)

Megan Armstrong  
Dean Barrow  
Peter Bowden  
Colin Brown  
Jenny Brown  
Peter Burrows  
Paul Carter  
Maddy Chapman  
Iain Chubb  
Paul Diviani  
Bruce de Saram  
John Dyson (for part of the meeting)  
Jill Elson  
Peter Faithfull  
Cathy Gardner  
Steve Gazzard  
Roger Giles  
Graham Godbeer  
Pat Graham  
Simon Grundy  
Ian Hall  
Steve Hall  
Mike Howe  
Douglas Hull  
John Humphreys  
Ben Ingham  
Geoff Jung  
Jim Knight  
Rob Longhurst  
Dawn Manley  
Andrew Moulding  
Bill Nash  
Cherry Nicholas  
Darryl Nicholas  
John O'Leary  
Christopher Pepper  
Geoff Pook  
Marianne Rixson  
Philip Skinner

Pauline Stott  
Brenda Taylor  
Ian Thomas  
Phil Twiss  
Mark Williamson  
Eileen Wragg  
Tom Wright

**Honorary Aldermen:**

Trevor Cope  
Peter Halse  
Frances Newth  
Ann Liverton  
Graham Liverton  
Steve Wragg

**Officers:**

Richard Cohen, Deputy Chief Executive  
Henry Gordon Lennox, Strategic Lead – Governance and Licensing  
Steve Pratten, Relocation Manager  
Mark Williams, Chief Executive  
Hannah Whitfield, Democratic Services Officer

**Councillor apologies:**

Mike Allen  
Brian Bailey  
David Barratt  
Susie Bond  
Matthew Booth  
Alan Dent  
Maria Hale  
Marcus Hartnell  
David Key  
Darryl Nicholas  
Val Ranger

**Honorary Aldermen apologies:**

David Cox  
Vivien Duval Steer  
Christine Drew  
Stephanie Jones  
Ken Potter  
Tim Wood

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