

Agenda for Council

Wednesday, 21 December 2016; 6.30pm



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

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

[View directions](#)

Contact:

[Hannah Whitfield](#) 01395 517542

or group number 01395 517546

Issued 12 December 2016

East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

www.eastdevon.gov.uk

Prior to the formal start of the meeting, the Chairman will invite Revd Handel Bennett to say a prayer.

Dear Sir/Madam

Meeting of the Council of the District of East Devon on Wednesday 21 December 2016 at 6.30 pm

You are called upon to attend the above meeting to be held in the Council Chamber, Knowle, Sidmouth. It is proposed that the matters set out on the agenda below will be considered at the meeting and resolution or resolutions passed as the Council considers expedient.

Yours faithfully

A handwritten signature in black ink, appearing to read "Mark Williams".

Chief Executive

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

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

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

Agenda:

- 1 Obituaries – Honorary Alderman Dr Bill Waterworth and Honorary Alderman Trevor Ffoulkes
- 2 [Public speaking](#)
- 3 [Minutes of the Council meeting held on 26 October 2016](#)
- 4 Apologies
- 5 [Declarations of interest](#)
- 6 [Matters of urgency](#) – none identified
- 7 Announcements from the Chairman and Leader
- 8 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.
- 9 To answer questions asked by Members of the Council pursuant to Procedure Rules No 9.2 and 9.5.
- 10 Reports from the Cabinet and the Council's Committees and questions on those reports:

| | | |
|---|---------|------------------|
| Cabinet | Minutes | 74 - 92 |
| †Scrutiny Committee | Minutes | 19 - 25, 26 - 32 |
| †Overview Committee | Minutes | 9 - 14, 15 - 19 |
| 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 |

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

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

[Decision making and equalities](#)

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

Meeting of the Council – 21 December 2016

CONTENTS

| | | Page |
|---|-------------------|-----------|
| COUNCIL | 26 October 2016 | 1 – 8 |
| 1. Cabinet | 9 November 2016 | 9 – 18 |
| | 14 December 2016 | To follow |
| 2. Scrutiny Committee | 3 November 2016 | 19 – 24 |
| | 24 November 2016 | 25 – 31 |
| 3. Overview Committee | 27 September 2016 | 32 – 35 |
| | 29 November 2016 | 36 – 38 |
| 4. Strategic Planning Committee | 21 November 2016 | 39 – 45 |
| 5. Development Management Committee | 1 November 2016 | 46 – 48 |
| | 6 December 2016 | 49 – 51 |
| 6. Audit & Governance Committee | 17 November 2016 | 52 – 56 |
| 7. Standards Committee | 27 October 2016 | 57 – 59 |
| 8. Licensing and Enforcement Committee | 16 November 2016 | 60 – 63 |
| 9. Licensing and Enforcement Sub Committee | 9 November 2016 | 64 – 66 |

EAST DEVON DISTRICT COUNCIL

Minutes of the Meeting of the Council held at Knowle, Sidmouth, on Wednesday, 26 October 2016

Attendance list at the end of document.

The meeting started at 6.30pm and ended at 7.43 pm

***33 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'. The Chairman asked the member of the public to read out her question to Council.

Question received with notice - Louise MacAllister

'At the last Full Council meeting on 27 July I asked a question about the Exmouth town poll of 20 April 2016, questioning when a response would be forthcoming from this Council. At the meeting of 27 July the response I received was simply that this is being looked into. Almost two months later and there has still been no official response, and importantly, no suggestion that this Council intends to hold a full, and independent consultation with Exmouth residents on the future of The Queen's Drive area before any further work takes place. This is not just about phase three, it is about consulting Exmouth residents on the possible futures of The Queen's Drive, not what they think about a developer's vision.

Considering both the silence from this council with regards to the town poll, and that the work on The Queen's Drive has continued with the untimely demolition of Jungle Fun and the Crazy Golf, should the residents of Exmouth take it that this means there will be no independent consultation on the future of the Queen's Drive?'

In the absence of Councillor Philip Skinner (Chairman of the Exmouth Regeneration Board), Councillor Andrew Moulding responded to the question put by Louise MacAllister. He advised that the Council had previously confirmed its commitment to further public consultation and engagement regarding Queen's Drive. Consultation was integral to everything the Council does and engagement of interested parties and the public regarding the evolution of the Exmouth Seafront would continue. He advised that the Council had decided to revisit how it planned to bring forward the remainder of the site and encouraged new ideas to rejuvenate the area. There would be full public consultation around the watersports hub and seafront space surrounding it and Councillors and Officers were regularly gauging people's views and opinions about what was best for Exmouth. It was recognised that change was a challenging process for everyone, however there were many people that supported the Council's vision for the area as they could see the huge economic benefits to the town from the much needed investment. The main aim of the Council was to achieve the very best new facilities for Exmouth and consultation would inform how it proceeded.

Under the Council's terms in respect of questions submitted in advance, the questioner had the right to ask a supplementary question relevant to the original question printed above.

Supplementary Question -

Louise MacAllister asked for confirmation as to whether or not there would be an independent consultation (meaning independent from the developer) before any plans were decided as was asked for by the town poll.

In response Councillor Moulding advised that at this stage the form of consultation had not been decided, however he reassured that the consultation would be fair and that everybody would have an opportunity to have their say. Responses to the consultation would be carefully considered by the Council.

The Chairman thanked Louise MacAllister for her question.

There were no other members of the public that wished to address the Council.

***34 Minutes**

The minutes of the meeting of the Council held on 27 July 2016 were confirmed and signed as a true record.

***35 Declarations of interest**

Councillor Darryl Nicholas; Minute No. *40

Type of interest – Personal interest

Reason – Employed by the Northern, Eastern and Western Devon Clinical Commissioning Group (left the Chamber during the discussion and vote)

Councillor Jill Elson; No. *40

Type of interest – Personal interest

Reason – Voluntary Driver for Exmouth and Lypstone Hospiscare and Councillor's sister works for Exmouth and Lypstone Hospiscare

Councillor Eileen Wragg; Minute No. *40

Type of interest – Personal interest

Reason – Member of Devon County Council's Health and Wellbeing Scrutiny Committee

Councillor Douglas Hull; Minute No. *40

Type of interest – Personal interest

Reason – Governor of Royal Devon and Exeter Hospital

Councillor Paul Diviani; Minute No. *40

Type of interest – Personal interest

Reason – Member of Devon County Council's Health and Wellbeing Scrutiny Committee

***36 Matters of urgency**

No matters of urgency had been identified.

***37 Chairman/Leader notices/announcements**

- Following the recent by-election, the Chairman formally welcomed Darryl Nicholas (Exmouth Brixington Ward) onto the Council.
- The Chairman congratulated East Devon's towns and parishes for their fantastic achievements in this year's national RHS Britain in Bloom competition. Councillors Geoff Pook and Pat Graham spoke of the hard work put in by dedicated members of the community without whom the successes could never be achieved and paid particular thanks to Streetscene.

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

Four 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 Deputy Chief Executive advised that he and the Portfolio Holder – Economy had met with Wayne Hemingway and his design team and that further discussions were planned; however this did not mean that a preferred developer had been chosen – the intention was to ensure that there was the necessary expertise to review phase three of the project. This process would involve public engagement and consultation. He clarified that the review may result in changes to the proposals, but these would still be based around the approved planning application. There would be a report to the next Cabinet meeting.
- b) Question 2 – No supplementary question was asked.
- c) Question 3 – No supplementary question was asked.
- d) Question 4 – No supplementary question was asked.

***39 Minutes of Cabinet and Committees**

RESOLVED

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

Cabinet

Minutes 36 – 52, 53 – 73

Strategic Planning Committee

Minutes 8 – 14

Development Management Committee

Minutes 11 – 14, 15 – 18, 19 – 22

Audit and Governance Committee

Minutes 15 – 23

Standards Committee

Minutes 1 – 7

Licensing and Enforcement Committee

Minutes 1 - 3

Licensing and Enforcement Sub Committee

Minutes 1 – 3, 4 – 6, 7 – 10

that the under-mentioned minutes be received.

Cabinet (minutes 45, 62, 66) had noted or accepted the following Overview/Scrutiny Committees' recommendations with or without amendment.

Scrutiny Committee

Minutes 7 – 11, 12 – 18

Housing Review Board

Minutes 21 – 36

Arising from consideration of the above minutes:-

- **Strategic Planning Committee (minute *10 - Cranbrook Development Plan Document: Issues and Options Consultation and minute *12 – A30 Honiton to Devonshire Inn – Highway Improvement Scheme)**

Councillor Roger Giles spoke of the importance of the rail-line to the District and the need for the Council to be pressing for investment and improvement, particularly the passing loop between Broadclyst and Whimble to enable a more frequent service. In response, Councillor Twiss, a representative on SELCA (Salisbury to Exeter Lineside Consortium of Authorities), advised that the group was currently focusing on improving the frequency of service between Axminster and Exeter and a matrix had been drawn up for increasing the service from Exeter to Yeovil junction to a three per hour service. These improvements were advised to be dependent on both the railway infrastructure and the franchise. He suggested that he could attend a future meeting of the Scrutiny Committee to update Members on progress being made.

***40 Motion: Loss of community beds**

The following motion was proposed by Councillor Peter Burrows, seconded by Councillor Douglas Hull and supported by Councillors Eileen Wragg, Pat Graham, Brenda Taylor and Steve Gazzard.

“That this Council register its extreme concern at the impending loss of 71 Community beds in this part of Devon.

It is a well-known fact, particularly in coastal and rural Devon, that there is an above average population of elderly people. Older people take longer to recuperate from illness, hospital admission and operations.

Community services are already overstretched and there is an acute lack of appropriate carers to care for people in their own homes.

Our District General Hospitals increasingly find it difficult to keep up with demand due to the fact that they cannot discharge people when they are ready because of the lack of community services.

All the Government advice has been to encourage the care of people close to their homes.

We thank Devon MPs, including Sir Hugo Swire and Neil Parish, who secured a debate at Westminster on the 18 of October, to air their concerns about proposed changes to community bed provision in East Devon, and that this Council write to them urging them to continue speaking on behalf of all residents in East Devon, so that an ill thought out decision which has come about only for financial reasons, is urgently re-considered by the Devon CCG.”

The proposer of the motion, Councillor Peter Burrows, spoke of the importance of the District Council giving its views on the matter and that the proposals regarding the loss of community beds would adversely impact many rural East Devon communities.

The seconder of the motion, Councillor Douglas Hull, commented on the need to look after the vulnerable and increasing number of elderly members of the community and referred to the increased pressures on carers, which would be intensified by the proposals. He asked that the Scrutiny Committee when it considered the consultation at its November meeting give consideration to monitoring and keeping the local MPs regularly updated on the matter.

Councillor Cathy Gardner proposed an amendment to the motion, which was seconded by Councillor Megan Armstrong. In proposing her amendment, Councillor Gardner advised that things had moved on since the motion had been published with the matter having been recently discussed by MPs at Westminster. Therefore it was considered that the motion should be more specific in asking MPs to demand the retention of beds across East Devon, as this was a crucial part of the community care package, as well as ensuring that there was sufficient funding to deliver the community care.

The motion was discussed at length. Point raised included:

- The motion was welcomed;
- The Clinical Commissioning Group's (CCG) consultation was considered to be biased and inaccurate and did not take into account the increase in elderly people within the District or the projected population figures;
- The CCG was not 'rural proofing' by proposing the loss of beds in the communities where a large number of frail elderly people lived and many people did not have access to transport;
- Other areas had struggled to make the 'Care in the Community' package work;
- Dementia and mental health provision, as well as the viability of other services, has been ignored in the consultation;
- The 'success regime' should be abolished;
- Concern that patients would suffer from the lack of care provision if the proposals were agreed;
- Residents wished to be cared for at home and to be as independent as possible, however only if it was safe for them to do so;
- There was a lack of personal care workers and community nurses for 'Care in the Community' and 'Hospital at Home';
- Inpatient beds in community hospitals were required, otherwise, due to a lack of nursing/residential homes or packages of care for in the patient's own home, the RD&E could not discharge patients – this would lead to an increase in 'bed-blocking' at the RD&E;
- There was a need to consider whether Community Hospitals could provide other services as well as medical services. Reference was made to Budleigh Salterton Hospital which, after several years of waiting, was hoped would become a 'Well Being Hub' the following year;

- Concerns were raised about social isolation and who would be looking after family members who became full-time carers;
- There was a lack of carers reported throughout the country – this needed to be addressed before any proposals were agreed;
- The method of consultation disadvantaged those that did not have access to the internet;
- Concerns were raised about the management of funds by the CCG – it was suggested that the CCG be asked to provide a full set of audited accounts;
- The amendment proposed was not required as MPs were aware of and were taking forward the concerns of the District.

The amendment was put to the vote and lost.

The Chairman invited the Councillor Burrows to sum up his motion. Councillor Burrows advised that he took the loss of community beds very seriously due to the impact it would have on communities within East Devon. He spoke of the need to raise awareness and engage the younger generation in the issue, as they would be ones looking after parents in future years if beds were lost. He thanked Members for the discussion on the motion and for their support.

The motion was put to the vote and carried.

RESOLVED: that this Council register its extreme concern at the impending loss of 71 Community beds in this part of Devon. It is a well-known fact, particularly in coastal and rural Devon, that there is an above average population of elderly people. Older people take longer to recuperate from illness, hospital admission and operations. Community services are already overstretched and there is an acute lack of appropriate carers to care for people in their own homes. Our District General Hospitals increasingly find it difficult to keep up with demand due to the fact that they cannot discharge people when they are ready because of the lack of community services. All the Government advice has been to encourage the care of people close to their homes. We thank Devon MPs, including Sir Hugo Swire and Neil Parish, who secured a debate at Westminster on the 18 of October, to air their concerns about proposed changes to community bed provision in East Devon, and that this Council write to them urging them to continue speaking on behalf of all residents in East Devon, so that an ill thought out decision which has come about only for financial reasons, is urgently re-considered by the Devon CCG.

***41 Housing Review Board appointment**

RESOLVED: that Victor Kemp be co-opted as a tenant/leaseholder representative on to the Housing Review Board.

