

Agenda for Council

Wednesday, 26 April 2017; 6.30pm



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

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

[View directions](#)

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

Dear Sir/Madam

Meeting of the Council of the District of East Devon on Wednesday 26 April 2017 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 Obituary – Honorary Alderman Margaret Rogers
 - 2 [Public speaking](#)
 - 3 [Minutes \(with Council tax Schedules 1,2 and 3\)](#) of the Council meeting held on 22 February 2017
 - 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 **Leisure East Devon (LED) Community Engagement**
Members to receive a presentation from LED's Community Engagement Manager, Lottie Edwards, on her work supporting, creating and promoting community sports and health development projects in East Devon.
 - 10 To answer questions asked by Members of the Council pursuant to Procedure Rules No 9.2 and 9.5.
 - 11 Reports from the Cabinet and the Council's Committees and questions on those reports:

Cabinet	Minutes	154 - 181, 182 - 214
†Scrutiny Committee	Minutes	33 - 40, 41 - 46
Scrutiny, Overview and Audit & Governance		
Committees – joint meeting	Minutes	To follow
†Housing Review Board	Minutes	59 - 75
Strategic Planning Committee	Minutes	40 - 47
Development Management Committee	Minutes	39 - 42, 43 - 46
Audit and Governance Committee	Minutes	46 - 57
Licensing and Enforcement Sub Committee	Minutes	16 - 18, 19 - 23
- †The recommendations of these meetings have already been referred to Cabinet for consideration
- 12 **Councillor resignations**
To formally report the resignations of Peter Bowden and Maria Hale from EDDC. The by-elections for these seats is to be held at the same time as the County elections on 4 May.

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 – 26 April 2017

CONTENTS

		Page
COUNCIL	22 February 2017	1 – 15
1. Cabinet	8 March 2017	16 – 26
	5 April 2017	27 – 42
2. Scrutiny Committee	2 February 2017	43 – 47
	2 March 2017	48 – 53
3. Scrutiny Committee, Overview Committee and Audit & Governance Committee – joint meeting	18 April 2017	To follow
4. Housing Review Board	9 March 2017	54 – 58
5. Strategic Planning Committee	29 March 2017	59 – 64
6. Development Management Committee	7 March 2017	65 – 66
	11 April 2017	67 – 69
7. Audit & Governance Committee	2 March 2017	70 – 73
8. Licensing and Enforcement Sub Committee	22 March 2017	74 – 79
	29 March 2017	80 - 81

EAST DEVON DISTRICT COUNCIL

Minutes of the Meeting of the Council held at Knowle, Sidmouth, on Wednesday, 22 February 2017

Attendance list at the end of document.

The meeting started at 6.30pm and ended at 8.00 pm

***53 Public speaking**

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

Council had received a question on notice, as set out below, from Trevor Leahong, representing the Ottery Refugee Response Group. The Chairman invited Mr Leahong to read out the question submitted.

“My colleagues here and I represent Ottery Refugee Response Group which consists of approximately 100 East Devon residents. We are collecting items to send to refugee camps, fundraising for refugee charities and campaigning for more refugees to be re-settled in the UK, including unaccompanied children. I raised a question with you last May about the Syrian Vulnerable Persons Resettlement Programme and at that time the Council stated its commitment to re-settle between 5 and 10 Syrian refugee families per annum under this scheme. We are very pleased to note that one family has been successfully re-settled in East Devon and we understand that another family is soon to follow. We commend the Council for this and for ensuring that everything is being done to provide full support for the families. We understand that the main obstacle to EDDC achieving its commitment to re-settle 5 – 10 families per annum is that of finding suitable housing in the private sector.

We wish to ask what further measures are planned by the Council to contact landlords and attract them in order to secure private rented accommodation for refugees, including the possible use of incentives or discretionary payments as mentioned in Mr Golding’s report of 11 May last?

We understand that a postcard flyer to attract landlords is being circulated by Devon County Council to libraries and council offices. Given this limited distribution we ask that the Council send out one of these flyers with every Council Tax statement this year. These are due to go out in the next few weeks and this would be a highly cost effective way of avoiding postage costs as well as design/ printing costs because the flyers already exist.”

Councillor Jill Elson, Portfolio Holder for Sustainable Homes and Communities responded by saying that this was a very complex issue. The Council was being proactive but had to work within complex regulations. The Council had experienced difficulty in attracting landlords to the scheme as they would receive less than market rate. The family which had now settled in East Devon had been given a great deal of help and support. Refugees being rehomed were vulnerable and so required a package of support. The Council had amended its pledge to 8 households in total and this was achievable. Suggested leafleting for landlords with the council tax mailings would be investigated and Mr Leahong would be notified of the result of this investigation in writing.

Honorary Alderman Trevor Cope asked about two sites in Exmouth – a site at Tescos and the Rolle College site. In response, Councillor Philip Skinner, Portfolio Holder – Economy advised that the Council was taking positive action to ensure that the sites were retained for employment and/or community use. The Rolle College site had been sold by Plymouth University to the Deaf Academy; the Council continued to drive forward the need to secure this site for community/educational purposes.

Honorary Alderman Graham Liverton, Chairman of the Manor Pavilion Theatre Management Steering Committee advised that he had read in the local paper about the Council's decision to make the Theatre's car park pay and display. He said that the Steering Committee should have been consulted on this. The Steering Committee had met the previous evening and was unanimously opposed to the decision. The Council said that the profit made from the car park charges would go to the Theatre but HA Liverton doubted that this would happen. He said that the charges would be an additional burden on the Theatre and its users. He asked how the car park would be monitored. The car park was only small and compared this with the car park on Temple Street which the Council had agreed was too small to make charging viable. He asked the Council to delay imposing the charges for further consideration.

Brian Rees was a hirer of the Theatre and said that the car park charges would have a significant effect on the viability of productions. Stage crews parked their vehicles all day – and into the night - for each day of the productions. Costs would be prohibitive on top of the cost of the Theatre hire.

Mrs E Hammond was also a hirer and said that the Council should have consulted Theatre users before making a decision to charge for car parking. She asked if the Council had thought about the situation which regularly arose when the production required the installation of a portacabin in the car park. How would this be charged and accommodated?

Mr B Lister said that if the car park was being used by members of the public, how could large lorries carrying stage and technical equipment deliver to the Theatre?

Honorary Alderman Ann Liverton was a visitor to the Theatre and often volunteered for front of house. HA Liverton and other volunteers helped to make the Theatre viable by generating profit through sale of programmes, refreshments and meeting health and safety requirements. People were less likely to volunteer if they had to pay for car parking for each performance. If the car park was already full with people with non-Theatre goers, there was nowhere close-by to park now that Manor Road was unavailable for day-time parking. Bands giving performances in the Theatre would not be able to carry their instruments from the nearest alternative car park. She added that the Council should have consulted the Theatre users before coming to a decision.

Christine Wallace was a hirer of the Theatre. SIDDFAS was a local society which met for morning events. Many of those attending were elderly and infirm and currently parked in the Theatre car park without worrying about blocking people in because they were all going to the same event. Marking spaces in the car park would reduce the number of cars that could park there at any one time. She

believed that the society would lose members if the car park was marked and charges made.

Rod Wallace of the Devonshire Association East Devon Branch said that the decision to charge for parking displayed financially weak logic. The charges would not generate significant funds to outweigh the damage they would cause to users.

In response, Councillor Iain Chubb, Portfolio Holder – Environment advised that the discussion about the Manor Pavilion Theatre Car Park had been going on for a number of years. He confirmed that the profit from the car park charges would go direct to the Theatre. He reminded those present of recent theatre closures elsewhere and the need to generate income. He advised that when the Parking Order was advertised, there would be a period of consultation, giving everyone the opportunity to air their views.

***54 Minutes**

The minutes of the meeting of the Council held on 21 December 2016 were confirmed and signed as a true record.

***55 Declarations of interest**

Councillor Andrew Moulding; Minute No. *57

Type of interest – Personal interest

Reason – Councillor is a Trustee of the Axminster Heritage Centre.

Councillor Phil Twiss; Minute No. *61

Type of interest – Personal interest

Reason – Councillor married to newly appointed Arts and Culture Forum Community representative.

***56 Chairman/Leader notices/announcements**

The Chairman extended sincere condolences to Councillor Hull whose wife had recently passed away. The Chairman had written to Councillor Hull on behalf of the Council.

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

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

- a) Question 1 – In response to the supplementary question, the Portfolio Holder – Economy advised that it was no longer possible to reach an agreement with the former leaseholder of the Exmouth Fun Park; the Council needed the freehold to be able to progress with negotiations for Phase 2 of the seafront regeneration.
- b) Question 2 – In response to the supplementary question, the Portfolio Holder – Economy advised that no decision had yet been made about the future of the Harbour View Café building. That would be part of Phase 3 of the seafront regeneration which would be the subject of extensive consultation. The Council had required vacant possession of the building but had worked closely with the

tenants who fully understood the Council's position and were looking for an alternative local site for their business.

- c) Question 3 – In response to the supplementary question, the Leader spoke in defence of the work that officers undertook on behalf of the Council and the clear information they provided.
- d) Question 4 – In response to the supplementary question, the Portfolio Holder – Environment said that the Council anticipated that the Seaton beach huts would be fully occupied this summer.
- e) Question 5 – In response to the supplementary question, the Portfolio Holder – Environment acknowledged Councillor Burrow's appreciation of the work of officers in their proactive work to address the problem of fly-tipping.

***58 Revenue Estimates, Capital Programme and Council Tax 2017/18**

Members considered the report of the Section 151 Finance Officer and the recommendations of the Cabinet from its meeting on 8 February 2017 relating to the Revenue and Capital Estimates – the purpose of the report was to enable the Council to calculate and set the Council Tax for 2017/18.

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

The Chairman invited the Leader of the Council to present the Revenue Estimates and Capital Programme together with proposals for the Council Tax for 2017/18.

In presenting the budget, the Leader said that £5 increase for band D property (taking band D rate to £131.78 or £2.53 per week) was modest and that East Devon District Council was still the lowest in Devon and one of the lowest in the country. He said that the Council continued to provide excellent value for money - for services which ranged from conserving and enhancing the stunning local environment to coastal protection; from the regeneration of the urban economy to support for rural areas. He said that no one was under any illusion that the financial climate was rosy but that the Council would continue to vigorously address the problems faced and be constantly vigilant.

The Leader recognised that although there was still much to do, he saw exciting opportunities ahead. He referred specifically to the office relocation programme and the efficiencies that this would achieve, and the combined activities with Devon County, Exeter, Teignbridge and Mid Devon. Delivery of the new recycling and waste contract was a clear example of the Council's continual commitment to improve efficiencies, wherever and whenever possible, through better working practice and technical improvements. Efforts were ongoing to make sure that the Council's assets worked to best effect for East Devon tax payers - seizing opportunities such as granting Enterprise Zone status to increase economic opportunity and benefit, and work being undertaken for EDDC to potentially establish its own local housing company to increase the housing supply for East Devon people - helping to satisfy the seemingly insatiable demand for new homes.

In conclusion, on behalf of Members, the Leader thanked all Officers for the excellent work across the board which had enabled the Council to deliver a balanced budget. He also recognised the contribution of Members through the full, open and transparent budget preparation process.

He then proposed that the Council Tax requirement for 2017/18 be set at £7,574,319 with a resulting Council Tax Band D amount of £131.78 (an increase of £5 a year (3.94%) which was within the threshold stipulated by government before triggering a council tax referendum) and that the budget be agreed as presented in the Council papers. The Leader moved the printed recommendations set out in Appendix A to the report.