***42 Committee membership**

RESOLVED:

- 1. that Councillor Darryl Nicholas be appointed on to Scrutiny Committee (replacing Councillor Jenny Brown);**
- 2. that Councillor Marcus Hartnell be removed from Licensing and Enforcement Committee to regularise the number of Members on that Committee (15);**
- 3. that Councillor Mike Howe be appointed on to the Strata Scrutiny Committee, with Councillor Cherry Nicholas as his substitute.**

- *43 **Member Champion/Lead Councillor**
RESOLVED: that Councillor Darryl Nicholas be appointed as Lead Councillor for Sport and Recreation.
- *44 **Housing Review Board appointment**
RESOLVED: that the Health and Wellbeing Champion be appointed as the Council's substitute on the Woodbury, Exmouth and Budleigh (WEB) Community Health and Wellbeing Board.

Attendance list

Councillors present:

Stuart Hughes (Chairman)
Helen Parr (Vice Chairman)

Mike Allen
Megan Armstrong
Brian Bailey
David Barratt
Dean Barrow
Susie Bond
Matthew Booth
Peter Bowden
Colin Brown
Jenny Brown
Peter Burrows
Paul Carter
Maddy Chapman
Iain Chubb
Matt Coppel
Alan Dent
Paul Diviani
Bruce de Saram
John Dyson
Jill Elson
Peter Faithfull
Cathy Gardner
Steve Gazzard
Roger Giles
Pat Graham
Simon Grundy
Maria Hale
Ian Hall
Steve Hall
Douglas Hull
John Humphreys
Ben Ingham
David Key
Jim Knight
Dawn Manley
Andrew Moulding
Bill Nash
Cherry Nicholas
Darryl Nicholas
John O'Leary

Christopher Pepper
Geoff Pook
Val Ranger
Marianne Rixson
Pauline Stott
Brenda Taylor
Ian Thomas
Phil Twiss
Eileen Wragg
Tom Wright

Honorary Aldermen:

Christine Drew
Tim Wood

Officers:

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

Councillor apologies:

Graham Godbeer
Marcus Hartnell
Mike Howe
Geoff Jung
Rob Longhurst
Philip Skinner
Mark Williamson

Honorary Aldermen apologies:

Stephanie Jones
Ann Liverton
Graham Liverton
Frances Newth
Ken Potter

Chairman

Date

EAST DEVON DISTRICT COUNCIL
Minutes of the meeting of Cabinet held
at Knowle, Sidmouth on 9 November 2016

Attendance list at end of document

The meeting started at 5.33pm and ended at 8.10pm

***74 Public Speaking**

There were two members of the public present who wished to speak – they spoke at the relevant agenda item recorded further on in these minutes.

Councillor Douglas Hull spoke on item 10 - the Overview minutes of the 27 September 2016. Cllr Hull stressed the need for the committee to support the recommendation of writing to the Government's Joint Working Party for Excellence in the Built Environment. He referred to the need to crackdown on national house builders who were building sub standard homes within the district and the need for more robust surveys to be carried out by the National House-Building Council (NHBC).

***75 Minutes**

The minutes of the Cabinet meeting held on 12 October 2016 were confirmed and signed as a true record.

***76 Declarations**

Councillor Eileen Wragg – Minute 87

Interest: Personal

Reason: Member of Exmouth Tidal Defence Scheme

Councillor Ian Thomas – Minute 86

Interest: Personal

Reason: Board member of Exeter Science Park Company (Cllr Thomas did not vote on this item)

Councillor Phil Skinner – Minute 86 & Minute 89

Interest: Personal

Reason: Shareholder for East Devon District Council for the Science Park (Cllr Skinner did not vote on this item) and (Min 89) Chair of the Exmouth Regeneration Board

Councillor Jill Elson – Minute 86

Interest: Personal

Reason: Chair of Governors of Exmouth Community College

***77 Matter of urgency**

None

***78 Matters referred to the Cabinet**

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

***79 Exclusion of the public**

There were no confidential items that officers recommended should be dealt with in this way.

***80 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 December 2016 to 31 March 2017.

***81 Minutes of the Strata Joint Scrutiny Committee held on 15 September 2016**

Members noted the minutes from the Strata Joint Scrutiny Committee held on 15 September 2016

***82 Minutes of the Strata Joint Executive Committee held on 27 September 2016**

Members noted the minutes from the Strata Joint Executive Committee held on 27 September 2016

***83 Minutes of the Overview Committee held on 27 September 2016**

Members received and noted of the Minutes of the Overview Committee held on 27 September 2016.

RESOLVED (1) that the following be supported:

Minute 12 - Housing Delivery – discussion paper

that a politically balanced Housing Delivery Taff be established, comprising a minimum of 7 members to be drawn predominantly from the membership of the Overview Committee but wider if necessary;

1. that the Taff have a minimum of three meetings to hear and consider evidence based on the following themes which needed to be scoped:
 - a) Local Plan/ Government Policy 9 to possibly cover areas such as appraisal of land values, types of housing being delivered and service provision impact on rural areas)
 - b) EDDC and other Initiatives (to possibly cover areas such as options for purchasing and and/or building, impact of the welfare regimes and improving affordability
 - c) Alternative structures & options (to possibly cover areas such as looking at partnerships, alternative delivery models and the impact of devolution
2. that the first meeting to be held in the evening at a date to be decided in early October at which the specific themes be fully scoped..
3. that at the conclusion of the Taff a report with recommended actions be forwarded to Cabinet.

RESOLVED (2) that the following recommendations be approved

Minute 13 - Quality of house building in East Devon

1. the response to the All Parliamentary Group for Excellence in the Built Environment report entitled “More Homes, Fewer Complaints” attached as Appendix 1 to the report be sent to encourage the Government to take action on the issues raised in the report and the additional concerns expressed at the Member’s Think Tank.

2. the Officers consider the resource and financial implications for EDDC on the production of a leaflet giving advice to purchasers of new homes on options available to them if issues arise regarding the quality of the build.

RESOLVED (3) that the following be noted

Minute 14 - Overview forward plan

29 November 2016 – Economy and Street Trading (designation of streets).

11 January 2017 – Draft budgets and service plans 2017/18.

28 March 2017 – Tourism economy and cultural enhancement of natural environment.

*84 **Minutes of the Recycling & Refuse Partnership Board held on 5 October 2016**

Members received minutes of the Recycling & Refuse Partnership Board held on 5 October 2016.

RESOLVED (1) that the following recommendation be agreed:

Minute 33 - New Board arrangement, structure, terms of reference and members that the updated terms of reference of the Recycling and Waste Partnership Board Be agreed

RESOLVED (2) that the following decision be noted:

Minute 34 – SUEZ Senior Contract Manager update

RESOLVED (3) that the following decision be supported:

Minute 36 - Leaders group update

the Board agreed to the changes in project management structure for the mobilisation of the new recycling and waste collection service.

*85 **Minutes of the Scrutiny Committee held on 3 November 2016**

Members received and noted the minutes of the Scrutiny Committee held on 3 November 2016. The Chairman of the Scrutiny Committee wished to thank Debbie Meakin - Democratic Services Officer, officers and members for their input into this successful meeting.

RESOLVED (1) that the following recommendations be agreed:

Minute 21 - Police and Crime Commissioner

1. the Council lobby, through the National Rural Network of the Local Government Association, for a fairer funding deal from Government for the Devon and Cornwall Constabulary; and additionally lobby the local MPs on the issue;
2. the Council recognised the valued work of the PCSOs and wished the Police and Crime Commissioner to press to at least continue, and at best to improve, funding for PCSOs as a valued part of the life of the District's local communities;
3. that Ward Members, in the spirit of partnership working under the Crime and Disorder Act 1998, assist in publicising the ways of reporting crime alongside the publicity work already underway by Devon and Cornwall Constabulary, by contact with their local town and parish councillors and constituents;

4. the Council wished that the Police and Crime Commissioner reconsider the planned closures for 2017, as part of the review of police stations;
5. the Council wished that the Police and Crime Commissioner work to reduce the administrative burden on local groups setting up community speed watches, to help those groups achieve safer roads in their local community.

Minute 22 - Update from Portfolio Holder for Environment on Recycling and Refuse

All Ward members be encouraged to familiarise themselves with the new service to help communicate to their wards the changes to come.

RESOLVED (2) that the following decisions be supported:

Minute 21 - Police and Crime Commissioner

that the Police and Crime Commissioner be invited to the Committee in November 2017 to report on progress on her plans.

Minute 22 - Update from Portfolio Holder for Environment on Recycling and Refuse

that the committee recognizes the continued hard work by the Streetscene service in the preparation of the implementation, and welcomes the new service; in particular the anticipated increase in recycling rate and the environmental benefit of that increase.

*86 **Exeter and East Devon Enterprise Zone**
Paul Withers Director of Eagle One spoke on this item. Mr Withers owns 10 acres of land opposite the Exeter Science Park. He was looking to progress towards the first phase of this development to out of a total of 95000 sq ft of office space. He stated the Enterprise Zone (EZ) would put this in jeopardy. Their nearest competitor was SkyPark with which they could not compete within the open market given the incentives that would apply at SkyPark. He had been told that the EZ boundary could not be redrawn to include his land, so suggested the basic criteria be reconsidered so Eagle One could be competitive to the Exeter office market. The company was a long-term investor and wanted to continue to bring much needed additional office pace to the market.

The Principal Projects Manager gave a presentation to Members to update on progress towards an operational Enterprise Zone in the West End of the District. The East of Exeter Projects Director responded to the points raised by My Withers including emphasizing that the original Enterprise Zone was for the four sites that were considered to be core to the strategy for the West End of the District and the Eagle One not being considered to be strategic in nature.

Discussions included the following;

- What about the rest of East Devon? The economy needed to support all people especially the young.
- The impact on the economy would need to be reflected in the EZ Implementation Plan.
- The change in the Business Rates regime to 100% local retention from 2020 and how the risk associated with the Enterprise Zone status could be managed.
- The need to identify businesses to come into the area to promote building blocks for future growth.
- The need to have a large list of projects for investment to be spent in the four strategic EZ sites.
- The guarantee that the council was not going to be financially worse off.

RESOLVED: that the following be agreed;

1. the further analysis that had been undertaken to demonstrate the financial case for introducing an Enterprise Zone be noted,
2. Delegated authority be granted to the Chief Executive, in consultation with the Leader and Strategic Leads (Legal, Licensing and Democratic Services) and (Finance) and the Portfolio Holders for Finance and Economy, to sign the Memorandum of Understanding with Government,
3. Delegated authority be granted to the Chief Executive, in consultation with the Leader and Strategic Leads (Legal, Licensing and Democratic Services) and (Finance) and the Portfolio Holders for Finance and Economy, to agree the proposed Business Rates Relief policy,
4. a further paper in early 2017 that sets out the proposed Implementation Plan for the Enterprise Zone be received.

REASON:

This report set out the further work that had been undertaken since the Cabinet considered an initial paper on the Enterprise Zone proposal in May 2016. This demonstrated the financial case for establishing such a Zone. Signing a Memorandum of Understanding with Government was a prerequisite to the Zone becoming operational.

*87 **Exmouth flood prevention scheme**

The Strategic Lead – Housing, Health & Environment Members asked Members to agree to EDDC contribution towards Exmouth Tidal Defence Scheme. The report provided an update on progress towards a major engineering scheme to protect parts of Exmouth from coastal and fluvial flooding.

RESOLVED:

1. that EDDC permit the use of its car parks, public open space and other land (as identified in paragraph 3.1 of the report) for the construction of the Exmouth Tidal Defence Scheme, a contribution in kind valued at £300k. That the Strategic Lead (Housing, Health and Environment) in consultation with the Strategic Lead (Legal, Licensing and Democratic Services) be authorised to negotiate and complete any appropriate property documentation that may be required to facilitate this arrangement,
2. that EDDC continued to maintain the improved defences on the sea front and along the estuary in Exmouth; a contribution in kind valued at £562k over the life (100 years) of the scheme,
3. that EDDC continued to work in collaboration with the EA on the project, and contribute staff time towards it valued at £110K.
4. that the Strategic Lead (Housing, Health and Environment) in consultation with the Strategic Lead (Legal, Licensing and Democratic Services) be authorised to make amendments to the Collaboration Agreement between the EA and EDDC as necessary to reflect changes to the programme, level of EA contribution to costs incurred by EDDC and the period in which those costs were to be spent.

REASON:

That the partnership funding requirements for the project and improved affordability within the Environment Agency programme be met.

To ensure that the scheme continued to complement EDDC aspirations for regeneration of the Town and that the upgraded defences enhances the public realm and EDDC assets.

***88 Bishops Clyst Neighbourhood Plan Examiner's Report**

This report provided feedback and set out proposed changes following the examination of the Bishops Clyst Neighbourhood Plan

RESOLVED:

1. that the Examiner's recommendations on the Bishops Clyst Neighbourhood Plan be endorsed in their entirety and an additional minor correction,
2. that a 'referendum version' of the Neighbourhood Plan (incorporating the examiners modifications and additional minor correction) should proceed to referendum and a decision notice to this effect be published,
3. that the Neighbourhood Plan group be congratulated on their hard work.

REASON:

The legislation required a decision notice to be produced at this stage in the process. The Neighbourhood Plan was the product of extensive local consultation and had been recommended to proceed to referendum by the Examiner subject to modifications, which were accepted in their entirety by the Parish Council.

89 Queen's Drive site, Exmouth update

Louise MacAlister spoke about her concerns over the extra costs and increased project costs. Ms MacAlister stated the initial scenarios were based on assumptions and not evidence. She asked Members to consider the financial implications within the report.

This report updated members on the delivery of an improved seafront offer for Exmouth and, in particular, progress on the Queen's Drive regeneration project. It advised Cabinet and sought approval on recommendations relating to progress with the Queen's Drive site phases; 1 (road and car park), 2 (Watersports Hub) and the next steps on phase 3 (mixed use leisure development on the remainder of the site including Harbour View cafe site).

Discussions included the following:

- The delay had caused challenges especially with the overall budget.
- The first cost estimates were underestimated as this was difficult to estimate at the start of the project.
- Outline planning approval was about to run out.
- This was still a great opportunity for Exmouth and the rest of the district.
- Increased budget figures disrespects the public we serve.
- The lack of control over project costs.
- The developers should pay for leisure facilities. The plans should be revisited.
- The need to get on with the project.
- Improve the economy and tourism in East Devon. Queens Drive would bring Exmouth into the premier league of seaside resorts.
- Invest for the future.
- Had a decision over the Watersports Centre already been made? Projected costs needed to be thoroughly reviewed.
- Cooperation between businesses and stakeholders needed to come back.

- Must have public support.
- Present the risks as well as the rewards and how they can be avoided.
- The development was actually moving quite fast and there would be public consultations before the next stages go ahead.
- Delays cost money, Exmouth needed this improvement and regeneration.
- The Premier Inn had been a huge benefit to Exmouth and prolonged the tourist season.
- Economy of the town needed this boost.
- Not all students would go on to university hence the need to create jobs.
- The Masterplan was prepared as a result of consultation feedback.
- Brexit – people were now looking for better facilities over here.
- Exmouth needed to be a 12-month tourist attraction.
- Exmouth Chamber of Commerce was in favour of the Queen's Drive development.

RECOMMENDED:

1. to consider and agree the allocation of additional funding to deliver the Council's commitment to the Queen's Drive site regeneration project. The projected total funding requirement before increased income, capital receipt and/or grant funding had risen from the original estimate of £1,500,000 in 2014 to £3,120,000 in gross terms,

RESOLVED:

1. to note that the Council was negotiating the detail of its development agreement with Grenadier Development to deliver a Watersports Hub and associated development at Queens Drive,
2. to note that in taking forward a fresh review of phase 3 of the Queens Drive site the Council would give Exmouth people another opportunity to have their say on what happens on that site. The Council would bring in external expertise to carry out a review. This would involve full consultation that was neither developer nor Council led,
3. to note that legal delays had had a significant impact on delivering all phases of Queen's Drive improvements including revised timing and increased project costs,
4. to note that under delegated powers and an exemption to standing orders, officers had engaged planning and design services to take forward a reserved matters application for the continuance of the current planning approval of Queen's Drive.

REASON:

To enable progress to be made on further improving the seafront offer for Exmouth with the continuation of the Queen's Drive site project, specifically the Council's responsibility for the road and car park, Grenadier's investment to deliver a Watersports Hub and a fresh review of phase 3 that included consultation, design and marketing around a mix of leisure uses and attractions.

*90 **Budget Monitoring report – Month 6**

This report gave a summary of the Council's overall financial position for 2016/17 at the end of month six (30 September 2016). Current monitoring indicated that:

- The General Fund Balance was being maintained at or above the adopted level.

- The Housing Revenue Account Balance would be maintained at or above the adopted level.
- There was a sufficient Capital Reserve to balance this year's capital programme.

RESOLVED:

that the variances identified as part of the Revenue and Capital Monitoring process up to Month Six be acknowledged.

REASON:

The report updated Members on the overall financial position of the Authority following the end of each month and included recommendations where corrective action was required for the remainder of the financial year.

*91 **Monthly Performance reports – September 2016**

The report set out performance information for September 2016. This allowed Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

There are five indicators that are showing excellent performance:

- Percentage of planning appeal decisions allowed against the authority's decision to refuse
- Percentage of Council Tax collected
- Days taken to process Housing Benefit/Council Tax Benefit new claims and change events
- Creditor days - % of invoices paid within 30 days
- Working days lost due to sickness absence

There were no performance indicators showing as concern.

RESOLVED:

that the progress and proposed improvement action for performance measures for the 2016/17 financial year for September 2016 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.

*92 **Local Government Ombudsman complaints 2015/16**

Members were provided information on complaints referred to the Local Government Ombudsman during 2015/16.

RESOLVED:

that the number of complaints dealt with and their outcomes be considered.

REASON:

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

Attendance list

Present:

Andrew Moulding Deputy Leader/Strategic Development and Partnership (in the Chair)

Portfolio Holders:

Tom Wright Corporate Business
Iain Chubb Environment
Jill Elson Sustainable Homes and Communities
Phil Twiss Corporate Services
Ian Thomas Finance
Philip Skinner Economy

Cabinet Members without Portfolio:

Eileen Wragg

Cabinet apologies:

Paul Diviani Leader
Geoff Pook

Non-Cabinet apologies:

Paul Carter
Ian Hall
Steve Gazzard
Cherry Nicholas
John O'Leary
Mark Williamson

Also present (for some or all of the meeting)

Councillors:

Megan Armstrong
Brian Bailey
Peter Bowden
Colin Brown
Jenny Brown
Maddy Chapman
Alan Dent
John Dyson
Peter Faithfull
Roger Giles
Graham Godbeer
Steve Hall
John Humphreys
Ben Ingham
Geoff Jung
Rob Longhurst
Dawn Manley
Bill Nash
Helen Parr
Pauline Stott
Brenda Taylor

Also present:

Officers:

- Mark Williams, Chief Executive
- Richard Cohen, Deputy Chief Executive
- Simon Davey, Strategic Lead – Finance
- John Golding, Strategic Lead – Housing, Health & Environment
- Karen Jenkins, Strategic Lead - Organisational Development and Transformation
- Alison Hayward - Senior Manager, Regeneration & Economic Development
- Andy Wood - East of Exeter Projects Director
- Naomi Harnett, Principal Projects Manager
- Amanda Coombes, Democratic Services Officer

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 3 November 2016

Attendance list at end of document

The meeting started at 6.00pm and ended at 8.42pm

***19 Public speaking**

There was no public speaking at the meeting.

***20 Minutes**

The minutes of the Scrutiny Committee held on the 6 October 2016 were confirmed as a true record.

***21 Police and Crime Commissioner**

The Chairman welcomed the Police and Crime Commissioner of Devon and Cornwall, Alison Hernandez and Gerry Moore, Anti Social Behaviour & Community Safety Co-Ordinator.

The Commissioner outlined her work on a new Police and Crime Plan for Devon and Cornwall that was recently out for consultation. She highlighted her main principal of keeping people safe based on six key drivers:

- A social conscience – people looking out for each other
- Awareness – police, partners and public know what is important and why
- Access – people know who local police and key service providers are and how to contact them
- Action – police, and partners, working together to protect people and prevent crime and anti-social behaviour – with confidence in the quality of their response
- Support – speedy access to local support services when needed (for victims and perpetrators)
- Results – visible and relatively swift resolution of issues with tangible results

Consultation responses had shown a clear concern for local residents being the lack of contact with the police – issues such as visible policing and how to contact to report crime.

Questions had been previously submitted from some Councillors, supplied on the agenda papers. Responses to those and additional questions covered a number of issues, including:

- Asking councillors to make use of local police surgeries to report issues, as well as encouraging the public to use the 101 service either by telephoning or by email 101@dcpolice.co.uk. The Commissioner was keen to establish a councillor advocate scheme to link local councillors with police officers and other agencies. At present the 101 telephone service was averaging a nine minute wait before the call could be dealt with;
- The consultation on the recent draft plan by the Commissioner had revealed a feeling of disconnect of local communities from the police, and feedback had indicated that the public wished to see more visible policing, both from regular officers and PCSOs. In response to a description of Exmouth at night, the Commissioner expressed an interest to visit the town at night for herself;
- The Commissioner had put planned police station closures on hold, subject to a review in the new year; the consultation had made clear that the public wished to see stations retained; Exmouth Police Station was not currently planned for closure;
- The Commissioner was yet to discuss the workforce mix of police officers and

- PCSOs with the Chief Constable; feedback from the consultation asked for more officers and valued the quality of the PCSOs in the District;
- The Commissioner intended to look at the powers and impact of community speed watches. The Chairman highlighted the difficulties that many local groups have in setting up a community speed watch because of the extent of training and administration required; he asked that she could take this into consideration with a view to making it easier for these volunteers to achieve;
 - The office of the Commissioner would remain at the current staffing level;
 - The concerns over licensing were recognised; the Commissioner was currently working with the Lords Select Committee reviewing the 2003 licensing legislation, in particular the public health objective. She agreed to take the concerns about licensing forward;
 - In response to the recent report by the HMIC on efficiency of the constabulary, an operating model was being progressed with Dorset constabulary and a clear improvement plan was being drawn up with the Chief Constable;
 - Modern slavery was a problem for all areas of the country and the District was no exception – in areas such as hospitality and agriculture. Training was available to councillors on how to recognise and report it. Devon and Cornwall Constabulary were taking the lead, following receipt of funding, to set up the national response to modern slavery; the issue was also recognised by the Community Safety Partnership (CSP) and a recent workshop had been held in Honiton on the issue;
 - As a result of campaigning by the previous Commissioner, the funding for the constabulary had been recognised as incorrect; with a new Minister in post, the funding formula was under review and out for consultation. There needed to be recognition of the tourism impact on policing for the area, as well as the challenges for rural policing. The Commissioner welcomed any help offered from the Council in lobbying for fairer funding;
 - Savings achieved with the Strategic Alliance with Dorset constabulary only enabled the service to remain at the same level – there was no additional money released from this to apply to obtaining additional officers or PCSOs currently;
 - CCTV was recognised as a valuable tool provided it was kept up to date and monitored; work had begun in Cornwall, which included monitoring by fire officers while on standby. The commissioner could assist in the procurement of equipment and listed a contact for the committee to pursue the issue of Exmouth CCTV;
 - Better support was needed for dealing with individuals with mental health issues that had to be detained; the recent leaked letter from the Chief Constable to a number of health providers about the use of police cells for mentally ill people had the support of the Commissioner; lobbying on this issue would be helpful;
 - Challenges had arisen from the Strategic Alliance with Dorset police, including employment transfer issues and for some, a fear of a loss of identity. At present discussions were taking place on how to better manage the two forces through means of a portfolio share;
 - Online crime was more likely than street crime, and is a priority for the Commissioner in helping to educate both the public and businesses. A web chat service on this issue was currently being tested.

RECOMMENDED that

1. the Leader of the Council lobby, through the National Rural Network of the Local Government Association, for a fairer funding deal from Government for the Devon and Cornwall Constabulary; and additionally lobby the local MPs on the issue;
2. the Council recognise the valued work of the PCSOs and wishes the Police and Crime Commissioner to press to at least continue, and at best to improve, funding for

- PCSOs as a valued part of the life of the District's local communities;
3. that Ward Members, in the spirit of partnership working under the Crime and Disorder Act 1998, assist in publicising the ways of reporting crime alongside the publicity work already underway by Devon and Cornwall Constabulary, by contact with their local town and parish councillors and constituents;
 4. wishes the Police and Crime Commissioner to reconsider the planned closures for 2017, as part of the review of police stations;
 5. wishes the Police and Crime Commissioner to work to reduce the administrative burden on local groups setting up community speed watches, to help those groups achieve safer roads in their local community.

RESOLVED that the Police and Crime Commissioner be invited to the Committee in November 2017 to report on progress on her plans.

The Chairman thanked the Commissioner and Gerry Moore for attending, and for responding fully to the questions and issues put by Members.

***22 Update from Portfolio Holder for Environment on Recycling and Refuse**

The Chairman welcomed Councillor Iain Chubb, Portfolio Holder for Environment; the Service Lead for Streetscene; the Recycling and Waste Contract Manager; and the Strategic Lead Housing and Environment.

The committee had been kept informed of progress on the new contract, and the trial of an improved service, at previous meetings. The update outlined the next steps in bringing about a full roll out of the new level of service across the District. Key service changes were:

- Cardboard, mixed plastics, cartons (including Tetra Pak) and small electrical items will be collected for recycling
- Residents receive an additional reusable sack for plastics, cartons and cans
- Recycling will be collected every week
- Grey waste bins will be collected every three weeks
- No additional waste collections
- Improvements to bulky waste collection service

The communications plan for the introduction of the new service, covering the first phase for Exmouth in February 2017, followed by the rest of the District in July 2017, was highlighted to the committee; staff resource had also been planned to deal with the expected increase in contact from the public as the new service is introduced and fully implemented.

The committee raised concerns and sought clarification on a number of issues, including:

- Flats and houses of multiple occupation had been identified and would be dealt with on a case by case basis, with visits to as many as possible to establish what is practical for residents who may have difficulty in finding storage for the receptacles or in getting items to the kerbside for collection; residential groups were already in contact with the service to help with this task;
- Small electrical devices could be up to a size that can comfortably fit inside the green recycling box, as this was the same size of the compartment on the new vehicles;
- Residents who currently have a large refuse bin, will have their bin size reviewed when the improved recycling scheme is introduced; as residents in the trial found that the larger bin was no longer required in some scenarios;
- "Avoided waste disposal savings", where the County are benefitting from the reduction of land fill waste and could pass on their savings to Districts, were still not confirmed, but work had progressed to the stage of a draft memorandum of

understanding between the County Council and the districts – once this was agreed and in place, the level of savings could be calculated from the nationally reported waste tonnage figures; recycling credits are worked out from an established formula and provide income both from the recycled material sold and the County Council;

- Monitoring will be undertaken throughout the process of roll out – one of the measures being the change in recycling rate. There is a government target of 50% by 2020 and there was confidence that this stepped change would deliver that and more;
- In response to concerns about the collection vehicle fleet, it was confirmed that the vehicles are owned by the Council; and the contract with Suez was sufficiently robust to ensure that those vehicles and the operatives met operating standards legally required. Checks for both vehicles and operatives were in place, with health and safety being a core value of the contractor. Vehicles were also fitted with systems for auto-braking;
- The transit and separation of products was outlined; plastic was generally exported but currently paper waste was reused in the UK.

The Chairman expressed his disappointment in a lack of resolution over the “avoided waste disposal savings”, which still rested with the County Council to complete and no date for completion apparent. He requested that the Committee be kept updated of any progress on this issue.

RESOLVED that the committee recognises the continued hard work by the Streetscene service in the preparation of the implementation, and welcomes the new service; in particular the anticipated increase in recycling rate and the environmental benefit of that increase.

RECOMMENDED that all Ward members are encouraged to familiarise themselves with the new service to help communicate to their wards the changes to come

***23 Raising the profile of the committee - update**

The Democratic Services Officer had produced an information sheet on the work of the committee. Cllr Gardner had made suggestions for amendments, and would liaise outside of the meeting with those amendments.

Distribution of the material would include on the Council’s website and in the weekly publication The Knowledge. Suggestions were made to include a press release on the work of the committee, in particular on the upcoming meeting on the NEW Devon CCG consultation on in-patient beds.

The Chairman reported that a press release on this meeting was already planned; following a suggestion this would now include reference to the forthcoming meeting.