The proposal was seconded by Councillor Andrew Moulding who supported the budget as presented.

During debate and consideration of the printed budget recommendations, the following issues were raised:

- Concerns had been raised by the Leader of Devon County Council that the Government settlement failed to address the crisis in social care. Similarly Lord Porter, LGA, was critical of the Government's settlement which would result in a funding gap that would push councils perilously close to the financial edge over the next few years and force cuts to services. It was hoped that this Council would add its voice and protest against the inadequate settlements.
- There were real issues in respect of authorities funding social care by cutting other budgets.
- Local funding for health, social care and schools was much lower than funding allocated to London authorities. Although these were not issues that this Council could determine, the people that this Council represented were suffering as a result of decisions made elsewhere.
- The focus should be on this Council's budget and what this Council has achieved. Officers and Councillors involved should be congratulated for keeping costs down and improving services.
- Although other authorities nationally were having problems with their waste services, this Council was providing an improved service at a lower cost.
- The Council had recently appointed a new Strategic Lead for economic development. This area had low levels of productivity. The new appointee would explore initiatives to retain talented people within the district and attract talented people to the area.
- In the past, the Council had resisted increases in Council Tax. However the more recent trend was to expand service provision. Concern was raised that the increases and expansion would result in harder cuts in the future.

The Leader summed up by saying that there was an on-going problem of people failing to understand which functions were the responsibility of the district council and those which were County functions. The Council performed well and this was what Councillors needed to concentrate on. He acknowledged that Central Government had not looked after the interests of local government - he often used opportunities at strategic meetings with government representatives to put forward that view. He agreed that productivity levels within the district were low and that there was a need to look to younger generations to help address this; local government could help by providing opportunities for them.

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

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

RESOLVED:

1. that it be noted that on 11 January 2017 the Cabinet (minute reference 127 refers) calculated the Council Tax Base 2017/18
 - a) for the whole Council area as 57,477 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and
 - b) for dwellings in those parts of its area to which a Parish precept relates as detailed in Schedule 1 attached.
2. that as a preliminary step, calculate that the Council Tax requirement for the Council's own purposes for 2017/18 (excluding Parish precepts) is £7,574,319
3. that the following amounts be calculated for the year 2017/18 in accordance with Sections 30 to 36 of the Act
 - (a) £94,455,112 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
 - (b) £83,586,333 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
 - (c) £10,868,779 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).
 - (d) £189.10 being the amount at 3(c) above (Item R), all divided by Item T (1(a) above), calculated by the Council in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
 - (e) £3,294,460 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per the attached Schedule 1).
 - (f) £131.78 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T (1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.

- (g) The amounts stated in column 5 of the schedule 1 attached given by adding to the amount at 3(f) above the amounts of the special item or items relating to dwellings in those parts of the Council's area specified in column 1 of Schedule 1 divided in each case by the amount at 1(a) above, calculated by the Council in accordance with Section 34(3) of the Act, as the basic amounts of its Council tax for the year for dwellings in those parts of its area set out in column 1 of Schedule 1 to which one or more special items relate.
- (h) The amounts set out in Schedule 2 attached given by multiplying the amounts at 3(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.
4. that it be noted that for the year 2016/2017 Devon County Council, Police and Crime Commissioner for Devon and Cornwall and Devon and Somerset Fire and Rescue Authority have stated the following amounts in precepts issued to the District Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Precepting Authority

Valuation Bands	Devon County Council	Police and Crime Commissioner for Devon & Cornwall	Devon & Somerset Fire & Rescue
A	£845.28	£117.52	£54.38
B	£986.16	£137.11	£63.44
C	£1,127.04	£156.69	£72.51
<u>D</u>	<u>£1,267.92</u>	<u>£176.28</u>	<u>£81.57</u>
E	£1,549.68	£215.45	£99.70
F	£1,831.44	£254.63	£117.82
G	£2,113.20	£293.80	£135.95
H	£2,535.84	£352.56	£163.14

5. that, having calculated the aggregate in each case of the amounts at 3 (h) and 4 above, the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the amounts set out in Schedule 3 attached as the amounts of council tax for the year 2017/2018 for each of the categories of dwellings shown in Schedule 3.
6. that the Council has determined that its relevant basic amount of Council Tax for 2017/18 is **not** excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992. As the billing authority, the Council has **not** been notified by a major precepting authority that its relevant basic amount of Council Tax for 2017/18 is excessive and

therefore the billing authority is not required to hold a referendum in accordance with Section 52ZK Local Government Finance Act 1992.

Recorded vote on the budget:

Councillors Paul Diviani, Mike Allen, Megan Armstrong, Brian Bailey, David Barratt, Susie Bond, Peter Bowden, Colin Brown, Jenny Brown, Peter Burrows, Paul Carter, Iain Chubb, Alan Dent, Bruce de Saram, John Dyson, Jill Elson, Peter Faithfull, Roger Giles, Graham Godbeer, Pat Graham, Ian Hall, Steve Hall, Marcus Hartnell, Mike Howe, John Humphreys, Geoff Jung, David Key, Jim Knight, Dawn Manley, Andrew Moulding, Cherry Nicholas, Darryl Nicholas, John O'Leary, Christopher Pepper, Geoff Pook, Marianne Rixson, Philip Skinner, Pauline Stott, Brenda Taylor, Ian Thomas, Phil Twiss, Mark Williamson, Eileen Wragg, Tom Wright, Stuart Hughes and Helen Parr - voted in favour – 46.

Councillor Ben Ingham – voted against.

***59 Minutes of Cabinet and Committees**

RESOLVED

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

Cabinet

Minutes 114-131, 132-153

Strategic Planning Committee

Minutes 23-31, 32-39

Development Management Committee

Minutes 31- 34, 35-38

Audit and Governance Committee

Minutes 36-45

Licensing and Enforcement Committee

Minutes 8-15

Licensing and Enforcement Sub Committee

Minutes 14-15

that the under-mentioned minutes be received.

Cabinet (minutes 139 and 143) had noted or accepted the following Overview/Scrutiny Committees' recommendations with or without amendment.

Overview and Scrutiny Committee – Joint meeting

Minutes 1-4

Housing Review Board

Minutes 37-58

Arising from consideration of the above minutes:-

➤ **Overview and Scrutiny Committees – Joint Meeting**

Cllr Roger Giles, Chairman of the Scrutiny Committee said that he had listened to the public speakers in respect of the proposed car parking charges at the Manor Pavilion Theatre and advised that he would ask his Committee to review this proposal.

➤ **Housing Review Board**

Cllr Pauline Stott, Chairman of the Housing Review Board drew Councillors' attention to Minute *45 which looked at the merits of a joint venture company and a local housing company for the delivery of affordable housing funded by the Council. If progressed, there was a real opportunity for the Council to build 200 affordable homes a year. Councillor Stott said that all Councillors were invited to attend meetings of the Housing Review Board as observers and see for themselves the exciting proposals being considered.

*60 **Motion: Safeguarding procedures**

The following motion was proposed by Councillor Andrew Moulding, seconded by Councillor Phil Twiss and supported by Councillors Pauline Stott, Maria Hale, Paul Carter, Colin Brown, Jenny Brown, David Key, Steve Hall, Darryl Nicholas, Cherry Nicholas, Brian Bailey, Graham Godbeer, Paul Diviani, Bruce De Saram, Mike Allen, Alan Dent and Bill Nash.

"That this Council introduces a protocol for Councillors for safeguarding vulnerable adults and children in the community.

Councillors are increasingly being encouraged to engage with the community and this engagement can often involve meetings with individuals on a one-to-one basis – including vulnerable adults and children. This Council recognises the importance of putting the correct safeguarding measures in place and, in so doing, setting an example within the community. In the light of this intention and the legal duties falling on this Council in respect of the safeguarding of vulnerable adults and children, the Chief Executive be requested to prepare a report on the appropriateness of requiring all Councillors to be the subject of a DBS (Disclosure and Barring Service – formerly CRB) check and attending specific safeguarding training."

The proposer of the motion, Councillor Andrew Moulding, spoke of recent personal examples of engaging and supporting young people - these had been possible because he had been DBS checked. He said that the checks were useful but it was also important to understand how to deal with vulnerable adults and young people, knowing how to communicate. Councillors were exposed when engaging with vulnerable adults and young people and needed to be checked and properly qualified.

The seconder of the motion, Councillor Phil Twiss agreed that Councillors were often involved with sensitive issues and needed to be properly trained and to maintain high safeguarding standards - particularly when dealing with vulnerable adults and young people who needed to be able to turn to people they could trust. The existing EDDC policy was predominately for employees but needed to specifically include Councillors and their role. This would be to the benefit of Councillors themselves and also give out a strong message of professionalism to the public. There was no reason why Councillors would not wish to go through this process if they had nothing to hide.

The following issues were raised by Councillors during consideration of the motion:

- Caution re the value of DBS checks – these can only prove that someone has not been caught and charged.
- Positive action in this respect would send a good message to organisations and the world at large.
- A safeguarding protocol plus training and checks would be a positive move to help protect vulnerable people.
- The DBS checks represented a nationally agreed standard.
- It was right that this Council set an example.

The motion was put to the vote and carried.

RESOLVED

1. that a protocol for Councillors for safeguarding vulnerable adults and children in the community be introduced - this Council recognises the importance of putting the correct safeguarding measures in place and, in so doing, setting an example within the community;
2. that, in the light of this intention and the legal duties falling on this Council in respect of the safeguarding of vulnerable adults and children, the Chief Executive be requested to prepare a report on the appropriateness of requiring all Councillors to be the subject of a DBS (Disclosure and Barring Service – formerly CRB) check and attending specific safeguarding training.

***61 Greater Exeter Strategic Plan – Joint Informal Advisory Reference Forum membership**

RESOLVED that the membership of this politically balanced Joint Informal Advisory Reference Forum be:

Conservative Group:

Philip Skinner (Economy Portfolio Holder)

Mark Williamson (West of EDDC area) with Mike Howe as substitute

Colin Brown (East of EDDC area) with Graham Godbeer as substitute

Independents Group:

Geoff Jung

Liberal Democrats Group:

Brenda Taylor

***62 Arts and Culture Forum – community representatives**

RESOLVED that the appointment of Brian Norris and Sally Twiss as community representatives on the Arts and Culture Forum be confirmed.

(The Forum had met with Brian Norris and Sally Twiss and read their CVs before proposing their appointment to Council).