***24 Priority setting and forward plan**

Suggestions made for the forward plan included:

- Request a report from East Devon Citizens Advice Bureau on their work – in relation to the contribution allocated in the revenue account towards their work;
- Scope a review into the recent rental charge increases for sports clubs and how that move to reflect market rates was handled; this may link to the playing pitches strategy but will be scoped to determine if a review of the strategy meets the remit of

the committee;

- Request a report on the improvements (including impact on foot fall and level of income) for the Thelma Hulbert Gallery in light of the investment made by the Council;
- Start the planned work on the review of the process of producing the Local Plan; for example a focus on how the allocation of sites is communicated and evaluated against criteria. The committee were advised that they were due a report from the Service Lead for Planning Strategy and Development Management on aspects of performance monitoring, including the service performance monitor on reviewing the process of the production of the Plan – this aspect will be requested for inclusion in that report;
- Scope a review of the current media protocol with a view to the expectation of communication team involvement at committee meetings.

***25 Council minutes procedure**

The information report on the procedure for minutes being reported to Cabinet and Council was noted.

Attendance list (present for all or part of the meeting):

Scrutiny Members present:

Roger Giles
Alan Dent
Dean Barrow
Colin Brown
Bruce de Saram
Cherry Nicholas
Marcus Hartnell
Cathy Gardner
Douglas Hull
Bill Nash
Val Ranger
Marianne Rixson

Other Members

Iain Chubb
Paul Diviani
Paul Carter
Dawn Manley
Ben Ingham
Peter Faithfull
Geoff Jung
Rob Longhurst
John Dyson
Pauline Stott
Tom Wright

Officers present:

Gerry Moore, Gerry Moore, Anti Social Behaviour & Community Safety Co-Ordinator
John Harding, Office of PCC
John Holding, Strategic Lead Housing and Environment
Andrew Hancock, Service Lead for Streetscene
Gareth Bourton, Recycling and Waste Contract Manager

Giles Salter, Solicitor
Rebecca Heal, Solicitor
Debbie Meakin, Democratic Services Officer

Scrutiny Member apologies:

Simon Grundy
Darryl Nicholas

Other Member apologies:

Andrew Moulding
Phillip Skinner
Mike Allen
Jill Elson

Richard Cohen, Deputy Chief Executive

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 24 November 2016

Attendance list at end of document

The meeting started at 6.00pm and ended at 9.39pm

***26 Public speaking**

Speakers reserved their questions for the relevant items as heard at the meeting.

***27 Minutes**

The minutes of the Scrutiny Committee held on the 3 November 2016 were confirmed as a true record subject to an amendment to minute 24 being amended as "Start the planned work on the review of the process of producing the Local Plan; for example on how sites are identified and brought forward for potential inclusion on the Local Plan."

***28 NEW Devon CCG Consultation "Your Future Care"**

The Chairman welcomed Rob Sainsbury, Chief Operating Officer of the NEW Devon Clinical Commissioning Group.

Robert Crick, representing the Patient participation Group of Sid Valley, welcomed the recent Conservative group press release calling for a second opinion on Devon NHS funding crisis treatment. He felt that none of the options presented by the CCG in the consultation were appropriate; he felt they were unconvincing and unethical. He asked the committee to call on MPs to reverse their earlier decisions on funding and reinstate the NHS as it had once been.

The committee received a short presentation from the CCG outlining the consultation, covering:

- Severe financial pressure on the NHS
- Evidence that changing the way people are cared for is beneficial to the individual and provides efficiencies
- The proposed model of care was to transfer resource and staff from community hospitals to providing home based care services
- There is a disproportionate number of community inpatient beds in Eastern Devon
- An example given was based on a 16 bedded community hospital unit at a cost of £75k per month equated to caring for around 21 people; moving to the new model of care at the same cost would provide 12 nurses, 8 therapists, 7 support workers plus some night sits totalling care for around 82 people
- No changes to services would be made until the tests derived by local clinicians have been undertaken to ensure the changes are safe and reliable

The options set out in the consultation were:

- Option A Tiverton 32 beds; Seaton 24 beds; Exmouth 16 beds
- Option B Tiverton 32 beds; Sidmouth 24 beds; Exmouth 16 beds
- Option C Tiverton 32 beds; Seaton 24 beds; Exeter 16
- Option D Tiverton 32 beds; Sidmouth 24 beds; Exeter 16 beds

The CCG preferred option was A, as this combination was considered by the CCG to result in the smallest changes in travel time and has the greatest whole system impact.

The Council had already passed a motion on the 26 October 2016 "that this Council register its extreme concern at the impending loss of 71 Community beds in this part of Devon. It is

a well-known fact, particularly in coastal and rural Devon, that there is an above average population of elderly people. Older people take longer to recuperate from illness, hospital admission and operations. Community services are already overstretched and there is an acute lack of appropriate carers to care for people in their own homes. Our District General Hospitals increasingly find it difficult to keep up with demand due to the fact that they cannot discharge people when they are ready because of the lack of community services. All the Government advice has been to encourage the care of people close to their homes. We thank Devon MPs, including Sir Hugo Swire and Neil Parish, who secured a debate at Westminster on the 18 of October, to air their concerns about proposed changes to community bed provision in East Devon, and that this Council write to them urging them to continue speaking on behalf of all residents in East Devon, so that an ill thought out decision which has come about only for financial reasons, is urgently re-considered by the Devon CCG.”

A letter had been sent to Sir Hugo Swire MP and Neil Parish MP on behalf of the Council from the Chief Executive on the 4 November in respect of this resolution by the Council on the 26 October 2016.

Before questions and debate commenced, the Chairman reminded the committee of the recent comments made in Parliament by Neil Parish MP in taking action to “fight all closures across East Devon”. The Chairman hoped that the committee would adopt the approach of unified front rather than raising arguments between the towns where community hospitals are located.

Questions raised by Councillors and responses from Mr Sainsbury covered issues including:

- Any change to a new model of care would not be implemented unless it was proven that the new model was safe to implement; this included there being sufficient clinical staff available;
- There was recognition that in some community hospitals an aging staff base was a concern and training both new staff and existing staff was required; it was also possible that not all staff would want to train in administering care outside of hospital as a visiting clinician;
- Carers could be provided via private care, or from Devon County Council, but there was also the possibility that by moving to a new model of care, some carer provision could be made by the NHS to help towards filling the current care gap; recognised that community hospitals should not be a substitute for care homes;
- Travelling clinicians could be vulnerable in having to travel in rural areas and in dealing with vulnerable patients in their own homes. Risks to NHS staff was a high priority and mitigated for where possible in current working practices, and would continue under the new model of working; this included the resilience of staff in dealing with extreme weather conditions;
- Concern that the model proposed would not be a suitable model for the aging demographic of the District and their often complex care needs, including mental health issues;
- Concern about privatisation of the NHS service. Mr Sainsbury commented that the consultation was not a procurement exercise;
- Tiverton PFI Hospital (Private Finance Initiative) has a long term arrangement and therefore felt sensible by the NEW Devon CCG to retain inpatient beds; but the hospital also scored highly in assessment, so was not included purely as a financial component;
- Recognition that the staff bill for NHS services in the area was large, particularly with the use of agency staff. Nursing costs had increased year on year. Moving to a new

- model of care could reduce the level of agency staff used;
- Night sits were quoted as part of the new model of care, but Councillors felt that the provision of “some night sits” was not enough to cope with the demand that existed;
 - Northern Devon locality has already introduced the new model of care, providing the NEW Devon CCG with evidence that this does have a positive impact on the care delivered;
 - Devolving some lower level care from District Nurse level to other carers was being considered;
 - One Councillor who trained nursing undergraduates did not recognise the evidence provided of an aging profile of nursing staff; good care in the community came at a high cost and one of the issues was the lack of time they could devote to each patient and that; national training currently had a focus on acute hospitals, as there are few community hospitals nationally;
 - Evidence presented in the report had been collated independently; however Councillors had received differing figures for bed use from different representatives of the NEW Devon CCG, and therefore found it difficult to trust any statistics presented;
 - The consultation does not infer that any of the hospitals are closing – only in consulting on the closure of in-patient beds;
 - Many Councillors felt that to make changes to in-patient bed numbers now was premature if local care packages were not set up first;
 - Costings presented were still not backed up with detail; there was general agreement that the NEW Devon CCG needed to look to find savings at an administrative and managerial level rather than the small level of savings that closing in-patient beds would bring;
 - Challenging that evidence exists to show that there is harm to patients who remain in hospital; no evidence of clear clinical trials that the new model of care works;
 - There was no proposal to close Barnstaple Accident and Emergency unit;
 - Concerns were recognised over using a central contact number – the example of the problems around 101 and 111 was used – this “single point of access” related to a professional point of access for practitioners to use, as had worked successfully in Northern Devon area;
 - The model of care suggested was not a new innovation – it was working elsewhere in the country and the NEW Devon CCG had looked at 17 examples nationally;
 - Royal Devon & Exeter NHS Trust were exploring how they could make community hospitals into real community assets – Budleigh Salterton hospital “Hub” was an example, but appeared to have lacked some joint working in order to plan what could be provided from the building before it was closed;

A proposal to include in the response to the NEW Devon CCG to stop the privatisation of the NHS was put to the vote and lost.

RESOLVED that a response from the Scrutiny Committee to the NEW Devon CCG “Your Future Care” consultation contains the following comments:

1. Asks that the New Devon CCG presents an outline of how care delivery integrates health, social, and mental care, as well as physiotherapy, and how it is provided to patients;
2. Consider that the comparison with Northern and Western Devon areas is unfair as the demographics were not the same as Eastern Devon;
3. The committee considers that the models proposed in the consultation will not meet the needs of the District because of the local issues of social isolation, and the support that carers need;

4. The NEW Devon CCG should review the expenditure on management and administration as a means to realise savings that could be used to provide care rather than divert funding from in-patient beds;
5. The committee considers that the evidence presented to date by the NEW Devon CCG is not sufficient to convince them that the new model of care will be successful;
6. The Committee does not accept Options A – D, but recommends that the NEW Devon CCG should retain the current level of in-patient beds in community hospitals in the Eastern Devon locality;
7. Should a decision be made to close in-patients beds, the Committee insists that this is not undertaken until the replacement model of care is recognised as safe and in place; subject to the provision of evidence that the model of care has resulted in no bed blocking at acute hospitals, non occupancy of beds in community hospitals, and full care in the community.

The Chairman thanked Mr Sainsbury for attending to answer questions.

***29 NHS Property Services**

12 Community hospitals are transferring from Northern Devon Healthcare Trust ownership to NHS Property Services; in the District this relates to Axminster Community Hospital, Honiton Hospital, Seaton Community Hospital, Budleigh Salterton Community Hospital, Exmouth Community Hospital, Sidmouth Hospital and Ottery St Mary Hospital. The transfer will complete on the 1 December 2016. Some GP surgeries will also transfer in ownership.

The committee considered a report submitted by NHS Property Services to the Health and Wellbeing Scrutiny Committee on the 19 September 2016, which outlined the role that the service provides in managing some of the NHS estate.

The Chairman voiced his disappointment in a lack of response from NHS Property Services to attend and respond to questions.

Concerns on the transfer of ownership from Councillors included:

- Impact on League of Friends organisations, who had tirelessly worked to fund improvements to their local community hospitals;
- No guarantee, if a property was sold, of the capital being used in the area the property was situated;
- Issues with local surgery at Sidmouth where there was pressure from NHS Property Services for the surgery to relocate to the hospital; this option was not acceptable by the local GPs, nor was the proposed increase in rent from NHS Property Services;
- How can a realistic market rate be calculated for a medical facility? Standard commercial rents were not considered by Councillors as a fair comparison, if that is the measure used to establish a market rate;
- Councillors felt that the exercise was a process of asset stripping;
- Does the increase in rent to a “market level” therefore mean that voluntary donations – such as from League of Friends organisations – were no longer required?
- The commitment from the Department of Health to meet any increased property costs for 2016/17 arising from the introduction of market rent should be continue to be applied for future years.

RESOLVED that the Chairman of the Scrutiny Committee writes to NHS Property Services, expressing:

1. Disappointment at the lack of response to the request to attend;

2. A request for attendance at a future meeting;
3. Questions raised by the Scrutiny Committee at their meeting on the 24 November 2016;

and that this letter is copied to the Health and Wellbeing Scrutiny Committee of Devon County Council; the three local MPs; and the Secretary of State.

***30 Financial Plan 2017 - 2022**

The Chairman welcomed the Portfolio Holder for Finance, Ian Thomas, and the Strategic Lead - Finance, Simon Davey.

The committee had before them the agreed Financial Plan for 2017 – 2022, which set out the longer term view of how the Council will structure and manage its finances over the next five years in order to deliver the Council Plan.

An understanding of the medium term financial model will assist the Committee when considering the draft budget for 2017/18 on the 18 January 2017.

Questions and discussion by Councillors included:

- Explanation of Tariff Payments as a payment back to the government from the business rates collected;
- No direct impact on current plan from the Autumn Statement;
- Financial pressures were set to continue and the plan helped to mitigate for that pressure;
- Evidence of the effectiveness of the transformation strategy was apparent from the savings achieved by specific initiatives in the strategy already undertaken for 2016/17, monitored throughout the year through the budget monitoring reported to Cabinet;
- The council tax support grant to towns and parishes was currently fixed for future years, but was under discussion, perhaps to ring fence, but would be explored further in a future report to Cabinet;
- Retention of business rates was explained with recognition of the benefits that the regeneration and growth point areas brought; Councillors were reminded of the paper issued by the Portfolio Holder for Finance explaining business rates;
- The cost of relocation and getting the maximum value from the sale of the current Council offices was raised; an explanation was given of the tender process and valuations but details on overage could not be given;
- In response to a question from Chairman about who is responsible for getting the best value for such projects as the relocation; the process was set out of approval through Cabinet and Council, with checking of the business case by the Audit and Governance Committee and external auditors Grant Thornton.

RESOLVED that the Financial Plan be noted.

***31 Quarterly monitoring of performance – second quarter 2016/17**

The committee noted that there were two service objectives showing a status of concern:

- **Promote inspection outcomes under the Food Hygiene Rating Scheme and to improve the ways in which we draw attention to those outcomes. To provide a clear incentive for businesses to improve their compliance with regulatory standards we will clearly and expressly identify businesses who have achieved improved scores and those who have not - Real time "changes" to food hygiene**

scores remains something that we are keen to promote and we are working with Strata to see if this IT related work is possible in the current schedule of work. In the meantime anyone can view the current food hygiene rating score of any restaurant, café and pub - in fact any caterer or food retailer in our area via the EAST DEVON APP.