Attendance list

Councillors present:

Stuart Hughes (Chairman)
Helen Parr (Vice Chairman)

Mike Allen
Megan Armstrong
Brian Bailey
David Barratt
Susie Bond
Peter Bowden
Colin Brown
Jenny Brown
Peter Burrows
Paul Carter
Iain Chubb
Alan Dent
Paul Diviani
Bruce de Saram
John Dyson
Jill Elson
Peter Faithfull
Roger Giles
Graham Godbeer
Pat Graham
Ian Hall
Steve Hall
Marcus Hartnell
Mike Howe
John Humphreys
Ben Ingham
Geoff Jung
David Key
Jim Knight
Dawn Manley
Andrew Moulding
Cherry Nicholas
Darryl Nicholas
John O'Leary
Christopher Pepper
Geoff Pook
Marianne Rixson
Philip Skinner
Pauline Stott
Brenda Taylor
Ian Thomas
Phil Twiss
Mark Williamson
Eileen Wragg
Tom Wright

Honorary Aldermen:

Trevor Cope
Christine Drew
Frances Newth
Ann Liverton
Graham Liverton
Tim Wood

Officers:

Richard Cohen, Deputy Chief Executive
Simon Davey, Strategic Lead - Finance
Henry Gordon Lennox, Strategic Lead – Governance and Licensing
Mark Williams, Chief Executive
Diana Vernon, Democratic Services Manager

Councillor apologies:

Dean Barrow
Matthew Booth
Maddy Chapman
Matt Coppel
Cathy Gardner
Steve Gazzard
Simon Grundy
Maria Hale
Douglas Hull
Rob Longhurst
Bill Nash
Val Ranger

Honorary Aldermen apologies:

Stephanie Jones
Bob Peachey
Ken Potter
Tony Reed

Chairman Date

SCHEDULE 1 2017/18					
Parish	Parish Precept	Tax Base	Basic Parish Tax	Basic Tax Parish + EDDC	Basic Tax + DCC + Fire Authority + Police & Crime Comm D&C
	£		£	£	£
All Saints	9,295.00	252	36.88	168.66	1,694.43
Awliscombe	3,962.00	235	16.86	148.64	1,674.41
Axminster	195,934.00	2654	73.83	205.61	1,731.38
Axmouthe	11,483.00	248	46.30	178.08	1,703.85
Aylesbeare	7,118.00	266	26.76	158.54	1,684.31
Beer	17,448.52	672	25.97	157.75	1,683.52
Bishops Clyst	25,110.00	523	48.01	179.79	1,705.56
Brampford Speke	6,408.00	154	41.61	173.39	1,699.16
Branscombe	7,500.00	337	22.26	154.04	1,679.81
Broadclyst	275,744.00	1510	182.61	314.39	1,840.16
Broadhembury	8,034.15	301	26.69	158.47	1,684.24
Buckerell	3,075.00	116	26.51	158.29	1,684.06
Budleigh Salterton	108,475.00	2761	39.29	171.07	1,696.84
Chardstock	10,000.00	413	24.21	155.99	1,681.76
Clyst Honiton	11,538.36	106	108.85	240.63	1,766.40
Clyst Hydon	2,325.00	123	18.90	150.68	1,676.45
Clyst St George	6,687.00	369	18.12	149.90	1,675.67
Clyst St Lawrence	-	45	0.00	131.78	1,657.55
Colaton Raleigh	7,600.00	307	24.76	156.54	1,682.31
Colyton	50,300.00	1425	35.30	167.08	1,692.85
Combe Raleigh	1,465.00	99	14.80	146.58	1,672.35
Combpyne-Rousdon	4,310.00	200	21.55	153.33	1,679.10
Cotleigh	3,578.00	106	33.75	165.53	1,691.30
Cranbrook	112,935.00	1274	88.65	220.43	1,746.20
Dalwood	6,342.00	210	30.20	161.98	1,687.75
Dunkeswell	26,608.00	590	45.10	176.88	1,702.65
East Budleigh with Bicton	22,996.09	501	45.90	177.68	1,703.45
Exmouth	737,459.00	12588	58.58	190.36	1,716.13
Farringdon	3,803.00	152	25.02	156.80	1,682.57
Farway	1,981.00	134	14.78	146.56	1,672.33
Feniton	18,695.00	650	28.76	160.54	1,686.31
Gittisham	7,997.00	239	33.46	165.24	1,691.01
Hawkchurch	8,000.00	261	30.65	162.43	1,688.20
Honiton	247,937.00	3839	64.58	196.36	1,722.13
Huxham	-	45	0.00	131.78	1,657.55
Kilminster	13,252.00	399	33.21	164.99	1,690.76
Luppitt	10,861.00	210	51.72	183.50	1,709.27
Lympstone	46,000.00	899	51.17	182.95	1,708.72
Membury	9,743.00	266	36.63	168.41	1,694.18
Monkton	5,500.00	74	74.32	206.10	1,731.87
Musbury	6,206.00	237	26.19	157.97	1,683.74
Netherexe	-	25	0.00	131.78	1,657.55
Newton Poppleford	42,500.00	901	47.17	178.95	1,704.72
Northleigh	2,191.00	84	26.08	157.86	1,683.63
Offwell	2,787.00	189	14.75	146.53	1,672.30
Otterton	10,302.00	296	34.80	166.58	1,692.35
Ottery St Mary	126,385.00	2635	47.96	179.74	1,705.51
Payhembury	5,892.00	297	19.84	151.62	1,677.39
Plymtree	4,150.00	257	16.15	147.93	1,673.70
Poltimore	5,786.00	130	44.51	176.29	1,702.06
Rewe	8,952.00	193	46.38	178.16	1,703.93
Rockbeare	31,644.00	346	91.46	223.24	1,749.01
Seaton	306,989.00	3098	99.09	230.87	1,756.64
Sheldon	500.00	84	5.95	137.73	1,663.50
Shute	4,800.00	285	16.84	148.62	1,674.39
Sidmouth	444,260.00	6974	63.70	195.48	1,721.25
Southleigh	2,174.00	104	20.90	152.68	1,678.45
Stockland	7,264.00	329	22.08	153.86	1,679.63
Stoke Canon	8,912.00	238	37.45	169.23	1,695.00
Talaton	8,726.00	247	35.33	167.11	1,692.88
Uplyme	29,817.00	872	34.19	165.97	1,691.74
Upottery	12,849.00	317	40.53	172.31	1,698.08
Upton Pyne	9,451.69	226	41.82	173.60	1,699.37
West Hill	55,000.00	1091	50.41	182.19	1,707.96
Whimble	13,813.00	724	19.08	150.86	1,676.63
Widworthy	2,450.00	135	18.15	149.93	1,675.70
Woodbury	77,960.00	1395	55.89	187.67	1,713.44
Yarcombe	5,200.00	215	24.19	155.97	1,681.74

SCHEDULE 2 2017/18 EAST DEVON DISTRICT COUNCIL INCLUDING SPECIAL ITEMS (Town and Parish tax)								
Parish	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
	£	£	£	£	£	£	£	£
All Saints	112.44	131.18	149.92	168.66	206.14	243.62	281.10	337.32
Awliscombe	99.09	115.61	132.13	148.64	181.67	214.70	247.73	297.28
Axminster	137.07	159.92	182.77	205.61	251.30	296.99	342.68	411.22
Axmouth	118.72	138.51	158.30	178.08	217.65	257.23	296.80	356.16
Aylesbeare	105.69	123.31	140.93	158.54	193.77	229.00	264.23	317.08
Beer	105.16	122.70	140.22	157.75	192.80	227.86	262.91	315.50
Bishops Clyst	119.86	139.84	159.82	179.79	219.74	259.70	299.65	359.58
Bramford Speke	115.59	134.86	154.13	173.39	211.92	250.45	288.98	346.78
Branscombe	102.69	119.81	136.93	154.04	188.27	222.50	256.73	308.08
Broadclyst	209.59	244.53	279.46	314.39	384.25	454.12	523.98	628.78
Broadhembury	105.64	123.26	140.86	158.47	193.68	228.90	264.11	316.94
Buckerell	105.52	123.12	140.70	158.29	193.46	228.64	263.81	316.58
Budleigh Salterton	114.04	133.06	152.06	171.07	209.08	247.10	285.11	342.14
Chardstock	103.99	121.33	138.66	155.99	190.65	225.32	259.98	311.98
Clyst Honiton	160.42	187.16	213.90	240.63	294.10	347.58	401.05	481.26
Clyst Hydon	100.45	117.20	133.94	150.68	184.16	217.65	251.13	301.36
Clyst St George	99.93	116.59	133.25	149.90	183.21	216.52	249.83	299.80
Clyst St Lawrence	87.85	102.50	117.14	131.78	161.06	190.35	219.63	263.56
Colaton Raleigh	104.36	121.76	139.15	156.54	191.32	226.11	260.90	313.08
Colyton	111.38	129.96	148.52	167.08	204.20	241.34	278.46	334.16
Combe Raleigh	97.72	114.01	130.30	146.58	179.15	211.73	244.30	293.16
Combpyne-Rousdon	102.22	119.26	136.30	153.33	187.40	221.48	255.55	306.66
Cotleigh	110.35	128.75	147.14	165.53	202.31	239.10	275.88	331.06
Cranbrook	146.95	171.45	195.94	220.43	269.41	318.40	367.38	440.86
Dalwood	107.98	125.99	143.98	161.98	197.97	233.97	269.96	323.96
Dunkeswell	117.92	137.58	157.23	176.88	216.18	255.49	294.80	353.76
East Budleigh with Bicton	118.45	138.20	157.94	177.68	217.16	256.65	296.13	355.36
Exmouth	126.90	148.06	169.21	190.36	232.66	274.97	317.26	380.72
Farringdon	104.53	121.96	139.38	156.80	191.64	226.49	261.33	313.60
Farway	97.70	114.00	130.28	146.56	179.12	211.70	244.26	293.12
Feniton	107.02	124.87	142.70	160.54	196.21	231.89	267.56	321.08
Gittisham	110.16	128.52	146.88	165.24	201.96	238.68	275.40	330.48
Hawkchurch	108.28	126.34	144.38	162.43	198.52	234.62	270.71	324.86
Honiton	130.90	152.73	174.54	196.36	239.99	283.63	327.26	392.72
Huxham	87.85	102.50	117.14	131.78	161.06	190.35	219.63	263.56
Kilmington	109.99	128.33	146.66	164.99	201.65	238.32	274.98	329.98
Luppitt	122.33	142.73	163.11	183.50	224.27	265.06	305.83	367.00
Lypstone	121.96	142.30	162.62	182.95	223.60	264.26	304.91	365.90
Membury	112.27	130.99	149.70	168.41	205.83	243.26	280.68	336.82
Monkton	137.40	160.30	183.20	206.10	251.90	297.70	343.50	412.20
Musbury	105.31	122.87	140.42	157.97	193.07	228.18	263.28	315.94
Netherexe	87.85	102.50	117.14	131.78	161.06	190.35	219.63	263.56
Newton Popleford	119.30	139.19	159.07	178.95	218.71	258.48	298.25	357.90
Northleigh	105.24	122.78	140.32	157.86	192.94	228.02	263.10	315.72
Offwell	97.68	113.97	130.25	146.53	179.09	211.66	244.21	293.06
Otterton	111.05	129.57	148.07	166.58	203.59	240.62	277.63	333.16
Ottery St Mary	119.82	139.80	159.77	179.74	219.68	259.63	299.56	359.48
Payhembury	101.08	117.93	134.78	151.62	185.31	219.01	252.70	303.24
Plymtree	98.62	115.06	131.50	147.93	180.80	213.68	246.55	295.86
Poltimore	117.52	137.12	156.70	176.29	215.46	254.64	293.81	352.58
Rewe	118.77	138.57	158.37	178.16	217.75	257.34	296.93	356.32
Rockbeare	148.82	173.64	198.44	223.24	272.84	322.46	372.06	446.48
Seaton	153.91	179.57	205.22	230.87	282.17	333.48	384.78	461.74
Sheldon	91.82	107.13	122.43	137.73	168.33	198.94	229.55	275.46
Shute	99.08	115.60	132.11	148.62	181.64	214.67	247.70	297.24
Sidmouth	130.32	152.04	173.76	195.48	238.92	282.36	325.80	390.96
Southleigh	101.78	118.76	135.72	152.68	186.60	220.54	254.46	305.36
Stockland	102.57	119.67	136.77	153.86	188.05	222.24	256.43	307.72
Stoke Canon	112.82	131.63	150.43	169.23	206.83	244.44	282.05	338.46
Talaton	111.40	129.98	148.54	167.11	204.24	241.38	278.51	334.22
Uplyme	110.64	129.09	147.53	165.97	202.85	239.74	276.61	331.94
Upton Pyne	114.87	134.02	153.17	172.31	210.60	248.89	287.18	344.62
West Hill	121.46	141.71	161.95	182.19	222.67	263.16	303.65	364.38
Whimble	100.57	117.34	134.10	150.86	184.38	217.91	251.43	301.72
Widworthy	99.95	116.62	133.27	149.93	183.24	216.57	249.88	299.86
Woodbury	125.11	145.97	166.82	187.67	229.37	271.08	312.78	375.34
Yarcombe	103.98	121.31	138.64	155.97	190.63	225.29	259.95	311.94