- **Promoting use of Council assets as potential locations for joint venture energy generation with private energy company.** The Limited opportunities available are currently being explored;

The performance indicators are showing on track with two showing a status of concern:

- **Number of random vehicle licence checks** – Licensing service operates with reduced staffing in 2016 impacting upon number of checks conducted. Recruitment was now complete with staffing being up to capacity from January 2017.
- **Percentage of Other planning applications determined within 8 weeks** – Development Management are aware that the target for the quarter has not been met. This is partly due to heavy workloads and the focus on improving performance on Major applications, but in any case improved performance is being addressed as part of the current Systems Thinking review into the service where a number of changes to the way the service process “Other” applications is about to be trialed. It should be noted that for the Government Returns for the quarter we were at 77.5%.

In discussion on the performance indicators, Councillors felt that budget resource questions needed to be asked relating to staffing levels for Development Management (in dealing with application volumes) and for Property and Estates (in actioning projects).

Clarification was also requested for the legal requirements of market stalls in displaying inspection outcomes under the Food Hygiene Rating Scheme.

RESOLVED that

1. The Service Lead for Planning consider if additional staffing resource should form part of the Draft Budget 2017/18 to help resolve the performance on determination of planning applications within 8 weeks;
2. The Asset Management Forum be asked to consider if additional staffing resource should form part of the Draft Budget 2017/18 to help deliver projects.

***32 Scrutiny Forward Plan**

The forward plan was noted.

The issue of cost implications, and the lifting of a standing order, was recently raised at Audit and Governance Committee, but reported to be an issue that may fall to the remit of the Scrutiny Committee. This will be investigated by the Democratic Services Officer to see if it does fall to the remit of the committee.

Attendance list (present for all or part of the meeting):

Scrutiny Members present:

Roger Giles
Alan Dent
Colin Brown
Simon Grundy
Bruce de Saram
Cathy Gardner
Douglas Hull

Bill Nash
Val Ranger
Marianne Rixson

Other Members

Paul Carter
Dawn Manley
Andrew Moulding
Jill Elson
Peter Faithfull
Geoff Jung
Megan Armstrong
John Dyson
Pauline Stott
Tom Wright
Susie Bond
Ian Thomas
David Barratt
Brenda Taylor
Steve Gazzard
Brian Bailey
Ian Hall
Helen Parr
Peter Burrows

Officers present:

Simon Davey, Strategic Lead Finance
Giles Salter, Solicitor
Debbie Meakin, Democratic Services Officer

Scrutiny Member apologies:

Dean Barrow
Darryl Nicholas
Cherry Nicholas
Marcus Hartnell
Douglas Hull

Other Member apologies:

Ben Ingham
Rob Longhurst
Phil Twiss
Stuart Hughes
Eileen Wragg
Peter Bowden

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Overview Committee held at Knowle, Sidmouth on 27 September 2016

Attendance list at end of document

The meeting started at 6.00pm and ended at 8.25pm.

***9 Public speaking**

There were no public speakers at this point of the meeting.

***10 Minute confirmation**

The minutes of the Overview Committee held on the 28 June 2016, were confirmed as a true record.

***11 Declarations of interest**

Councillor Ian Hall

Minute 13

Personal Interest – Chairman of Cloakham Lawns Sports Centre

***12 Housing Delivery – discussion paper**

The Committee received a joint report from John Golding, Strategic Lead – Housing, Health & Environment and Ed Freeman, - Service Lead Planning & Strategy & Development, which set out the challenges faced in maintaining housing delivery in the district to meet housing needs, and in particular the need for affordable housing.

It recognised the success that had been achieved in recent years and considered ways in which the Council could continue to deliver the homes required in a new national housing policy context and changing housing market conditions. The discussion could influence housing and future planning policies and guidance documents, the current operating environment, and opportunities in the East Devon housing market.

Members noted that the housing market had complex interactions with many factors that the Council was unable to control. The Council's policies had to be based on sound evidence of local market conditions and housing need, in order to use the National Planning Policy Framework and discretionary housing policies to best effect for our residents.

It was noted that in exploring the subject the Committee may wish to adopt an ad hoc Select Committee approach and gather evidence from expert witnesses to help in formulating recommendations. John Golding, Strategic Lead – Housing, Health & Environment, reported that the Council started from a position of strength as it had been successful in delivering opportunities for EDDC residents to secure suitable housing at an affordable price. The District was currently delivering 250 affordable homes per year, but it was expected that this total would reduce in the next few years, due to reductions in delivery of affordable homes at Cranbrook.

The Chairman introduced a presentation prepared by Andy Wood, East of Exeter Projects Director, which raised a number of important issues regarding housing delivery in East Devon, including: a) control of land; b) freedoms arising from the Housing & Planning Act; c) supply chain of labour – particularly the affect of Hinkley Point C on the labour force; d) direct delivery of housing by the Council and e) raising the standards for delivery of housing development in the district.

During discussions, the following further points and questions were also raised:

- How can we use current planning and housing policies to deliver what we want?
- What actions could be undertaken in the district to encourage development, such as canvassing the Government to develop sites ourselves and alter Government policy;
- It was suggested that some local authorities had found a way around the Government thresholds of 6 dwellings in rural areas and 10 in urban areas below which affordable housing could not be sought and that this should be investigated to see if a similar case could be made in East Devon;
- What evidence was there that the affordable homes provided in East Devon were accessible and adaptable dwellings that were 'lifetime homes'?
- Importance of developers providing affordable homes and not a monetary replacement;
- Interference of land values in affordability of Affordable Housing;
- Investigate cheaper non standard forms of construction;
- Changing the mindset of young people who often feel the need to have home ownership straight away. Other countries had a higher percentage of rented housing occupation compared with the UK;
- The average price of a house in East Devon was £265K meaning a joint income of £60K was needed to afford to buy a house in the district.
- Need to look at achieving better paid employment for local people;
- Importance of affordable houses to provide employees for local businesses;
- EDDC no longer has a land bank, the last was used at Stowford Rise;
- Need to overcome the viability clause inserted into developments, which was used to reduce affordable home requirements.

RESOLVED

1. that a politically balanced Housing Delivery Taff be established, comprising a minimum of 7 members to be drawn predominantly from the membership of the Overview Committee but wider if necessary;
2. that the Taff have a minimum of three meetings to hear and consider evidence based on the following themes which needed to be scoped:
 - a) Local Plan/ Government Policy 9to possibly cover areas such as appraisal of land values, types of housing being delivered and service provision impact on rural areas)
 - b) EDDC and other Initiatives (to possibly cover areas such as options for purchasing and and/or building, impact of the welfare regimes and improving affordability
 - c) Alternative structures & options (to possibly cover areas such as looking at partnerships, alternative delivery models and the impact of devolution
3. that the first meeting to be held in the evening at a date to be decided in early October at which the specific themes be fully scoped..
4. that at the conclusion of the Taff a report with recommended actions be forwarded to Cabinet.

*13 Quality of house building in East Devon

(Councillor Graham Godbeer took the Chair for this item)

Members received a report from Ed Freeman,- Service Lead Planning & Strategy & Development. This followed a Strategic Developments and Partnerships Think Tank that

had been held on the 24th August 2016 to consider the poor quality of finish of house building in the district and what if anything can be done to address these issues, quality had given rise to the concern of residents of a number of modern developments in the district. The report summarised the discussion highlighting the limitations on the council's powers to influence the quality of the cosmetic finish and internal fit out of houses as these areas were not covered by building Regulations or Planning. The report also recommended a response to a report prepared by the Government's All Party Parliamentary group for Excellence in the Built Environment.

Councillor Douglas Hull requested that a report be sent to all Councillors regarding the powers available to the Council's Building Control Officers to properly check new homes. There had been a number of problems with the quality of new homes built in Axminster and the response of the NHBC had been felt to be less than satisfactory. He stated that EDDC should be encouraged to take its own stance on what was expected of developers and there should be independent surveys and legal advice available for purchasers. The Strategic Lead – Legal Licensing & Democratic Services questioned whether EDDC should be issuing leaflets giving advice on things for which it was not responsible.

RECOMMENDED

1. that the response to the All Parliamentary Group for Excellence in the Built Environment report entitled "More Homes, Fewer Complaints" attached as Appendix 1 to the report be sent to encourage the Government to take action on the issues raised in the report and the additional concerns expressed at the Member's Think Tank.
2. that the Officers consider the resource and financial implications for EDDC on the production of a leaflet giving advice to purchasers of new homes on options available to them if issues arise regarding the quality of the build. .

***14 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:

RESOLVED

That the forward plan include:

29 November 2016 – Economy and Street Trading (designation of streets).

11 January 2017 – Draft budgets and service plans 2017/18.

28 March 2017 – Tourism economy and cultural enhancement of natural environment.

Attendance list

Councillors Present:

Peter Bowden (Chairman)

Graham Godbeer (Vice Chairman)

Mike Allen

Peter Faithfull

Maria Hale

Ian Hall

Rob Longhurst

Councillors Also Present:

David Barratt

Jill Elson
Douglas Hull
Geoff Jung
Andrew Moulding
Pauline Stott

Officers

John Golding, Strategic Lead – Housing, Health & Environment
Ed Freeman, - Service Lead Planning & Strategy & Development
Henry Gordon Lennox, Strategic Lead - Legal, Licensing & Democratic Services
Chris Lane, Democratic Services Officer

Councillor Apologies:

Pat Graham
Christopher Pepper

Officer Apologies:

Mark Williams, Chief Executive
Andy Wood, East of Exeter Projects Director

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Overview Committee held at Knowle, Sidmouth on 29 November 2016

Attendance list at end of document

The meeting started at 6.00pm and ended at 7.05pm.

***15 Public speaking**

There were no public speakers at the meeting.

***16 Minute confirmation**

The minutes of the Overview Committee held on the 27 September 2016, were confirmed as a true record.

***17 Declarations of interest**

Councillor Rob Longhurst

Minute 19

Personal Interest – runs a craft fair in Exmouth Pavilion

Councillor Pat Graham

Minute 19

Personal Interest – Member of Exmouth in Bloom who run stall located in the Strand

***18 Street markets and trading consultation**

The committee considered the findings of the street markets and street trading consultation exercise. The results of the consultation showed overall that there is a desire to extend street trading opportunities in East Devon, with an exception of Sidmouth (where the response was overwhelmingly against any relaxation of existing restrictions) and some businesses with fixed premises.

During discussions, the following points and questions were raised:

- 'Consent' street meant that consent had to be sought from the Council for trading;
- This was an opportunity for the council to rescind all previous designations of streets to start again;
- Definition of a 'street' was set out clearly as "including any road, footway, beach or other area to which the public have access without payment; and a service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street";
- A time limited 'consent' designation for Folk Week in Sidmouth was possible with the remaining time each year being a designation of 'prohibited';
- Resource implications would come forward in a future report once the next round of consultation was complete. The intention was for the service to be cost neutral, by means of setting the appropriate fee to cover the administration. In response to a question on transferring this responsibility to town and parish councils, advice was that legislation currently provides for consent to be given by the District Council; and that even by manipulation of block consent to town or parish councils, this would only shift the administrative burden to those town or parish councils with considerably less resource to deal with individual applications;
- Town and parish councils would continue to be involved in being a consultee for an application;
- Introduction of the proposed changes to designated streets would allow the Council to better regulate some current trading that does not have consent;

- The draft Street trading Consents policy and application guidance sets out the criteria that an application must meet. This includes factoring in the quality of the product the trader is offering, and how they may impact on nearby businesses in fixed premises;
- Consideration will be given to the practicalities of a 'Chairman delegation scheme', as is utilised by the Development Management service;
- Undertaking a pilot scheme would incur the same level of cost and legalities as the change proposed, thereby increasing the overall cost if including a pilot;
- Applications could be made for block consents as well as individual stall consents.

The Licensing and Enforcement Committee Chairman spoke in support of the proposal to change the designation of streets, commenting on the past evidence that demonstrated the benefits street trading can provide to towns. He also felt that the proposed policy was sufficiently robust in giving protection to towns and parishes.

An amendment to the recommendation to remove the reference to Sidmouth, thereby recommending that the whole District was consulted upon to have all streets designated as 'consent' was put to the vote and lost.

RECOMMENDED to Cabinet, and to Licensing and Enforcement Committee:

1. That the Licensing and Enforcement Committee authorise public consultation (in accordance with the legislative requirements) on a proposal to:
 - a. Rescind all the Council's previous resolutions to designate streets as 'Prohibited Streets' within the District, and
 - b. Resolve to designate all 'streets' in East Devon as 'Consent Streets' as defined in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 save for certain streets in Sidmouth (as listed) which shall be 'Prohibited Streets' except during Folk Week.
2. That the Licensing and Enforcement Committee receive a further report which considers the representations made during the public consultation exercise and which makes further recommendations as to the approach to be adopted by the Council to street trading. Should this approach be to resolve to make additional consent streets then the report shall also detail for the Committee to consider; the likely resource implications, fees to be charged for consent, the Street Trading policy proposed to be adopted and standard conditions to be imposed on any consent granted.

***19 Overview forward plan**

The Chairman encouraged the committee to attend the next meeting on Draft Budgets on the 18 January 2017.

The Chairman and Vice Chairman would also consult to bring forward future items for the committee to consider.

Attendance list

Councillors Present:

Peter Bowden (Chairman)
Graham Godbeer (Vice Chairman)
Peter Faithfull
Ian Hall

Rob Longhurst
Pat Graham
John Humphreys

Councillors Also Present:

Steve Hall
Pauline Stott
Geoff Jung
John Dyson

Officers

Richard Cohen, Deputy Chief Executive
Henry Gordon Lennox, Strategic Lead - Legal, Licensing & Democratic Services
Debbie Meakin, Democratic Services Officer

Councillor Apologies:

Mike Allen
Tom Wright
Jill Elson

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Strategic Planning Committee held at Knowle, Sidmouth on 21 November 2016

Attendance list at end of document

The meeting started at 10.00am and ended at 11.45am.

***15 Public speaking**

The Chairman welcomed everyone present to the meeting.

There were no members of the public that wished to speak.

***16 Minutes**

The minutes of the Strategic Planning Committee meeting held on 13 September 2016 were confirmed and signed as a true record, subject to a comment raised on minute *12 (A30 Honiton to Devonshire Inn – Highway Improvement Scheme) being corrected to read:

- Queried whether there would be service station provision. In response, it was advised that there were currently no proposals for provision and that any service station would need to be provided by a private company.

***17 Declarations of interest**

Cllr Jill Elson; minute – *8 – Draft Exmouth Sports Pitch Strategy and *21 – Draft Planning Obligations Supplementary Planning Guidance

Interest - Personal

Reason: Chair of Governors, Exmouth Community College

Cllr Geoff Pook; minute – *21 - Draft Planning Obligations Supplementary Planning Guidance

Interest - Personal

Reason: Involved in the construction industry

***18 Housing Monitoring and Five Year Land Supply Calculations**

The Committee considered the Service Lead – Planning Strategy and Development Management's report outlining the latest monitoring figures on housing completions and projections and setting out the five year housing supply calculation to 31 March 2016. The Council was legally required to monitor housing completions within the District on an annual basis and calculate whether it could demonstrate a five year housing land supply.

Members noted that in summary, over the six-month period from 1 October 2015 – 31 March 2016 there were 515 net new dwellings completed in the District and there had been 1027 net completions over the full monitoring period (1 April 2015 to 31 March 2016). The figures showed that there had been a drop off in completions at the West End and a rise in completions in the rest of the District. The drop in the West End was considered to be a temporary situation which was primarily caused by the reduced flow of available plots with reserved matters at Cranbrook and partially due to uncertainty as a result of the Cranbrook DPD process. Actions were being taken to encourage developers to progress applications and to remove obstacles to delivery.

The five year land supply based on the 31 March 2016 monitor, showed that the Council could demonstrate 5.80 years supply of land for housing with a 5% buffer and 5.07 housing

land years supply with a 20% buffer. Members were advised that it was left to the local authority to consider what constituted 'persistent under delivery' and which buffer should be used. The Council had applied a 20% buffer in recent years due to under delivery prior to the current Local Plan, however it was now considered that the Council was clearly delivering at around or above the requirements and therefore the 5% buffer should now be applied.

The Council being able to demonstrate a healthy five year supply meant that full weight could be given to Local Plan policies when assessing planning applications. However, it was stressed to Members that the Council should not become complacent as the buffer could easily be reduced if appropriate windfall sites or allocated sites were not developed. It was therefore important that there was a continued focus placed on increasing housing delivery to strengthen the supply position and provide greater security that could be maintained in the long term. The Planning Advisory Service advice stated that Councils should be aiming for a 7 – 8 year supply as a 5 year supply would render the local authority vulnerable within a very short period.

The Service Lead advised the Committee of a correction to the Housing Monitoring Update appended to the Committee report relating to the calculations – the correction did not affect the overall figures or the five year land supply calculation.

Comments raised during discussion included:

- Slowed delivery in the West End had implications on the delivery of infrastructure and services. In response, it was reiterated that the drop in delivery was envisaged as being a temporary short-term issue.
- There was concern that reduced completions led to higher house prices and while this may be in the interests of the housebuilders it is not in the Council's interests.
- Current policies restrict development in those villages that wished to have limited growth to help sustain services. In response, it was advised that there were over forty Neighbourhood Plans in production – the plans would enable those settlements to bring forward development that met the communities' need. When a Neighbourhood Plan had been through examination and referendum it became part of the development plan for the local planning authority and is given weight accordingly.
- The correlation needed to be made between housing and employment supply. In response, it was advised that it was recognised there was a need to consider how the Council reported on the delivery of employment land and this was being actioned.
- There was a need to consider alternative home models, such as cheaper construction methods and the Council being proactive in bringing forward housing on its own land.
- Affordable homes were still too expensive for the average wage earner in the District – the definition of affordable needed to be revisited. Members were advised that a 'white paper' was anticipated from Government on housing and planning.
- There was a lack of suitable housing to enable older people to downsize.
- The Development Management Committee needed to be mindful that a 5 year land supply was a minimum and that the Council should be aiming for 7 – 8 year supply.

RESOLVED:

- 1. that latest housing monitoring update up to 31 March 2016 be noted;**
- 2. that the approach to the calculation of the five year land supply be noted;**
- 3. that the implications of the latest monitoring report be noted and that the Development Management Committee be asked to note the latest monitoring figures and use them to inform their decision making.**

***19 Draft Exmouth Sports Pitch Strategy**

The Committee considered the Planning Policy Officer's report updating on progress made with the Exmouth Sports Pitch Strategy. The Strategy was being developed as a means to deliver the pitch requirements set out in the District-wide Playing Pitch Strategy (PPS) adopted in June 2015 and sought to address the action plans identified in the PPS in response to issues facing pitch supply in Exmouth currently and up to 2024.

Consultation on the draft Strategy had taken place from 27 May to 8 July 2016. Members noted that 112 representations had been received during the consultation from a wide range of respondents; a summary of the comments received were included in the Consultation Statement appended to the Committee report.

The Committee report outlined the additional work required as a result of key issues raised and the staff and resource implications for future delivery.

Comments during discussion included:

- The expansion of schools onto school playing pitches resulted in an increasing number of schools having to share pitches with clubs.
- Lympstone required a cricket and football pitch – queried whether this could be included in the Strategy.
- Acknowledgment that there was significant work to be undertaken before any final recommendations could be made.
- As well as identifying sites, consideration also needed to be given to the management of them. In response, it was advised that the Strategy needed to be deliverable, however this did not mean that the Council needed to necessarily manage the sites.
- The Council's role should be that of a facilitator.
- Terms of leases needed to be adequate to enable clubs to apply for funding and grants - often the leases were not long enough.

RESOLVED:

- 1. that the work to date on developing the Exmouth Sports Pitch Strategy, including the summary of comments received as detailed in the Consultation Statement, be noted;**
- 2. that the requirement for significant further work on options before a revised draft strategy could be presented to Members for endorsement and published for consultation be noted;**
- 3. that the Strategic Planning Committee recognises the staff and resource implications for the Council in the future delivery of the strategy as a whole and specific project;**
- 4. that the supplementary budget of £25,000 to further assess options and enable drafting of a revised draft strategy in due course be agreed.**

***20 Revised draft Honiton Sports Pitch Strategy**

The Committee considered the Planning Policy Officer's report updating on progress made with the Honiton Sports Pitch Strategy. The Strategy was being developed as a means to deliver the pitch requirements set out in the District-wide Playing Pitch Strategy (PPS) adopted in June 2015 and sought to address the action plans identified in the PPS in response to issues facing pitch supply in Honiton currently and up to 2024.

Consultation on the draft Strategy had taken place from 27 May to 8 July 2016. A summary of the 34 representations received from a wide range of respondents were included in the Consultation Statement appended to the Committee report.

The committee report sought endorsement for a second consultation on a revised draft strategy and outlined staff and resource implications for future delivery. Members noted that there were a number of minor changes and two major changes from the initial draft Strategy – the two major changes concerning St Rita's extension and Mountbatten Park and the former showground.

The Service Lead – Strategic Planning and Development Management drew Members' attention to comments received from Honiton Town Council since the agenda had been published.

Points raised during discussion included:

- Delivery of sports pitches was an issue throughout the District.
- The cricket club should be moved to the St Rita's extension site, the football pitch should remain on the existing site and the rugby pitch should be leased to the rugby club to allow them to progress.
- The former showground was a sustainable location for sports pitches, easily accessible by all modes of transport.
- Reiterated that the Council should be a facilitator.
- Terms of leases needed to be adequate.

RESOLVED:

- 1. that the work on developing the Strategy, including the summary of comments received and subsequent changes made in response as detailed in the Consultation Statement be noted;**
- 2. that the revised draft Honiton Sports Pitch Strategy and supporting documents (SEA/HRA Screening Report, EqIA Screening Report and Consultation Statement) be endorsed;**
- 3. that a further 4 week public consultation on the revised draft Honiton Sports Pitch Strategy and supporting documents (SEA/HRA Screening Report, EqIA Screening Report and Consultation Statement) be agreed;**
- 4. that the Strategic Planning Committee recognises the staff and resource implications for the Council in the future delivery of the strategy as a whole and specific projects.**

***21 Draft Planning Obligations Supplementary Planning Document**

The Committee considered the Senior Planning Officer's report seeking endorsement for consultation on the draft Planning Obligations Supplementary Planning Guidance (SPD). The SPD sought to provide guidance and clarify the position with regard to planning obligations for developers, decision makers, stakeholders and local communities following the introduction of the Community Infrastructure Levy in September 2016.

Members noted that following the consultation, and depending on the responses received, the document would need to be amended and a further consultation undertaken. A final SPD would then be published and adopted.

Comments raised during discussion included:

- The consultation documents should be sent to parish and town councils for their comments.
- Extend the consultation period due to the Christmas period.
- Planning obligations were tied to the land ownership until the obligation was fully complied with, however there some exceptions.
- Queried whether there were sufficient enforcement officers to ensure obligations were adhered to. In response, it was advised that enforcement action was taken on information provided and was therefore reactive.
- Concern was raised that without confirmation that there would be funding for education from CIL, Academy Schools did not qualify for funding from the Education Funding Agency. In response, it was advised that a report regarding CIL governance arrangements would be presented at the next Committee meeting.
- CIL was non-negotiable and therefore made obligations delivered through Section 106 agreements, such as affordable housing and open space provision, more vulnerable.

RESOLVED: that a six week consultation (extended to take account of the Christmas period if required) on the draft Supplementary Planning Guidance, subject to any minor typographical amendments, be agreed.

***22 Housing and Economic Land Availability Assessment**

The Committee considered the Planning Policy Officer's report seeking endorsement for a new Housing and Economic Land Assessment (HELAA) methodology for the Exeter housing market area (Teignbridge, Mid Devon, East Devon and Exeter). The HELAA was an assessment of land that was likely to be available and capable of development for new housing and employment within a certain timeframe and essentially replaced the Strategic Housing Land Availability Assessment (SHLAA).

The HELAA would form part of the evidence to inform plan making and would support early plan preparation for the Greater Exeter Strategic Plan (GESP). Members noted that it would also ensure the Council was aware of deliverable options for development if through the Local Plan review it was identified that additional supply was required. For all the GESP authorities it was intended that a joint 'call for sites' would begin in February 2017.

In response to questions raised during discussion, the Service Lead – Strategic Planning and Development Management advised that:

- The Council would be able to proactively look for suitable housing and employment sites to supplement those submitted through the call for sites and/or combine adjoining smaller sites to form larger strategic sites.
- Whether or not to create a new community or focus on expanding existing settlements would be a policy decision for the GESP authorities.

RESOLVED: that the new Housing and Economic Land Availability Assessment (HELAA) methodology be endorsed.

Attendance list

Committee Members:

Councillors

Andrew Moulding – Chairman

Peter Burrows

Jill Elson

Graham Godbeer

Mike Howe

Geoff Jung

David Key

Rob Longhurst

Philip Skinner

Also present (present for all or part of the meeting):

Councillors:

Brian Bailey

David Barratt

Colin Brown

Jenny Brown

Paul Diviani

John Dyson

Peter Faithfull

Geoff Jung

Geoff Pook

Phil Twiss

Tom Wright

Officers present (present for all or part of the meeting):

Mark Williams, Chief Executive

Ed Freeman, Service Lead – Strategic Planning and Development Management

Keith Lane, Planning Policy Officer

Rob Murray, Economic Manager

Claire Rodway, Senior Planning Officer

Chris Rose, Development Manager

Shirley Shaw, Planning Barrister

Graeme Thompson, Planning Policy Officer

Hannah Whitfield, Democratic Services Officer

Apologies

Committee Members:

Councillors:

Mike Allen

Susie Bond

Peter Bowden

Brenda Taylor

Mark Williamson

Non-committee Members

Councillors:

Alan Dent

Ian Thomas

Officers:

Richard Cohen, Deputy Chief Executive

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 1 November 2016

Attendance list at end of document

The meeting started at 10am and ended at 4.08pm (the Committee adjourned for lunch at 12.50pm and reconvened at 2pm).

***23 Minutes**

The minutes of the Development Management Committee meeting held on 4 October 2016 were confirmed and signed as a true record.

***24 Declarations of interest**

Cllr Steve Gazzard; 16/1022/MOUT and 16/1978/MFUL; Personal Interest; Exmouth Town Councillor

Cllr Brian Bailey; 16/1022/MOUT and 16/1978/MFUL; Personal Interest; Exmouth Town Councillor

Cllr Mark Williamson; 16/1022/MOUT and 16/1978/MFUL; Personal Interest; Exmouth Town Councillor

Cllr David Barratt; 16/0867/MFUL; Personal Interest; Sidmouth Town Councillor

Cllr Alan Dent; 16/0839/FUL; Personal Interest; Budleigh Salterton Town Councillor and applicant known to the Councillor

All Committee Members present declared a personal interest in application 16/1219/MFUL as East Devon District Council was the applicant.

Cllr Colin Brown advised that he was biased in respect of application 16/0867/MFUL and would therefore not speak or vote on the application.

***25 Appeal statistics**

The Committee received and noted the report presented by the Service Lead – Strategic Planning and Development Management setting out appeals recently lodged and outlining the nine appeal decisions notified – seven had been dismissed and two had been allowed.

The Development Manager drew Members' attention to the two appeals allowed at 1 – 5 and 7 – 9 Hogsbrook Units in Woodbury Salterton. The Inspector had overruled the sustainability reasons for refusal, concluding that the proposal could be considered a small-scale economic development that was likely to support local businesses and the local economy generally, including the provision of jobs. The current level of occupancy indicated that there was a demand for the units and there was no substantive evidence to suggest that this had, or would, materially lessen the demand for space elsewhere in the District, including those allocated in the Local Plan.

Members noted that the the Planning Inspectorate was still dealing with a backlog of appeals and therefore there were delays with the determination of appeals.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 6 – 2016/2017.

Attendance list

Present:

Committee Members

Councillors:

David Key (Chairman)

Mike Howe (Vice Chairman)

Brian Bailey

David Barratt

Susie Bond

Colin Brown

Peter Burrows (did not participate or vote on application 16/1022/MOUT as did not attend site visit)

Paul Carter (left the meeting after consideration of application 16/1022/MOUT)

Alan Dent

Steve Gazzard

Simon Grundy

Ben Ingham

Helen Parr

Mark Williamson

Officers

Richard Cohen, Deputy Chief Executive (PM only)

Ed Freeman, Service Lead – Strategic Planning and Development Management (AM only)

John Golding, Strategic Lead – Housing and Environment

Steve Pratten, Relocation Manager (PM only)

Chris Rose, Development Manager

Shirley Shaw, Planning Barrister

Julia Waddington, Project and Facilities Manager

Hannah Whitfield, Democratic Services Officer

Also present for all or part of the meeting

Councillors:

Megan Armstrong

Jenny Brown

Jill Elson

Steve Hall

Geoff Jung

Bruce de Saram

Andrew Moulding

Bill Nash

Pauline Stott

Phil Twiss

Apologies:

Committee Members

Councillors:

Matt Coppel

Chris Pepper

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 6 December 2016

Attendance list at end of document

The meeting started at 10.30am and ended at 4.12pm (the Committee adjourned for lunch at 1.10pm and reconvened at 2pm).