SCHEDULE 3 2017/18								
EAST DEVON DISTRICT COUNCIL INCLUDING SPECIAL ITEMS, DEVON COUNTY COUNCIL, POLICE AND CRIME COMMISSIONER FOR DEVON & CORNWALL and DEVON & SOMERSET FIRE & RESCUE AUTHORITY								
Parish	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
	£	£	£	£	£	£	£	£
All Saints	1,129.62	1,317.89	1,506.16	1,694.43	2,070.97	2,447.51	2,824.05	3,388.86
Awliscombe	1,116.27	1,302.32	1,488.37	1,674.41	2,046.50	2,418.59	2,790.68	3,348.82
Axminster	1,154.25	1,346.63	1,539.01	1,731.38	2,116.13	2,500.88	2,885.63	3,462.76
Axmouth	1,135.90	1,325.22	1,514.54	1,703.85	2,082.48	2,461.12	2,839.75	3,407.70
Aylesbeare	1,122.87	1,310.02	1,497.17	1,684.31	2,058.60	2,432.89	2,807.18	3,368.62
Beer	1,122.34	1,309.41	1,496.46	1,683.52	2,057.63	2,431.75	2,805.86	3,367.04
Bishops Clyst	1,137.04	1,326.55	1,516.06	1,705.56	2,084.57	2,463.59	2,842.60	3,411.12
Brampford Speke	1,132.77	1,321.57	1,510.37	1,699.16	2,076.75	2,454.34	2,831.93	3,398.32
Branscombe	1,119.87	1,306.52	1,493.17	1,679.81	2,053.10	2,426.39	2,799.68	3,359.62
Broadclyst	1,226.77	1,431.24	1,635.70	1,840.16	2,249.08	2,658.01	3,066.93	3,680.32
Broadhembury	1,122.82	1,309.97	1,497.10	1,684.24	2,058.51	2,432.79	2,807.06	3,368.48
Buckerell	1,122.70	1,309.83	1,496.94	1,684.06	2,058.29	2,432.53	2,806.76	3,368.12
Budleigh Salterton	1,131.22	1,319.77	1,508.30	1,696.84	2,073.91	2,450.99	2,828.06	3,393.68
Chardstock	1,121.17	1,308.04	1,494.90	1,681.76	2,055.48	2,429.21	2,802.93	3,363.52
Clyst Honiton	1,177.60	1,373.87	1,570.14	1,766.40	2,158.93	2,551.47	2,944.00	3,532.80
Clyst Hydon	1,117.63	1,303.91	1,490.18	1,676.45	2,048.99	2,421.54	2,794.08	3,352.90
Clyst St George	1,117.11	1,303.30	1,489.49	1,675.67	2,048.04	2,420.41	2,792.78	3,351.34
Clyst St Lawrence	1,105.03	1,289.21	1,473.38	1,657.55	2,025.89	2,394.24	2,762.58	3,315.10
Colaton Raleigh	1,121.54	1,308.47	1,495.39	1,682.31	2,056.15	2,430.00	2,803.85	3,364.62
Colyton	1,128.56	1,316.67	1,504.76	1,692.85	2,069.03	2,445.23	2,821.41	3,385.70
Combe Raleigh	1,114.90	1,300.72	1,486.54	1,672.35	2,043.98	2,415.62	2,787.25	3,344.70
Combpyne-Rousdon	1,119.40	1,305.97	1,492.54	1,679.10	2,052.23	2,425.37	2,798.50	3,358.20
Cotleigh	1,127.53	1,315.46	1,503.38	1,691.30	2,067.14	2,442.99	2,818.83	3,382.60
Cranbrook	1,164.13	1,358.16	1,552.18	1,746.20	2,134.24	2,522.29	2,910.33	3,492.40
Dalwood	1,125.16	1,312.70	1,500.22	1,687.75	2,062.80	2,437.86	2,812.91	3,375.50
Dunkeswell	1,135.10	1,324.29	1,513.47	1,702.65	2,081.01	2,459.38	2,837.75	3,405.30
East Budleigh with Bicton	1,135.63	1,324.91	1,514.18	1,703.45	2,081.99	2,460.54	2,839.08	3,406.90
Exmouth	1,144.08	1,334.77	1,525.45	1,716.13	2,097.49	2,478.86	2,860.21	3,432.26
Farringdon	1,121.71	1,308.67	1,495.62	1,682.57	2,056.47	2,430.38	2,804.28	3,365.14
Farway	1,114.88	1,300.71	1,486.52	1,672.33	2,043.95	2,415.59	2,787.21	3,344.66
Feniton	1,124.20	1,311.58	1,498.94	1,686.31	2,061.04	2,435.78	2,810.51	3,372.62
Gittisham	1,127.34	1,315.23	1,503.12	1,691.01	2,066.79	2,442.57	2,818.35	3,382.02
Hawkchurch	1,125.46	1,313.05	1,500.62	1,688.20	2,063.35	2,438.51	2,813.66	3,376.40
Honiton	1,148.08	1,339.44	1,530.78	1,722.13	2,104.82	2,487.52	2,870.21	3,444.26
Huxham	1,105.03	1,289.21	1,473.38	1,657.55	2,025.89	2,394.24	2,762.58	3,315.10
Kilmington	1,127.17	1,315.04	1,502.90	1,690.76	2,066.48	2,442.21	2,817.93	3,381.52
Luppitt	1,139.51	1,329.44	1,519.35	1,709.27	2,089.10	2,468.95	2,848.78	3,418.54
Lympstone	1,139.14	1,329.01	1,518.86	1,708.72	2,088.43	2,468.15	2,847.86	3,417.44
Membury	1,129.45	1,317.70	1,505.94	1,694.18	2,070.66	2,447.15	2,823.63	3,388.36
Monkton	1,154.58	1,347.01	1,539.44	1,731.87	2,116.73	2,501.59	2,886.45	3,463.74
Musbury	1,122.49	1,309.58	1,496.66	1,683.74	2,057.90	2,432.07	2,806.23	3,367.48
Netherexe	1,105.03	1,289.21	1,473.38	1,657.55	2,025.89	2,394.24	2,762.58	3,315.10
Newton Popleford	1,136.48	1,325.90	1,515.31	1,704.72	2,083.54	2,462.37	2,841.20	3,409.44
Northleigh	1,122.42	1,309.49	1,496.56	1,683.63	2,057.77	2,431.91	2,806.05	3,367.26
Offwell	1,114.86	1,300.68	1,486.49	1,672.30	2,043.92	2,415.55	2,787.16	3,344.60
Otterton	1,128.23	1,316.28	1,504.31	1,692.35	2,068.42	2,444.51	2,820.58	3,384.70
Ottery St Mary	1,137.00	1,326.51	1,516.01	1,705.51	2,084.51	2,463.52	2,842.51	3,411.02
Payhembury	1,118.26	1,304.64	1,491.02	1,677.39	2,050.14	2,422.90	2,795.65	3,354.78
Plymtree	1,115.80	1,301.77	1,487.74	1,673.70	2,045.63	2,417.57	2,789.50	3,347.40
Poltimore	1,134.70	1,323.83	1,512.94	1,702.06	2,080.29	2,458.53	2,836.76	3,404.12
Rewe	1,135.95	1,325.28	1,514.61	1,703.93	2,082.58	2,461.23	2,839.88	3,407.86
Rockbeare	1,166.00	1,360.35	1,554.68	1,749.01	2,137.67	2,526.35	2,915.01	3,498.02
Seaton	1,171.09	1,366.28	1,561.46	1,756.64	2,147.00	2,537.37	2,927.73	3,513.28
Sheldon	1,109.00	1,293.84	1,478.67	1,663.50	2,033.16	2,402.83	2,772.50	3,327.00
Shute	1,116.26	1,302.31	1,488.35	1,674.39	2,046.47	2,418.56	2,790.65	3,348.78
Sidmouth	1,147.50	1,338.75	1,530.00	1,721.25	2,103.75	2,486.25	2,868.75	3,442.50
Southleigh	1,118.96	1,305.47	1,491.96	1,678.45	2,051.43	2,424.43	2,797.41	3,356.90
Stockland	1,119.75	1,306.38	1,493.01	1,679.63	2,052.88	2,426.13	2,799.38	3,359.26
Stoke Canon	1,130.00	1,318.34	1,506.67	1,695.00	2,071.66	2,448.33	2,825.00	3,390.00
Talaton	1,128.58	1,316.69	1,504.78	1,692.88	2,069.07	2,445.27	2,821.46	3,385.76
Uplyme	1,127.82	1,315.80	1,503.77	1,691.74	2,067.68	2,443.63	2,819.56	3,383.48
Upton Pyne	1,132.05	1,320.73	1,509.41	1,698.08	2,075.43	2,452.78	2,830.13	3,396.16
West Hill	1,132.91	1,321.74	1,510.55	1,699.37	2,077.00	2,454.65	2,832.28	3,398.74
Whimble	1,138.64	1,328.42	1,518.19	1,707.96	2,087.50	2,467.05	2,846.60	3,415.92
Widworthy	1,117.75	1,304.05	1,490.34	1,676.63	2,049.21	2,421.80	2,794.38	3,353.26
Woodbury	1,117.13	1,303.33	1,489.51	1,675.70	2,048.07	2,420.46	2,792.83	3,351.40
Yarcombe	1,142.29	1,332.68	1,523.06	1,713.44	2,094.20	2,474.97	2,855.73	3,426.88
Yarcombe	1,121.16	1,308.02	1,494.88	1,681.74	2,055.46	2,429.18	2,802.90	3,363.48

EAST DEVON DISTRICT COUNCIL
Minutes of the meeting of Cabinet held
at Knowle, Sidmouth on 8 March 2017

Attendance list at end of document

The meeting started at 5.30pm and ended at 7.41pm

***154 Public Speaking**

There were no members of the public present who wished to speak.

***155 Minutes**

The minutes of the Cabinet meeting held on 8 February 2017 were confirmed and signed as a true record.

***156 Declarations**

Councillor Tom Wright – Minute 177

Interest: Personal

Reason: Member of Budleigh Salterton Town Council

Councillor Steve Hall – Minute 177

Interest: Personal

Reason: Member of Budleigh Salterton Town Council

Councillor Geoff Pook – Minute 166

Interest: Personal

Reason: Member of Construction Industry

Councillor Paul Diviani – Minute 181

Interest: Personal

Reason: Member of the LEP Board

Councillor Phil Twiss – Minute 173

Interest: Personal

Reason: Lifetime Member of National Trust

Councillor Ian Thomas – Minute 167

Interest: Personal

Reason: Director of Science Park

Councillor Phil Skinner – Minute 167

Interest: Personal

Reason: Shareholder Representative of Science Park

***157 Matter of urgency**

None

***158 Matters referred to the Cabinet**

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

***159 Exclusion of the public**

There was one confidential items that officers recommended should be dealt with in this way.

***160 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 April 2017 to 31 July 2017.

***161 Minutes of a Meeting of the Arts and Culture Forum held on 1 February 2017**

Members received and noted the Minutes of a Meeting of the Arts and Culture Forum held on 1 February 2017. The recruitment of the community representatives had been confirmed at the February Council meeting.