In the absence of the Vice Chairman, Cllr Mike Howe, the Committee agreed to the appointment of Cllr Helen Parr to the position of Vice-Chairman for the morning. Cllr Howe arrived for the afternoon session and took over the position of Vice-Chairman for the remainder of the meeting.

***27 Minutes**

The minutes of the Development Management Committee meeting held on 1 November 2016 were confirmed and signed as a true record.

***28 Declarations of interest**

Cllr Susie Bond; 16/0872/MFUL; Personal Interest; East Devon District Councillor

Cllr David Barratt; 16/0872/MFUL; Personal Interest; Sidmouth Town Councillor

Cllr Matt Coppel; 16/2449/HRN; Personal Interest; Newton Poppleford and Harpford Parish Councillor

Cllr Paul Carter; 16/0872/MFUL; Personal Interest; East Devon District Councillor

Cllr Paul Carter; 16/1212/FUL; Personal Interest; Family member owned the site (left the Chamber while the item was considered)

Cllr Brian Bailey; 16/0872/MFUL; Personal Interest; East Devon District Councillor

Cllr Brian Bailey; 16/0835/FUL; Personal Interest; Exmouth Town Councillor

Mark Williamson; 16/0872/MFUL; Personal Interest; East Devon District Councillor

Cllr Mark Williamson; 16/0835/FUL; Personal Interest; Exmouth Town Councillor

Cllr Helen Parr; 16/0872/MFUL; Personal Interest; East Devon District Councillor

Cllr David Key; 16/0872/MFUL; Personal Interest; East Devon District Councillor

Cllr Steve Gazzard; 16/0835/FUL; Personal Interest; Exmouth Town Councillor

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution Committee Members declared that they had been lobbied on application 16/0872/MFUL.

***29 Appeal statistics**

The Committee received and noted the report presented by the Development Manager setting out appeals recently lodged and outlining the four decisions notified – three had been dismissed and one had been allowed.

The Development Manager drew Members' attention to the appeal allowed for prior approval of an agricultural barn into a dwelling at Hogsbrook Farm in Woodbury Salterton. The Inspector had not agreed with the Council that there would be harmful effect on future occupants of the building due to the barn's location on the farm and concluded that the majority of the farming activity occurred further away to the north of the site and therefore the main sources of smell, noise and disturbance would be located a sufficient distance away to mitigate any harmful effect.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 7 – 2016/2017.

Attendance list

Present:

Committee Members

Councillors:

David Key (Chairman)

Mike Howe (Vice Chairman) (PM session only)

Brian Bailey

David Barratt

Susie Bond

Colin Brown

Peter Burrows

Paul Carter

Matt Coppel

Steve Gazzard (PM session only)

Simon Grundy

Ben Ingham

Helen Parr

Chris Pepper (AM session only)

Mark Williamson

Officers

Richard Cohen, Deputy Chief Executive (AM session only)

Ed Freeman, Service Lead – Strategic Planning and Development Management (AM session only)

Henry Gordon Lennon, Strategic Lead – Governance and Licensing (AM session only)

Karen Jenkins, Strategic Lead – Organisational Development and Transformation (AM session only)

Steve Pratten, Relocation Manager (AM session only)

Chris Rose, Development Manager

Shirley Shaw, Planning Barrister

Alison Stoneham, Communications and Public Affairs Manager (AM session only)

Julia Waddington, Project and Facilities Manager (AM session only)

Hannah Whitfield, Democratic Services Officer

Also present for all or part of the meeting

Councillors:

Megan Armstrong

Jenny Brown

John Dyson

Cathy Gardner

Roger Giles

Steve Hall

Geoff Jung

Bill Nash

Phil Twiss

Apologies:

Committee Members

Councillor Alan Dent

Non-committee Members

Councillors:

Matt Booth

Andrew Moulding

Ian Thomas

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Audit & Governance Committee held in the Council Chamber at Knowle, Sidmouth on 17 November 2016

Attendance list at end of document

The meeting started at 2.30pm and ended at 4.36pm

***24 Chairman's welcome**

The Chairman welcomed everyone to the meeting.

***25 Public Speaking**

Mr Ron Metcalfe spoke on agenda item 12 - Findings from objection raised to Statement of Account; this is recorded at Minute 33.

***26 Minutes**

The minutes of the Audit and Governance Committee meeting held on 22 September 2016 were confirmed and signed as a true record.

***27 Declarations**

Councillor Mark Williamson – Minute 32

Interest: Personal

Reason: Member of Exmouth Regeneration Board

Councillor Bill Nash – Minute 32

Interest: Personal

Reason: Member and Trustee of Leisure East Devon (LED)

Councillor Steve Hall – Minute 32

Interest: Personal

Reason: EDDC representative of LED Board of Trustees

***28 Annual audit letter**

Darren Gilbert Director, KPMG updated Members on the Annual Audit letter that summarised the outcome from the audit work in relation to the 2015/16 audit year. Darren confirmed that the Audit Certificate had now been issued. This confirmed that KPMG had concluded the audit for 2015/16 in accordance with the requirements of the Local Audit & Accountability Act 2014 and the Code of Audit Practice.

RESOLVED:

that the content of the Annual audit letter be noted.

***29 Progress report**

Rob Andrews from KPMG, presented the Council's Progress report which provided the Audit Committee with an overview on progress in delivering their responsibilities as the external auditors. Darren introduced Rob Andrews as the new audit manager for KPMG. There was no technical update for the committee to note. The Annual Audit Letter had been completed and the Grants Certification work was progressing smoothly.

The Chairman thanked Darren and Rob for their reports.

RESOLVED:

that the content of the Progress report be noted.

***30 Risk management review – half year review**

The Strategic Lead, Finance provided the Risk information for the 2016/17 financial year until September 2016 in order for the Committee to monitor the risk status of Strategic and Operational Risks. This followed the 1st full review of risks by responsible officers for 2016/17. The 3 High risk scores in Economy had been revised to Medium risk. Child protection would remain a High risk as this was a crucial part of the Council's work.

RESOLVED:

that the Risk management review be noted.

31 Future of External Audit

The Strategic Lead, Finance presented this report. Following the demise of the Audit Commission new arrangements were needed for the appointment of external auditors. The Local Audit and Accountability Act 2014 required authorities to either opt in to the appointing person regime or to establish an auditor panel and conduct their own procurement exercise.

RECOMMENDED:

that it be recommend to Council that EDDC opts in to the appointing person arrangements made by Public Sector Audit Appointments (PSAA) for the appointment of external auditors.

***32 Partnership Register**

Partnership information for the 2015/16 financial year until March 2016 allowed the Committee to monitor the status of the Council's partnerships. This followed the year end review of partnerships by responsible officers for 2015/16.

Discussions included the following:

- Greater Exeter Great Devon was a forum to discuss strategic matters
- The governance arrangements for regeneration boards were written in the terms of reference adopted at the first meeting
- Seaton Regeneration Board was now finished as the projects had been completed
- Greater explanation was needed for the Blackdowns Hills AONB

RESOLVED:

1. that the current status of partnerships until March 2016, and
2. greater explanation for the Blackdowns Hills AONB be noted.

***33 Findings from objection raised to Statement of Account**

Mr Ron Metcalfe spoke on the KPMG investigation focused on the Cranbrook development and commented on weaknesses in systems there. The Cranbrook development was only one of many in the District, and KPMG only examined s106 agreements within the 2015/2016 financial year. It was therefore likely that EDDC's s106 payment due figures were understated and had been for some years.

In a Freedom of Information request it was disclosed that £730,000 in s106 payments was owed to EDDC. Mr Metcalfe asked;

1. would the committee require EDDC staff to prepare and carry out a plan to recover the £730,000 in s106 payments owed to EDDC during financial years 2014/2015 and 2015/2016?

2. Would the committee require EDDC staff to devise and implement policy or protocol changes to be put into place to ensure that any breach of payment of s106 monies was fully and proactively enforced?

Answers and explanations to Mr Metcalfe's questions included the following;

- KPMG chose to investigate Cranbrook as this gave greater coverage, however minor developments were considered
- KPMG had found a number of appropriate and reasonable controls in place
- There were hundreds of live s106 agreements at any one time
- Developers returns were accumulative so the 2015/16 accounts would capture any previous years monies due so were current
- There had been no evidence of any financial loss
- The legal obligation was on the developer to provide information when trigger points were met although officers should monitor this
- Future reports on s106 collections would be reported back to the Committee
- S106 agreements were also legal procedures, which were tied to the land and therefore become statutory local land charges. Enforcement would be outside of the Council
- There was an enforcement policy and this would be used where necessary to recover outstanding debts
- The £730k referred to included £409k invoiced to the Council on behalf of another body

The report summarised the key findings and conclusions arising from a formal objection received from a local elector in relation to East Devon District Council's 2015/16 financial statements.

Such an objection was received by KPMG in August 2016. Through this objection the elector raised concerns about the Council's arrangements for recording, monitoring and seeking payment of developer contributions due to the Council through agreements under s106 of the Town & Country Planning Act 1990, and the accounting for the sums due. In particular, it was asserted that:

- whilst the Council had a record of how many s106 agreements it had entered into with developers, there was no systematic method in place for the collection and aggregation of amounts due from individual agreements;
- monies due in relation to s106 agreements were not systematically identified and communicated to the Council's Finance department;
- amounts due were not tracked regularly and there was no process to inform Finance if they were unpaid and become overdue;
- these weaknesses suggested that the Council was not accounting for the true amounts due from s106 agreements; and
- as a consequence it would appear that the Council cannot demonstrate that it was securing value for money in the use of its resources.

These concerns formed the basis of the work performed by KPMG to determine if the Council had appropriate process and controls in place for its s106 agreements to secure economy, efficiency and effectiveness in the use of resources, and to ensure complete and accurate accounting for the sums due.

The report stated although no evidence that weaknesses had led to any financial loss, it had led to the Council failing to identify on a timely basis significant amounts which had

become payable from developers; particularly Cranbrook, and consequently to the understatement of these amounts in the Council's financial statements.

Whilst formal audit powers had not been exercised in response to the objection, this work had indicated that the issues raised by the objector were correct.

Discussions included the following;

- the need for progress reports to be presented at the Committee to include whether interest has or has not been charged
- holds up Town and Parishes being able to spend on facilities
- a new software system was in place to collate a centralised record of s106 contributions

RESOLVED:

that the following be agreed;

1. Absence of summarised financial information

Develop a record of all s106 contributions detailing the financial contributions expected, the relevant trigger and current collection status. This record should be accessible to Finance to inform the recognition of s106 income and the raising of invoices. The Council should also ensure that it had its monitoring information in a format which was consistent with the s106 agreements. This would allow the Council to more accurately track the outstanding debts owed to it and ensure prompt payment.

2. Enforcement of legal obligations

Ensure the information provided by developers was in line with that required under the s106 agreements. Any delayed returns from developers should be followed up on a timely basis to ensure that complete information was obtained and payment of contributions was made.

3. Understanding of financial and accounting implications of triggers being met and the communication between Planning and Finance over this

Money due to the Council under s106 agreements should be accrued as soon as the Council becomes aware that conditions for payment had been triggered. Regular communication between Finance and Planning, to ensure that Finance were aware of when triggers had been met, should be implemented.

4. that Town and Parish Councils be informed when contributions had been received for their areas.

34 Local Code of Corporate Governance

The Strategic Lead, Legal, Licensing and Democratic Services presented the Council's adopted Code of Corporate Governance. This sets out the overarching approach to corporate governance arrangements and was adopted in January 2012 so was now overdue for review. Following changes to relevant guidance there had been revisions to the Code.

RECOMMENDED:

that the Committee recommend to Cabinet that the revised Local Code of Corporate Governance be adopted.

***35 Audit and Governance Forward Plan**

Members noted the contents of the Committee Forward Plan for 2016/17.

Items to be considered at the January Committee included:

- Internal Audit Activity – Quarters 2&3 2016/17
- Audit Committee update
- Certification Report
- Anti-Money Laundering Policy approval
- Analysis of consultants fees 2015/16

RESOLVED:

that the Forward Plan be noted.

Attendance list

Present:

Councillors

Mark Williamson (Chairman)

Dean Barrow (Vice Chairman)

Steve Hall

John Dyson

Ben Ingham

Bill Nash

John Humphreys

Ian Thomas Portfolio Holder Finance

Megan Armstrong

Geoff Jung

Cathy Gardner

Apologies:

Steve Gazzard

Paul Diviani Leader

Officers:

Mark Williams, Chief Executive

Simon Davey, Strategic Lead – Finance

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

Ed Freeman, Service Lead - Planning Strategy and Development Management

Amanda Coombes, Democratic Services Officer

Darren Gilbert, Director, KPMG

Rob Andrews, Audit Manager, KPMG

Chris Parsons, KPMG

Moya Moore, Assistant Director, SWAP

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Standards Committee held at Knowle, Sidmouth on Thursday, 27 October 2016

Attendance list at the end of the document

The meeting started at 10.00am and ended at 10.55am

*8 **Public speaking**

There were no questions asked.

*9 **Minutes**

The minutes of the meeting of the Standards Committee held on 19 July 2016, were confirmed and signed as a true record.

*10 **Declarations of interest**

There were none.

*11 **Review of Members' Code of Conduct**

Members considered the review of the Members' Code of Conduct. Councillor Susie Bond again raised the issue of the list of gifts and hospitalities on the Council's website. Henry Gordon Lennox, Monitoring Officer and Strategic Lead - Legal, Licensing & Democratic Services advised that it was the Democratic Services Officers who updated the list as and when they received any new information from Councillors. He would send an email to all Councillors reminding them of the need to advise receipt of any gifts and hospitalities over £25.

Jessica Bailey, Co-opted Independent member, asked whether EDDC's approach to the declaration of Personal Interests had been in compared with that of other local authorities, particularly South Somerset District Council. Members accepted that it was good practice to carry out a benchmarking exercise with other comparable local authorities every 4 years.