***162 Minutes of the Scrutiny Committee held on 2 February 2017**

Members received and noted the Minutes of the Scrutiny Committee held on 2 February 2017.

***163 Minutes Notes of the Asset Management Forum on 9 February 2017**

Members received the Notes of the Asset Management Forum on 9 February 2017.

The Chairman of the Asset Management Forum stated he felt the minutes did not reflect the Forum's remit of implementing a detailed study of all the assets owned by the Council, identifying their role and purpose. The study would investigate the benefits of non-strategic assets being devolved to Towns and Parishes or other users.

***164 Sidmouth Beach Management Plan**

This item was deferred until a later date.

***165 Local Government Boundary Commission for England (LGBCE) Electoral Review Programme 2015 – 2019**

The Chief Executive asked members to consider the draft recommendations from the LGBCE on the new electoral arrangements for EDDC.

Broadly speaking the LGBCE had agreed with the proposals submitted by the Council. There were some changes but it was confirmed that the new Council in 2019 will comprise 60 Councillors representing some 30 wards. The proposals were for 12 three-councillor wards, six two-councillor wards and 12 one-councillor wards. All the proposed wards would comply with the legal electoral equality requirement. Within the permitted range of +/- 10% each councillor would represent 2,098 electors.

Discussions included debate around ward divisions and shared workloads.

The Chief Executive was thanked for his work on this matter.

RESOLVED:

Confirmation is given to the LGBCE that the draft recommendations relating to East Devon issued on the 7 February are agreed

REASON:

To comply with the timetable and requirements of the LGBCE. The current consultation closes on the 3 April 2017.

***166 Establishing a Local Housing Company for East Devon District Council**

The Chief Executive presented this report which set out the business case for setting up a Local Housing Company to be wholly owned by the Council with the purpose, amongst others, of providing housing in the general market (so outside of the Housing Revenue Account) and to generate a profit to provide income to the Council's general fund.

The report covered the purpose, benefits, legal position, risks, and considerations of operating a Local Housing Company, and specifically what this housing delivery vehicle could do that currently the Council was unable to.

Discussions included the following:

- Looking at other councils who are undertaking a similar venture
- The Housing Review Board and its tenants gave full support to this business case
- A way forward to looking at diversity in the housing market
- Start small to overcome potential difficulties
- The Council had its own land to start providing houses
- No in-house expertise so risks and barriers must be recognised
- Affordable housing was most needed in the District
- Keep an eye on any State Aid barriers
- The venture needed to be supported. It would provide housing for younger people so they could stay in towns and villages
- Would provide healthy competition with private landlords to improve their rental properties
- The Council had built its own council houses in the past as well as buying homes from developers. This was the next stage to provide for its residents
- Fills a gap in the housing market that was vital for small housing in rural areas
- The need for mixed requirements for homes e.g. houses for Key Workers such as teachers and NHS staff
- Need to be as transparent as practically possible
- The Council should feel proud of this new way of providing homes for its residents

The Strategic Lead, Housing Health and Environment was commended for his work in establishing the business case and for providing a thorough and readable report.

RESOLVED:

that the following be agreed:

- (1) the approval of the establishment of 'East Devon Homes', a (wholly owned) Local Authority Housing Company to be incorporated and registered at Companies House as a private company limited by shares;
- (2) the shareholder function of the Council be delegated to a sub-committee of the Cabinet, to be called the 'Housing Company Sub-Committee' and comprising the Leader, Deputy Leader and Portfolio Holders for Finance, Sustainable Homes and Communities and Corporate Business;
- (3) the remit and Terms of Reference of the Housing Company Sub-Committee attached at [Annex 2](#) to the report;
- (4) the Housing Company Sub-Committee in consultation with the Strategic Leads for Finance, Governance and Licensing and Housing, Health and Environment be

authorised to finalise and document the following arrangements between the Council and the Company;

1. The Memorandum and Articles of Association for the Company;
2. Shareholder Agreement between the Company and the Council;
3. Appointment of Directors, Auditor and (if required) a Company Secretary;
4. Receive and approve the Business Plan prior to the Company commencing trading (noting that Council approval would be required for any borrowing the Council may do on behalf of the Company);
5. Resourcing Agreement for the Company to use Council staff and facilities in furtherance of its business;
6. Agree appropriate loan and draw down facilities to the Company with associated agreements.

REASON:

To establish a vehicle to accelerate housing delivery and the flexibility to undertake a more diverse range of housing development, including market rented properties.

***167 Exeter and East Devon Enterprise Zone**

The Principal Project Manager provided an update on progress towards an operational Enterprise Zone in the West End of the District and sought a nominated representative to sit on the proposed Enterprise Zone Board.

RESOLVED:

1. that the further progress toward an operational Enterprise Zone including the proposed Implementation Plan be noted;
2. that the Implementation Plan (other than the governance arrangements) be approved and delegated authority was granted to the Board and Principal Officers Group to carry out those activities which were within their 'Roles and Responsibilities' (specified in the respective Terms of Reference) and which were in accordance with the approved Implementation Plan,
3. that delegated authority be granted to the Chief Executive, in consultation with the Leader and Strategic Leads (Governance and Licensing) and (Finance), to make appropriate amendments to the Implementation Plan prior to the first meeting of the Board as required,
4. that the Leader be nominated to sit on the proposed Enterprise Zone Board, and
5. that delegated authority be granted to the Leader, Chief Executive and Strategic Lead (Governance and Licensing) to agree with Devon County Council the governance arrangements and to finalise the Terms of Reference for the Board and Principal Officers Group.

REASON:

Cabinet last received a paper in November 2016 setting out progress towards an operational Enterprise Zone designation. It was resolved that a further report would be forthcoming early in the New Year setting out the proposed Implementation Plan. This was attached at Appendix 1. A representative was sought for the proposed Enterprise Zone Board, which forms part of the proposed governance arrangements for the Zone

***168 People Strategy 2017-2020**

The Strategic Lead, Organisational Development and Transformation presented the report stating the People Strategy was a vital component of a healthy organisation, as well as fundamental to ensuring delivery to what had been set out in the Council Plan and Transformation Strategy.

RESOLVED:

That the East Devon District Council's People Strategy 2017–2020 was adopted

REASON:

The People Strategy was an important document which had been reviewed and updated in line with all relevant legal obligations.

***169 Monthly Performance reports – January 2017**

The report set out performance information for January 2017. This allowed Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

There were four indicators that showed excellent performance:

- Percentage of Council Tax Collected
- Percentage of Non-domestic Rates Collected
- Days taken to process Housing Benefit / Council Tax Benefit new claims and change events
- 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 January 2017 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.

***170 Review of the Equality Policy and Objectives 2017-2020**

The Strategic Lead, Organisational Development and Transformation presented the updated Equality Policy and Objectives 2017-2020. This was a key corporate policy setting out how the legal duties under the equality legislation would be met, and how equality and diversity as a community leader, service provider and employer would be promoted. It was noted by the Strategic Lead that the policy was an overarching policy for all the protected characteristics and that the term 'Disability' covers both physical disabilities (such as wheelchair users) and mental health issues (such as autism and Asperger's syndrome).

RESOLVED:

that the refreshed version of the Equality Policy and Objectives be adopted

REASON:

The Equality policy was an important document, which had been reviewed and updated in line with all of the relevant legal obligations.

***171 Procurement Support**

The report asked members to consider entering into an agreement with Devon County Council Procurement Services to provide procurement advice to this Council from 1 April 2017 for an initial period of two years.

RESOLVED:

that an exemption to the Council's contract standing orders be approved to enable the Council entering into a service level agreement with Devon County Council, to provide Procurement Support from 1 April 2017 to 31 March 2019 (subject to detailed review after 9 months).

REASON:

To enter into an agreement with Devon County Council to provide support that was seen as an effective and cost efficient option.

***172 Consultation on draft Cemetery Regulations**

The Licensing Manager presented the report that sought approval to undertake a consultation process introducing combined Regulations for the Management and Control of East Devon District Council Cemeteries.

RESOLVED:

that the consultation on the introduction of Regulations for the Management and Control of East Devon District Council Cemeteries be carried out.

REASON:

In order to meet the requirements to carry out a consultation before introducing the new regulations.

***173 EDDC Green Spaces Plan proposal**

The Service Lead, Countryside & Leisure presented the report that set out the need to adopt a Green Space Plan for East Devon District Council. The report identified the benefits that can be derived from adopting a Plan that would help prioritise the Council's management of its green spaces over the next ten years, especially the opportunities for closer working between key service areas such as Streetscene, Housing and Countryside. The future management of these green spaces was of critical importance as their contribution to the district's quality of life indices, including health and wellbeing for local residents, was significant.

Green spaces also play a key role in helping to boost the local economy with their role in attracting visitors and visitor spend in many of the towns as well as their importance to the outstanding natural environment. The Council currently provided 10% of its annual budget to managing its green spaces. The current set of Council plans and strategies did not provide a strategic framework for the management of EDDC's green spaces and this proposal would therefore help shape the future management of these important areas for public recreation and enjoyment.

RESOLVED:

that the Green Space Plan, which would provide the strategic direction and management for those areas owned by East Devon District Council and defined as green spaces, be adopted.

REASON:

To enable the work to begin in delivering the Plan and bringing together those key services involved in green space management across the Council in helping to shape and inform the document.

***174 Update on Fly Tipping and Review of Fixed Penalty Fines**

The Service Lead, Environmental Health and Car Parks updated members on the use of the new fixed penalty fines introduced by the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016. These fines could be issued against a person who had breached their duty of care and committed a waste deposit offence.

The report asked Members to note the action already taken and approve the introduction of a more flexible 2-tier penalty system so that the fixed penalty notice can be used for very small fly tips as well as situations where large amounts of waste had been deposited. The current fine of £400 approved by Members in June 2016 had been used by Officers to deal with medium and large scale fly-tipping offences that were being committed by householders or small scale “man and a van” operations. The investigation of very large scale (more than 20 tonnes) and hazardous fly tips remains the responsibility of the Environment Agency.

RESOLVED:

1. that the successes achieved to date in the use of fixed penalty fines be noted, and
2. that the use of a 2-tier fixed penalty fine be agreed as follows:
 - a) £200 fine (reduced to £120 if paid within 10 days of service of the notice) for very small fly tips of 180 litres (a standard wheeled bin) or less:
 - b) £400 fine (reduced to £200 if paid within 10 days of service of the notice) for medium and large fly tips be approved.

REASON:

To enable officers from both the Environmental Health and Streetscene teams to issue fixed penalty notices to anyone who had committed a fly tipping offence.

***175 Response to Yarcombe & Marsh Neighbourhood Plan Submission**

Members were asked to agree the response by the Council to the current consultation for the Yarcombe & Marsh Neighbourhood Plan.

RESOLVED:

1. that Members note the formal submission of the Yarcombe & Marsh Neighbourhood Plan and congratulate the producers of the plan on their dedicated hard work and commitment in producing the document,
2. that the Council make the proposed representation set out in paragraph 5.2 in the report in response to the consultation.

REASON:

To ensure that the view of the District Council was recorded and informed the consideration of the neighbourhood plan by the Independent Examiner.

***176 Response to Chardstock Neighbourhood Plan Submission**

Members were asked to agree the response by the Council to the current consultation for the Chardstock Neighbourhood Plan.

RESOLVED:

1. that Members note the formal submission of the Chardstock Neighbourhood Plan and congratulate the producers of the plan on their dedicated hard work and commitment in producing the document,
2. that the Council make the proposed representation set out in paragraph 5.2 in the report in response to the consultation.