The Chairman thanked the Monitoring Officer for his report.

RESOLVED:

that it be agreed that the Members' Code of Conduct (found at Part 5.1 of the Council's Constitution) is fit for purpose and there is no need to make any amendments, subject to a review of the policy on declarations of Personal Interest in line with that of South Somerset District Council for the Annual Council meeting in May 2017 .

*12 **Assessment of the naming of complainants and subject members in the complaint process and compliant reporting**

The Committee considered the report of the Monitoring Officer the purpose of which was to inform the Committee on the process for naming, or not, complainant and subject members as part of the complaints process.

Councillor Douglas Hull raised his concerns that one person could make continuous complaints about other without being named. However, there was concern

expressed that the naming of complainants could put off some complainants who had a genuine complaint.

Henry Gordon Lennox, Monitoring Officer and Strategic Lead - Legal, Licensing & Democratic Services advised that it was the subject member's choice whether they were named or not. The process now was that a subject member could ask for a decision notice to be published and it was understood that this was made clear in the letter to subject members and if not then this would be added to future letters.

Members requested that a report the report prepared ts made against a subject member by other Councillors and the public should include a section detailing the outcomes where one complainant makes amore than one complaint and also identifying where individual Councillors have more than one complaint made against them.

The Chairman thanked the Monitoring Officer for his report.

RESOLVED:

1. that it be agreed that the current process for dealing with the naming of complainants and subject members was satisfactory;
2. that the complaint update report includes the outcomes for complaints made by a specific complainant where they make more than 2 complaints and also that the number of complaints against each councillor should also be recorded .

***13 Complaint update**

The Committee considered and noted the report of the Monitoring Officer, which provided an update for the Committee on new Code related cases received since 1 May 2016.

RESOLVED: that the report be noted;

***14 Forward Plan**

The Committee noted the contents of the forward plan and future meeting dates. It was noted that Development Management Committee members would have training on lobbying and declaration of gifts and hospitality. In addition, the Councils policy on Social Media would be circulated to all members of the Committee for their information.

Henry Gordon Lennox, Monitoring Officer and Strategic Lead - Legal, Licensing & Democratic Services advised that unless there was more business that the Committee arranged for 24 January 2017 maybe cancelled.

The following items would be included for consideration at the next meeting:

- Forward Plan.

Attendance list

Present:

Councillors:

Stuart Hughes (Chairman)

Douglas Hull

Dawn Manley
Pauline Stott

Co-opted non-voting members:

Martin Goscomb, Co-opted Independent member
Jessica Bailey, Co-opted Independent member
Tim Swarbrick, Co-opted Independent member

Also present:

Alison Willan, Independent Person

Councillors:

Susie Bond – substitute Committee member
Alan Dent – substitute Committee member

Officers:

Henry Gordon Lennox, Monitoring Officer and Strategic Lead - Legal, Licensing & Democratic Services
Rebecca Heal, Solicitor
Chris Lane, Democratic Services Officer

Apologies:

Councillor Graham Godbeer
Frances Newth, Co-opted Parish/Town Council member

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Committee held at Knowle, Sidmouth on Wednesday, 16 November 2016

Attendance list at the end of the document

The meeting started at 9.30am and ended at 10.20 am

***4 Minutes**

The minutes of the meeting of the Licensing & Enforcement Committee held on 24 August 2016, were confirmed and signed as a true record.

***5 Declarations of interest**

Councillor Steve Hall

Minute 6

Disclosable Pecuniary Interest – Private Hire Licence Holder

Councillor John O’Leary

Minute 6

Disclosable Pecuniary Interest – Designated Premises Supervisor

Brian Bailey

Minute 6

Disclosable Pecuniary Interest – Hackney Carriage Licence Holder

John Dyson

Minutes 6

Involved with Street Collections for Sidmouth Folk Festival and Trustee of Folk Week

Councillor Jenny Brown

Minute 6

Disclosable Pecuniary Interest – Designated Personal Licence Holder

***6 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

During Folk Week between 29 July and 5 August, officers had attended various venues licensed by Sidmouth Folk Week as well as general licensing visits to premises in the town. All venues were found to be in order and working well. On the Wednesday of Folk Week the Chairman and Vice Chairman accompanied by the Licensing Manager completed their usual walk through the seafront stalls as well as visiting the licensed venues at Ham and Blackmore Gardens. The Chairman, reported that he would be pursuing the issue of the Folk Festival paying more for using the Blackmore Gardens for stalls. A member of the Committee also raised the issue of the Council maximising its income for licensing street markets and the use of facilities such as The Strand, Exmouth. Much of this was the responsibility of the Street Scene service.

On the 4 August 2015 an officer attended the annual Honiton Show and various stalls that had been licensed by Temporary Event Notices were checked and found to be in order. As part of the inspection process one stall was identified in the

process of preparing to sell alcohol but had not obtained a licence. The trader was required to cease and to remove the stand from the showground.

On 19 August 2016 an officer attended the Beautiful Days Festival at Escot Park to check on the set up to ensure it complied with the licence issued for the event. One coffee seller was found to be advertising alcohol outside the licence that had been issued and was formally warned to remove alcohol from the stall. This is a well run annual event that has been ongoing for a number of years.

2. Gambling Act 2005

The programme of visits to licensed premises and other premises where gaming was permitted continues and whenever a licensed premises inspection occurs, the existence of gaming machines and any issues of compliance are duly considered and inspected.

3. Taxis

The Licensing team had continued the education based enforcement and monitoring approach to the Hackney Carriage and Private Hire drivers. Close liaison was maintained with partner agencies and the taxi trade to ensure that the principles of consistency, transparency and proportionality were maintained.

The majority of all hackney carriage driver and vehicle licences expired on the 31 October each year and the Licensing Team had spent a large part of the last six weeks working on renewing these licences. Almost all of the vehicles due for renewal had now been re-licensed as have the majority of the drivers. But there was likely to be a slight overall reduction in the total number of drivers renewing mainly due to retirement from the trade.

A draft taxi licensing policy was submitted to the committee members on 17 February when it was agreed that the draft policy be circulated for formal public consultation, subject to incorporating amendments requested by members at the meeting. However since that time there had been further significant changes in legislation and procedures this year which will need to be included in the draft policy. Whilst the aim had been for the draft policy to be circulated for consultation and then finalised at this committee meeting in November, this had not been possible.

Licensing staff had attended a briefing presentation provided by the UK Immigration Service concerning the requirements of the Immigration Act 2016 on 8 November. The presentation set out the checks and legal requirements necessary under the Act for taxi licensing officers in order to comply and also how to examine documents concerning right to work in the UK. This legislative requirement would require an update in the policy. It was prudent to assess the update from the briefing to establish additions or changes required in the draft policy and also application forms and documents. All drivers who would renew their hackney and private hire driver's licence would need to go through an immigration check.

In response to a question, the Licensing Manager confirmed that the new taxi policy would include a more robust interview policy to determine whether drivers were full or part time to help avoid future situations where drivers were doing excessive work hours.

4. General Licensing

A special inspection has been carried out for one of the six zoos that were licensed with EDDC. Environmental Health requested this special inspection to ensure the zoo had complied with additional conditions that had been added to the licence

following a periodical inspection. The inspectors found that the majority of conditions had been met or were in progress.

The existing policy concerning charitable street collections has been approved for public consultation which will commence later this month. This policy provides guidance for regulating charitable and other collections of money and explains how, when and where individuals and organisations may make a street collection in East Devon. The current policy has been in place since 2007 and has worked well. The results of the public consultation would be reported to the committee in February 2017.

5. Consultations

The bi-annual taxi liaison meeting took place on Thursday 7 April 2016, this meeting was normally attended by the Chairman and Vice Chairman, but other members were welcome to attend. One point reported by the trade concerned delays by the DVLA when arranging taxi driver tests for new employees in the summer of 2015. The discussion prompted additional test appointments being made available by the DVLA this summer for new drivers. The last liaison meeting occurred on Thursday, 3 November 2016 and would be reported upon in the report to committee in February 2017.

6. Licensing Team update

Members noted that since the last meeting held in August, further staffing changes had occurred in the licensing team with the retirement of Douglas Jackson who for many years was involved with taxi licensing. The licensing team has experienced considerable change over the last six months with almost complete change on each of the roles within the team. The Chairman, Vice Chairman and members of the Committee wished to record their thanks for Douglas Jackson's work on behalf of licensing in East Devon and wish him a long and happy retirement and also thanked the Licensing Team for their efforts during a difficult period for the team

RESOLVED:

1. that the report be noted;
2. that the issue of the Council maximising its income for the Folk Festival using Blackmore Gardens and other facilities and licensing street markets and the use of facilities such as The Strand, Exmouth be pursued.

***7 To adopt an equivalent procedure for the driver testing arrangements for Hackney Carriage and Private hire Vehicles Drivers and Operators**

Members received the report of the Licensing Manager which sought approval to amend the current statement of policy through changes in procedures nationally.

All Councils had been formally notified by DVSA that they will no longer provide taxi driving assessment tests after 31 December 2016. It was a requirement of the current policy for all driver applicants to pass this assessment prior to being issued a taxi or private hire driver licence to ensure public safety at all times. The Licensing Manager reported that it was the licensing authority's intention to use Devon Academy to carry out the testing regime, which would also be used by Exeter City and Teignbridge District Councils.

RESOLVED: that the standards assessment equivalent to the Driving and Vehicle Standards Agency (DVSA) taxi driving assessment test be adopted by the district council.

***8 Changes in working arrangements for Environmental Health
Licences and Permits currently issued by the Licensing Authority**

Consideration was given to the report of the Licensing Manager which sought to keep Committee members up to date with proposed changes in procedures for issuing environmental health and general licences.

The Licensing Service was currently responsible for the administration of the Council's animal welfare, skin piercing and scrap metal licensing functions. The process for receiving applications and fees, conducting inspection visits and issuing licences was currently undertaken by staff from two services. It was proposed to transfer the administration work for these services back to Environmental Health from the Licensing Service. It was proposed that a phased transfer of the licences will occur between the teams when the renewal applications for the licences occur in the months ahead.

RESOLVED: that the proposed changes in working arrangements for dealing with general and environmental health licences currently administered by the Licensing Service, be noted.

Attendance list

Councillors present

Steve Hall (Chairman)
Jim Knight (Vice Chairman)
Brian Bailey
Dean Barrow
Colin Brown
Jenny Brown
Maddy Chapman
Bruce de Saram
John Dyson
Geoff Jung
John O'Leary

Officers present

Giles Salter Solicitor
Steve Saunders, Licensing Manager
Emily Westlake, Licensing Officer
Chris Lane, Democratic Services Officer

Apologies

Councillors:
Megan Armstrong
Steve Gazzard

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Licensing &
Enforcement Sub-Committee held at Knowle, Sidmouth on
Wednesday, 9 November 2016

Attendance list at the end of the document

The meeting started at 9.30 am and ended at 9.55 am

***11 Appointment of Chairman for the meeting**

RESOLVED that Councillor John O’Leary be appointed Chairman for the meeting.

***12 Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 28 September 2016, were confirmed and signed as a true record.

***13 Application for the grant of a premises licence to allow films, live and recorded music, performance of dance, anything similar to live and recorded music and performance of dance, late night refreshment and the sale of alcohol on and off the premises at The Balfour arms, 26 Woolbrook Road, Sidmouth, EX10 9UZ**

The Sub Committee gave consideration to an application for the grant of a Premises Licence to allow films, live and recorded music, performance of dance, anything similar to live and recorded music and performance of dance, late night refreshment and the sale of alcohol on and off the premises at The Balfour arms, 26 Woolbrook Road, Sidmouth, EX10 9UZ

The Sub Committee carefully considered the application for the licensable activities and the 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 Licensing Officer advised that the concerns of nine of the objectors including the Environmental Health Officer had been addressed through mediation and as a consequence three further conditions would be added to the licence, if approved. The remaining four objectors, who were not present, remained concerned that any increase in hours would further aggravate noise and unacceptable anti social behaviour. The applicants had offered to have a noise limiter fitted to the equipment in the outside area as well as setting up a smoking area in the beer garden with notices directing customers to that area rather than using the front porch.

The Sub Committee carefully considered the relevant representations that all parties had made, the written representations and other documentation put before the Sub Committee and the update from the Licensing Officer on the outcome of the mediation. The Sub Committee considered the particular locality of the premises in the town of Sidmouth 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 which was, 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 were likely to be if the application was granted. In addition representations from Environmental Health had been addressed through mediation.

The applicant's case was that the new licence application had been made primarily to allow an outside area of the premises to be licensed and to extend the opening hours to allow a start time of 8.30am to serve breakfasts only (no alcohol). Included within the new application were extra licensable activities indoors and outdoors for films, performance of dance and anything similar to live and recorded music and performance of dance. The live and recorded music to be changed from indoors to outdoors and extended by one hour on Fridays and Saturdays but all licensable activities to cease outdoors by 11pm. The applicants (Martyn Clark, Area Operations Manager – Punch Taverns and Ron Miles, licensee) confirmed that noise levels would be controlled and monitored and that the outdoor smoking arrangements were already in place.

The interested parties' case on paper was regarding the prevention of public nuisance regarding noise from the premises. No interested parties attended the hearing.

The Sub Committee carefully considered the operating schedule put forward by the applicant and the likely impact of the application. In relation to the evidence heard regarding the history of the premises, it was considered that the establishment would be well managed and controlled.

The Sub Committee did not accept that there was evidence of a significant public nuisance.

At the present time there was no real evidence that the operation the applicant proposed to run would cause the unacceptable impact local residents suggest.

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 that the premises would be well managed with policies in place to ensure that the perceived issues of anti-social behaviour and noise would not be an issue. 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 reflected the issues addressed through mediation. The Sub Committee believed that the conditions were necessary and proportionate.

- RESOLVED 1.** that a grant of a 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 Appendix B to the report
 - c) The conditions in the operating schedule as set out in Appendices G and H apply.
- 2.** the designated Premises Supervisor will be Ronald Mlles

Attendance list

Councillors present:

John O'Leary (Chairman)
Dean Barrow
Colin Brown

Officers present:

Giles Salter, Solicitor
Neil McDonald, Licensing Officer
Diana Vernon, Democratic Services Manager

Councillor apologies:

Bruce de Saram
Steve Gazzard

Chairman Date