REASON:

To ensure that the view of the District Council was recorded and informed the consideration of the neighbourhood plan by the Independent Examiner.

***177 Response to Budleigh Salterton Neighbourhood Plan Submission**

Members were asked to agree the response by the Council to the current consultation for the Budleigh Salterton Neighbourhood Plan.

RESOLVED:

1. that Members note the formal submission of the Budleigh Salterton Neighbourhood Plan and congratulate the producers of the plan on their dedicated hard work and commitment in producing the document,
2. that the Council make the proposed representation set out in paragraph 5.2 in the report in response to the consultation.

REASON:

To ensure that the view of the District Council was recorded and informed the consideration of the Neighbourhood Plan by the Independent Examiner.

***178 East Budleigh with Bicton Neighbourhood Plan Examiners Report**

This report provided feedback and set out proposed changes following the examination of the East Budleigh with Bicton Neighbourhood Plan.

RESOLVED:

1. that the Examiner's recommendations on the East Budleigh with Bicton Neighbourhood Plan subject to the further amendments as set out in the table at paragraph 1.7 to the report be endorsed,
2. that a 'referendum version' of the Neighbourhood Plan (incorporating the Examiner's modifications and further amendments outlined in paragraph 1.7) proceed to referendum and a decision notice to that 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 subject to additional changes, were accepted by the Parish Council.

***179 Bishops Clyst Neighbourhood Plan to be formally 'made'**

The Bishops Clyst Neighbourhood Plan had now passed referendum and must be formally 'made' by East Devon District Council for it to form part of the development plan.

RESOLVED:

1. that the Bishops Clyst Neighbourhood Plan be 'made' and so now forms part of the development plan.
2. that Members agree to officers writing to congratulate the Neighbourhood Plan group on all their hard work and to confirm the status of the Neighbourhood Plan.

REASON:

The Bishops Clyst Neighbourhood Plan received a majority 'yes' vote in the referendum as required by the regulations and there was no substantive reason not to 'make' the Plan.

***180 Exclusion of the public**

that under Section 100(A) (4) of the Local Government Act 1972 and in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public (including the press) be excluded from the meeting as exempt and private information (as set out against each Part B agenda item), is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

***181 Development of workshops at Fosseway Business Park and Colyford Road Depot, Seaton**

The Council owned two sites in Seaton allocated in the Local Plan as employment land. In May 2014, planning permission was secured for the development workspace units on the sites. Both permissions would expire in 2017. A decision was required to decide whether to carry out necessary preliminary works to satisfy planning conditions on the sites.

RESOLVED:

1. to reallocate the unspent capital programme budget originally for two new units at Manstone Workshops to the Seaton Workshops project to clear the planning conditions and carry out the pre-tender works identified in the report,
2. that a detailed business case, including demand analysis, will be prepared for the project and the intention that a bid be submitted to the LEP's Unlocking Growth Fund for grant funding,
3. that once pre-tender works had been undertaken, the design and build contract for the development of the new workshops would be re-tendered.
4. On receipt of the new tenders, and subject to a variance in the projected cost of development being no more than 5%, that delegated authority be given to the Deputy Chief Executive to proceed with the development of the new workspace units in consultation with the Portfolio Holder for Economy.

REASON:

1. To protect the value of the Council's sites through the retention of the planning permissions.
2. To progress the development of workspace on the Council's sites in support of small and start up business and to create jobs.
3. That once pre-tender works had been undertaken, the design and build contract for the development of the new workshops was re-tendered.

4. On receipt of the new tenders, and subject to a variance in the projected cost of development being no more than 5%, that delegate authority was given to the Deputy Chief Executive to proceed with the development of the new workspace units in consultation with the Portfolio Holder for Economy.

Attendance list

Present:

Paul Diviani	Leader
Andrew Moulding	Deputy Leader/Strategic Development and Partnership

Portfolio Holders:

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

Cabinet Members without Portfolio:

Geoff Pook
Eileen Wragg

Non-Cabinet apologies:

David Key
Cherry Nicholas
Helen Parr
Brenda Taylor

Also present (for some or all of the meeting)

Councillors:

Mike Allen
Megan Armstrong
Brian Bailey
Matt Booth
Colin Brown
Paul Carter
Maddy Chapman
Alan Dent
John Dyson
Peter Faithfull
Cathy Gardner
Steve Gazzard
Roger Giles
Graham Godbeer
Simon Grundy
Ian Hall
Steve Hall
Marcus Hartnell
Mike Howe
John Humphreys
Geoff Jung
John O'Leary
Marianne Rixson

Pauline Stott
Mark Williamson

Also present:

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Simon Davey, Strategic Lead – Finance
Henry Gordon Lennox - Strategic Lead - Governance and Licensing
Karen Jenkins, Strategic Lead – Organisational Development and Transformation
Charlie Plowden, Service Lead - Countryside & Leisure
Andrew Ennis, Service Lead - Environmental Health and Car Parks
Jay Lambe, Service Lead – Regeneration and Property
Andy Wood, East of Exeter Projects Director
Naomi Harnett, Principal Project Manager
Donna Best- Principal Estates Surveyor
Steve Saunders – Licensing Manager
Amanda Coombes, Democratic Services Officer

Chairman Date.....

EAST DEVON DISTRICT COUNCIL
Minutes of the meeting of Cabinet held
at Knowle, Sidmouth on 5 April 2017

Attendance list at end of document

The meeting started at 5.30pm and ended at 8.28pm

***182 Public Speaking**

There were six members of the public present who wished to speak.

One speaker spoke at the appropriate agenda item, Minute 200 - Cranbrook Community Questionnaire and Community Development and Minute 201 - Appointment of Space Syntax to analyse and review the masterplan for Cranbrook

Honorary Alderman Graham Liverton, Chairman of the Manor Pavilion Theatre Management Steering Committee spoke on Minute 198 - East Devon Parking Places Order Update. Honorary Alderman Liverton was concerned that the Manor Pavilion Car Park was too small to be used as a Pay and Display. The 3-hour maximum stay was not long enough as well as the barrier closing at night. He understood the need to make money but stressed that all theatres had to have subsidies. He was disappointed there had been no meeting with the Steering Group and no discussion with the Theatre's stakeholders. He asked that the many letters of complaints to this proposal be taken into consideration.

Elizabeth Hammond, the representative for Sidmouth Amateur Dramatic Society spoke on Minute 198 - East Devon Parking Places Order Update. The Society hired the Theatre for 1 month every year to put on the pantomime. Volunteers spent long days preparing for the shows and should not be penalised with parking charges. Larger lorries needed to manoeuvre freely in and out of the car park. The front of house team was also volunteers providing welcome support to visitors on behalf of the Theatre. The Sidmouth Amateur Dramatic Society's long association with the Manor Pavilion Theatre could end because of the parking charges.

Brian Rees, represented Musical Theatre spoke on Minute 198 - East Devon Parking Places Order Update. Mr Rees was concerned that the 3-hour maximum stay was not long enough for theatregoers. He reminded Members there was no on street parking nearby. Two regional theatres had free parking – the Octagon in Yeovil and the Brewhouse Theatre and Arts Centre in Taunton.

Barry Lister, spoke on Minute 198 - East Devon Parking Places Order Update. Mr Lister was concerned that theatre production staff would be penalised for their hard efforts to produce quality productions at the Theatre.

Councillor Ian McKenzie-Edwards, represented Sidmouth Town Council spoke on Minute 198 - East Devon Parking Places Order Update. Councillor McKenzie-Edwards said the Town Council was only informed of this last week and had had no time for proper consultation. At the last Town Council meeting, there was concern for the Theatre's voluntary groups. He asked if this scheme was financially viable with the car park only having 20 spaces. He reminded Members that rehearsals took place during the day so volunteers and cast would be penalised. Councillor McKenzie-Edwards asked the Scrutiny Committee to consider this proposal again.

***183 Minutes**

The minutes of the Cabinet meeting held on 8 March 2017 were confirmed and signed as a true record.

***184 Declarations**

Councillor Stuart Hughes – Minute 194

Interest: Personal

Reason: Member of DCC Flood and Coastal Committee

Councillor Eileen Wragg – Minute 194

Interest: Personal

Reason: Member of DCC Flood and Coastal Committee

Councillor Eileen Wragg – Minute 196

Interest: Personal

Reason: Member of DCC Exmouth Regeneration Board

Councillor Phil Skinner – Minute 196

Interest: Personal

Reason: Chairman of the Exmouth Regeneration Board

***185 Matter of urgency**

The Chairman agreed to this late item for Notes of the New Homes Bonus Panel held on 23 March 2017, requested by the Community Engagement and Funding Officer. The recommendations in the minutes were a matter of urgency for towns and parishes to use the funding once agreed.

RESOLVED (1) that the following recommendations be approved

Minute 16 - Application from Cranbrook Town Council, Broadclyst, Clyst Honiton and Rockbeare Parish councils – Chelsea's Choice – child sexual exploitation play - £1,125.82

Cranbrook Town Councils application for a £1,625.82 be supported and an additional £3,164.08 be provided from previous years underspent funding for funding performances of "Chelsea's Choice" in other secondary schools in East Devon. A condition of the funding was that all those involved work together to get some good publicity for the project when it actually happened, crediting money from the Parishes Together Fund.

Minute 17 - Application from Otterton and Woodbury Parish Councils – Educational countryside signage - £3,289.50

Minute 18 - Application from Seaton Town Council– Tourism app and booklet projects- £7,124.70

A condition of the funding was that Seaton Town Council get in touch with Honiton town Council and Exmouth Town Council, who were also running tourism projects with their Parishes Together Funding next financial year, to share any tips and lessons learnt.

Minute 19 - Application from Plymtree and Talaton Parish Councils Community marquee project - £520

Minute 20 - Application for Sidmouth Town Council – Wildflowers Project - £8,532.38

Councillors stated that they wanted the grant offer letter to state that they would not look favourably on projects of a similar vein (lengthsman duties) from Sidmouth Town Council working together with other town and parish councils.

Minute 21 - Application from Cranbrook Town Council, Aylesbeare, Plymtree and Talaton Parish Councils – Noticeboards - £1,509.30

Subject to the addition of signage on the noticeboard's saying that these had been provided the Parishes Together Fund. The cost of this additional work to be paid for from previous years underspent funding.

Minute 22 - Application from Broadclyst, Clyst Honiton and Poltimore Parish Councils and Cranbrook Town Council – Community heli-pad - £2,829.82

Minute 23 - Application from All Saints and Chardstock Parish Councils and Axminster Town council – Defibrillators - £7,236.90

Minute 24 - Application from Buckerell Parish Council – Drainage - £233.20

To carry out drainage and ditch work.

Minute 25 - Clyst St George Parish Council – Drainage - £658.90

To enable the clearing of ditches and gullies within the parish.

Minute 26 - Colaton Raleigh Parish Council Drainage - £627

To carry out drainage and ditch work.

Minute 27 - Cotleigh Parish Council- Drainage - £193.60

To carry out drainage work.

Minute 28 - Gittisham drainage - £1,457.50

To carry out drainage and ditch work.

Minute 29 - Luppitt drainage - £421.30

To carry out drainage and ditch work.

Minute 30 - Lypstone Parish Council – Drainage -£1,722.60

To carry out drainage and ditch work.

Minute 31 - Newton Poppleford Parish Council – Drainage - £1,905.20

To carry out drainage and ditch work.

Minute 32 - Payhembury Parish Council – drainage - £614.90

To carry out drainage and ditch work.

Minute 33 - Stockland Parish Council – Drainage - £580.80

To carry out drainage and ditch work.

Minute 34 - Upottery Parish Council–Drainage - £587.60

To carry out drainage and ditch work.

Minute 35 - Kilmington Parish Council drainage - £755.70

To carry out drainage and ditch work.

Minute 36 - Dalwood Parish Council – Drainage - £392.70

To carry out drainage and ditch work.

Minute 37 - Feniton Parish Council – Drainage - £1,653.30

To carry out drainage and ditch work.

Minute 38 - Membury Drainage - £396

To carry out drainage and ditch work.

***186 Matters referred to the Cabinet**

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

***187 Exclusion of the public**

There was one confidential item that officers recommended should be dealt with in this way.

***188 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 May 2017 to 31 August 2017.

***189 Notes of the Community Fund Panel held 20 February 2017**

Members received the Notes of the Community Fund Panel held 20 February 2017.

RESOLVED (1) that the following recommendations be approved

Minute 11 Consideration of applications received

1. Peek Hall, Combyne Rousdon – new floor in hall area - £1,675
2. Clyst Hydon Village Hall - repair flat roof into the storage area at village hall - £1,558.27.
The Panel raised a query about paying to repair damage caused by water in an insured building and whether this could have been covered by the Hall's insurance. They wished to approve the application subject to confirmation that the repair work was not covered under insurance.
3. Woodbury Village Hall – painting and refurbishment works to village hall - £2,800.
The Panel felt that a lot of the proposed costs were for routine maintenance such as painting. In line with the eligibility criteria for the fund, routine maintenance could not be funded. They deferred the application for clarification of capital and maintenance costs of the project and subject to this satisfactory confirmation of capital costs and gave delegated authority to the Chairman in consultation with the Engagement and Funding Officer to approve.

***190 Minutes of the Recycling and Waste Partnership Board held on 22 February 2017**

Members received and noted the Minutes of the Recycling and Waste Partnership Board held on 22 February 2017. The Portfolio Holder Environment reminded Members that the roll out for the new Recycling and Waste contract would start on 12 June 2017 across all the district.

RESOLVED (1) that the following be noted

Minute 58 - Mobilisation update

Minute 59 - Joint contract review and operational update

Minute 61 – Risk register

RESOLVED (2) that the following decisions be supported

Minute 64 - Green waste collection update

a representative from Otter Rotters be invited to attend the next meeting of the Recycling and Waste Partnership Board.

***191 Minutes of the Scrutiny Committee held on 2 March 2017**

Members received the Minutes of the Scrutiny Committee held on 2 March 2017.

RESOLVED (1) that the following recommendations be approved

Minute 45 - Broadband update

the Council continued to work with CDS and other partners with a view to going beyond the government target of 95% to a full coverage for the whole of the District. This would benefit members of society both in their individual and business use in either rural or urban areas.

***192 Notes of the Asset Management Forum held on 9 March 2017**

Members received the Notes of the Asset Management Forum held on 9 March 2017. The Chairman of Asset Management Forum informed Members that meetings were now going to be held quarterly.

***193 Minutes of the Housing Review Board held on 9 March 2017**

Members received the Minutes of the Housing Review Board held on 9 March 2017.

RESOLVED (1) that the following recommendations be approved

Minute 68 - Charging private users of sewage treatment

private users of sewage treatment works to be charged at a 15% management fee on top of the amount charged for the actual costs incurred.

***194 Sidmouth and East Beach Management Plan**

The Strategic Lead - Housing, Health and Environment presented the report, which sought adoption of the Sidmouth and East Beach Management Plan (SEBMP) that would allow procedure to the next stage of the project - namely the production of an outline business case, leading towards the implementation of engineering works to maintain flood and coastal protection.

The Steering Group for the Sidmouth and East Beach Management Plan project met on 15 March 2017. The Steering Group were asked to agree to the BMP as it stands to go forward to Cabinet for approval – the plan had previously been tabled for the 8 March 2017 Cabinet meeting. The report had been put back to the Group following the request for the opportunity for more discussion by the Group on the draft BMP.

The Deputy Leader thanked David Turner, John Golding, the Steering Group and CH2M (formerly Halcrow) for their hard work into the Plan.

Discussions included the following:

- This was the best that could be done - Steering Group gave unanimous support
- How would rocks for the groynes be transported in?

RESOLVED:

that the Sidmouth and East Beach Management Plan be adopted.

REASON:

To adopt SEBMP and progress a Sidmouth Beach Management Scheme so that there was an integrated, justifiable and sustainable approach to:

1. Maintaining the 1990s' Sidmouth Coastal Defence Scheme Standard of Service (protection against flooding and erosion);
2. Reducing the rate of beach and cliff erosion to the east of the River Sid (East Beach);
3. Ensure that EDDC had the best possible case for Flood and Coastal Erosion Risk Management Grant in Aid from DEFRA to finance the necessary flood mitigation and coastal protection works.

195 **Relocation Report**

The Deputy Chief Executive and the Strategic Lead - Finance advised Members of progress on the relocation plans. Members were asked to consider options towards achieving full relocation to both Exmouth and Honiton and sale of the Knowle site. Following the refusal of planning permission and appreciating the continued strategic and operational drivers for relocation, the Office Accommodation Executive Group tasked officers with taking a refreshed review of the Council's options. The Strategic Lead – Finance provided an update on the modelling and presented an additional table, which demonstrated that the worst-case scenario in Option 1 was better than the position presented in the report.

There would be a Joint Audit and Governance, Overview, and Scrutiny Committees meeting on 18 April to discuss this matter further before going onto Council on 26 April 2017.

Discussions included the following:

- The need to know the outcome of the Pegasus planning appeal in order to alleviate the risks
- Betterment was connected to fluctuating energy prices
- Report should include maximising present assets
- Future developers may not match the present offer as aware of keenness to sell
- A cavalier approach to spending public money
- The joint committees meeting should look into the element of risk
- The Knowle was unfit for purpose – transformation and new working practices need a new Headquarters to thrive
- The land at the Knowle was an asset - the building was a liability
- Option 1 was favoured as still have the Knowle as an asset.
- Sooner the building of the new HQ starts the better
- Do not want to rely on planning approval
- Need to provide staff a modern office which they deserve

RECOMMENDED to Council that;

1. i. Option 1, as detailed in the report, be adopted and that the Council proceeds with the construction of a new HQ building at Honiton Heathpark, and
 - ii. The Deputy Chief Executive – Development, Regeneration and Partnerships be granted delegated authority; in consultation with the Office Accommodation Executive Group, to commence works and deliver the new HQ building.
 - iii. A budget be agreed of £8,692,000 to provide a new HQ building at Honiton Heathpark, which when added to the approved Exmouth Town Hall refurbishment budget of £1,669,000 gave a total gross budget of £10,361,000.
2. a further sum of £225,000 be allocated to fund the addition of a direct access road to the new HQ building past the East Devon Business Centre. This was a more direct approach to the building rather than bringing traffic through the Heathpark Business Park south of the building and did not affect the conclusions in the report, in relation to viability and ranking of options for the sale of the Knowle site.

REASON:

The Council had identified the need to move from its existing premises in Sidmouth to refurbished and new offices in Exmouth and Heathpark respectively. Following the planning refusal of development proposals for the Knowle site in December 2016 officers; on the direction of the Office Accommodation Executive Group, had been considering viability options with a view to advising Cabinet and Council on ways forward.

196 **Exmouth Regeneration Board report**

The Deputy Chief Executive presented the report, which sought agreement regarding proposed changes to the membership and terms of reference of the Exmouth Regeneration Board.

Discussion included the following:

- More flexibility in getting the right people on the Board
- Members were not allowed to attend meetings – no transparency
- Board should show their budgets and expenditure in the minutes of meetings
- This was not a decision-making Board – all recommendation go through Cabinet
- Exmouth councillors had consulted with residents over the years. The Board allows for discussions with Exmouth representatives
- Members had been elected by the public but were discounted by the Board
- Listen to the views of young people, as this was their future. Need a representative from Exmouth Community College
- No regional body representative
- This was not a council meeting. The meetings were for the Council to engage with the private and community sectors in partnership to bring betterment to Exmouth

RECOMMENDED to Council that;

1. the changes to the Terms of Reference and Membership of the Exmouth Regeneration Programme Board proposed be agreed; with the exception of Clinton Devon Estates not being a voting member, and
2. the Chief Executive be granted delegated authority in consultation with the Chair and Vice Chair of the Regeneration Board and Strategic Lead (Governance and Licensing) to prepare and finalise the protocol for eligibility for non-voting membership.

REASON:

The Exmouth Regeneration Board had been in existence since 2008. It had provided an important advisory function on the development and delivery of regeneration interventions for Exmouth. To maintain its value in supporting regeneration in Exmouth it was important to review the membership of the Board to maintain its strength and representative scope.

*197 **Enforcement and Prosecution Policy**

The Council had a number of service specific policies relating to how it would carry out regulatory enforcement action in that service. Not all services that carry out regulatory enforcement had a specific policy. Equally, there was no overarching policy that applied across the whole Council. The policy sought to overcome these issues by providing a comprehensive policy applicable to all regulatory enforcement and prosecution actions.

RESOLVED:

1. that the Enforcement and Prosecution Policy ([Appendix 1](#)) be adopted,
2. that authorisation be granted to the Strategic Lead (Governance and Licensing) in consultation with the Senior Management Team, to approve any service specific strategies or procedures to sit under the Enforcement and Prosecution Policy and to update Section 8 of the Policy accordingly as and when appropriate.

REASON:

To ensure a consistent and lawful approach to carrying out the Council's regulatory enforcement and prosecution actions.

***198 East Devon Parking Places Order Update**

Members were asked to approve changes to the legal Order used by East Devon District Council to manage its public car parks in accordance with Civil Parking Enforcement rules. Proposals had been carefully considered with the Council having the right to grant concessions.

Discussion included the following:

- The Manor Pavilion Theatre was a wonderful asset to Sidmouth and East Devon
- Charges should be up to 6pm with a maximum 4-hour stay
- The process had not been done effectively
- The Theatre should be allowed to control the car park as it had only 21 spaces
- Theatre volunteers must be looked after
- Income needed to be generated, what was the problem with paying for parking?
- Important to listen to everyone's views

The Chief Executive confirmed that some of the issues raised would be looked at as part of the ongoing management of the car park.

RESOLVED:

1. that the boundary of Exmouth's Camperdown Terrace long stay car park be extended to offer additional parking spaces and trailer storage by extending the car parking areas onto adjacent land recently vacated by Devon County Council's Highways service, and
2. that public pay and display parking in Sidmouth's Manor Pavilion car park be offered, and
3. that Mamhead Slipway, Exmouth be designated as a parking place with just two parking bays and the remainder of the area be enforced for loading and unloading only, allowing vehicles to enter and remain for the purposes of launching and recovering water craft from the slipway but prohibiting the parking of vehicles and the leaving of trailers.

REASON:

Section 122 of the Road Traffic Regulation Act 1984 sets out the duties of all local authorities in respect of a range of traffic related functions including the provision of off-street parking. Careful consideration to the needs of the community as a whole in arriving at these recommendations that sought to represent a balance of differing priorities and points of view.

These proposals would not interfere with the security of (or access to) any other premises and they would not be prejudicial to the amenity of the locality. They were in all other material respects consistent with the Council's legal duties and responsibilities to its communities.

***199 Greater Exeter Design Support Panel - request for exemption from standing orders**

The purpose of the report was to seek authorisation to enter into a contract with Design Council/Cabe to establish a Design Support Panel for the Greater Exeter area.

RESOLVED:

1. that entering into a contract with Design Council/Cabe to establish a Design Support Panel for the Greater Exeter area be authorized and delegated authority be granted to the Strategic Lead (Governance and Licensing), to negotiate and complete the contract in consultation with the Growth Points Project Director, and
2. that an exemption from Standing Orders to allow the Panel to be procured be agreed.

REASON:

The Design Support Panel would benefit the delivery of strategic developments in the District and help to ensure high quality development.

***200 Cranbrook Community Questionnaire and Community Development**

Councillor Kevin Blakey represented Cranbrook Town Council spoke on this item. Councillor Blakey stated the results of the community questionnaire were no surprise, as the town was getting bigger it was inevitable that fewer people would feel part of the community. Cranbrook Town Council could see no need for a Community Development Strategy and would not support or part finance one.

The report outlined the results of the Cranbrook Community Questionnaire 2016, which was undertaken jointly between Organisational Development at EDDC and the Cranbrook Community Development Worker at EDVSA. This was the fourth such annual questionnaire, it was accompanied by a questionnaire specifically aimed at young people in the town. The paper put forward a proposal to commission the production of a Community Development Strategy and sought an exemption from standing orders in order to appoint Action East Devon to coordinate this work.

RESOLVED:

1. that the results of the latest Cranbrook Community Questionnaire be noted, and
2. that the commissioning of a Community Development Strategy for the town and a financial contribution of up to £20,000 towards this, and
3. that an exemption from standing orders to allow Action East Devon to coordinate this work be agreed.

REASON:

This consultation had been designed to help inform decisions regarding Cranbrook. The first Cranbrook Community Questionnaire was carried out in 2013 and provided vital feedback to help evaluate and plan.

***201 Appointment of Space Syntax to analyse and review the masterplan for Cranbrook**

Councillor Kevin Blakey represented Cranbrook Town Council spoke on this item. Councillor Blakey thought this appointment was a poor use of time and money.

An exemption to standing orders had been applied in order to appoint Space Syntax to model, analyse and provide design and development recommendation on the proposed masterplan for Cranbrook, that would underpin the forthcoming Development Plan

Document for Cranbrook. NHS England had provided grant funding under the Healthy New Towns' programme to engage Space Syntax specifically.

Space Syntax provided a unique service based on research developed over the last 25 years modelling and analysing the streets and spaces in existing and proposed urban areas. They work around five key issues in spatial layout:

1. Modelling and understanding the distribution of vehicle, pedestrian and cycle movement
2. Understanding the deep level of influence spatial location had on land use
3. Identifying areas of risk and showing how places could be made safer
4. Demonstrating the influence of movement networks and spatial plans on property economics
5. Understanding the contribution of spatial layout on environmental impact

At Cranbrook the focus would be on creating a Healthy New Town and community. The analysis and recommendations would initially work with the masterplan being developed by the masterplanning team led by Savills Urban Design and would focus on optimising the masterplan to create a healthy environment. The analysis would include the wider determinants of ill-health, such as providing quality jobs and social cohesion so would provide recommendations designed to enhance the social, economic and environmental value of the development.

Space Syntax would work on the next draft of the masterplan for Cranbrook, to provide recommendations to the masterplanning team for the next and final iteration of the design. This needed to be complete by the end of April so that programmed delivery of the Development Plan Document could be achieved.

RESOLVED:

that the exemption to Contract Standing Orders to enable the appointment of Space Syntax to undertake modelling and analysis, and provide recommendations to the draft masterplan for Cranbrook be noted.

REASON:

To ensure that Space Syntax was able to carry out the analysis and provide the recommendations necessary to enable the masterplan for Cranbrook.

***202 Monthly Performance reports – February 2017**

The report set out performance information for February 2017. This allowed Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

There were five indicators that were showing excellent performance:

- Percentage of Council Tax Collected
- Percentage of Non-domestic Rates Collected
- Days taken to process Housing Benefit / Council Tax Benefit new claims and change events
- % of invoices paid in 10 working days
- Working days lost due to sickness absence

There was one performance indicator showing as concern:

- Percentage of planning appeal decisions allowed against the authority's decision to refuse - Following a period of receiving a number of disappointing allowed appeals, we have in the last couple of weeks received a number of dismissed appeals that will again reduce the percentage of appeals allowed. If this trend continues then the indicator should not be red when assessed over the whole year. The Development Manager is in the process of assessing all the appeal decisions to establish any trends that can be identified, learnt from and addressed. It is proposed that these findings be presented to the Strategic Planning Committee as part of the annual report into our performance on appeals in the new financial year.

RESOLVED:

that the progress and proposed improvement action for performance measures for the 2016/17 financial year for February 2017 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.

***203 Electronic Bathing Water Signs**

The report advised Cabinet that exemption to standing orders had been applied in order to install four new electronic signs on the East Devon beaches that were designated bathing waters; similar to the sign provided in 2016 at Budleigh Salterton.

RESOLVED:

that the use of standing orders exemption powers in this case be noted.

REASON:

To note the selection of a supplier for these signs who was already working with and approved by the Environment Agency and DEFRA.

***204 Alternative models for building repairs and maintenance – to note use of exemption to contract standing orders**

The report informed of the use of exemption to contract standing orders for consultancy work regarding the renewal of the repairs contract and investigation of alternative models for building repairs and maintenance. Echelon were lead consultants operating in a specialist environment and had engaged their services to achieve better value for money as well as improving services to tenants.

RESOLVED:

that the exemption to Contract Standing Orders to enable the services of Echelon Consultants to carry out an options appraisal of repairs and maintenance service be noted.

REASON:

To ensure a full review of the service and the options for alternative models for building repairs and maintenance.

***205 Urgent removal of asbestos material to enable lift replacement works**

The report advised that exemption to standing orders had been relied upon and had been used to deal with the urgent removal of AIB asbestos material which was discovered during the removal of the existing passenger lift as part of the lift replacement project at Morgan Court, Exmouth. The company appointed to carry out the work had undertaken similar works for the Council recently and had proved to be competitive and reliable.

The lift replacement works had been on hold and could not continue until works to remove the asbestos material and a full environmental clean of the area had been completed. It is estimated that the works to remove the asbestos material in accordance with the Control of Asbestos Regulations would add approximately 5 weeks to the project.

RESOLVED:

that the exemption to Contract Standing to undertake the removal of the asbestos material, to ensure the area was safe to enable the lift replacement works to recommence be noted.

REASON:

The removal works and a full environmental clean of the lift shaft area were urgently required to enable the lift replacement works to re-commence, thus reducing the likelihood of any adverse financial, health & safety and reputational impact associated with any further delays.

***206 Appointment of Wessex Community Housing Project to support with the allocation of funding from the Community Housing Fund – request for exemption from standing orders**

Members were advised that exemption to standing orders had been applied, in order to appoint Wessex Community Housing Project to work on the allocation of funding from the Community Housing Fund. They were the only local organisation which had the required knowledge and expertise to work in the community and deliver community led housing.

RESOLVED:

that the exemption to standing orders to appoint Wessex Community Housing Project to support with the allocation of funding from the Community Housing Fund be noted.

REASON:

To ensure appropriate use of the Community Housing Fund.

***207 Appointment of Inspector to Examine the Yarcombe & Marsh Neighbourhood Plan**

Members were advised that exemption to standing orders had been applied in order to appoint an independent examiner to examine the Yarcombe & Marsh Neighbourhood Plan. In order to secure a speedy examination and to accord with the wishes of the plan producers, the services of Mary O'Rourke had been secured. Justification for her appointment was detailed in the report. Early adoption of the Neighbourhood Plan would help to establish a positive planning policy framework for the parish to inform determination of planning applications in Yarcombe. The Examination was scheduled to commence on 3 April 2017.

RESOLVED:

that the exemption to Contract Standing Order to enable the appointment of the examiner to undertake the Examination of the Yarcombe & Marsh Neighbourhood Plan be noted.

REASON:

To ensure that an independent examiner was in place and appointed.

***208 Appointment of Inspector to Examine the Uplyme Neighbourhood Plan**

Members were advised that exemption to standing orders had been applied in order to appoint an independent examiner to examine the Uplyme Neighbourhood Plan. In order to secure a speedy examination and to accord with the wishes of the plan producers, the services of John Mattocks had been secured. Justification for his appointment was detailed in the report. Early adoption of the Neighbourhood Plan would help to establish a positive planning policy framework for the parish to inform determination of planning applications in Uplyme. The Examination was scheduled to commence on 3 April 2017.

RESOLVED:

that the exemption to Contract Standing Order to enable the appointment of the examiner to undertake the Examination of the Uplyme Neighbourhood Plan be noted.

REASON:

To ensure that an independent examiner was in place and appointed.

***209 Appointment of Inspector to Examine the Chardstock Neighbourhood Plan**

Members were advised that exemption to standing orders has been applied in order to appoint an independent examiner to examine the Chardstock Neighbourhood Plan. In order to secure a speedy examination and to accord with the wishes of the plan producers the services of Robert Yuille had been secured. Justification for his appointment was detailed in the report. Early adoption of the Neighbourhood Plan would help to establish a positive planning policy framework for the parish to inform determination of planning applications in Chardstock. The Examination was scheduled to commence on 3 April 2017.

RESOLVED:

that the exemption to Contract Standing Order to enable the appointment of the examiner to undertake the Examination of the Chardstock Neighbourhood Plan be noted.

REASON:

To ensure that an independent examiner was in place and appointed.

***210 Appointment of Inspector to Examine the Budleigh Salterton Neighbourhood Plan**

Members were advised that exemption to standing orders had been applied in order to appoint an independent examiner to examine the Budleigh Salterton Neighbourhood Plan. In order to secure a speedy examination and to accord with the wishes of the plan producers the services of Jill Kingaby had been secured. Justification for his appointment was detailed in the report. Early adoption of the Neighbourhood Plan would help to establish a positive planning policy framework for the parish to inform determination of planning applications in Budleigh Salterton.

RESOLVED:

that the exemption to Contract Standing Order to enable the appointment of the examiner to undertake the Examination of the Budleigh Salterton Neighbourhood Plan be noted.

REASON:

To ensure that an independent examiner was in place and appointed.

***211 Introduction of a new Public Space Protection Order – Anti-Social Behaviour and Controlled Drinking in Exmouth and Sidmouth**

The report asked for approval to introduce a Public Space Protection Order (PSPO) to target antisocial behaviour within Exmouth town centre and the surrounding area, and to replace existing Designated Public Places Orders to control the consumption of alcohol within areas of Exmouth and Sidmouth. The facility to introduce PSPOs was included within the Anti-Social Behaviour Crime and Policing Act 2014. The required consultation process, agreed by Cabinet in February 2017, had been completed and no changes to the draft order had been found to be necessary or justified.

RESOLVED:

that the introduction of the new PSPO as required by the Anti-Social Behaviour Crime and Policing Act 2014 be agreed.

REASON:

In order to meet the requirements of the Act to replace existing Designated Public Places Orders with PSPOs.

***212 Adoption of two new Public Space Protection Orders incorporating existing Dog Controls throughout East Devon and on the Seashores and Promenades**

The report asked for approval to introduce two Public Space Protection Orders (PSPOs) to incorporate existing dog control orders. These would include a number of amendments to the existing regime suggested by officers and Town and Parish councils, and a requirement not to feed seagulls on the town beaches and promenades. The facility to introduce PSPOs was included within the Anti-Social Behaviour Crime and Policing Act 2014. A consultation period had now concluded and some additional amendments had been made as a result.

RESOLVED:

that the introduction of two new PSPOs under the provisions within the Anti-Social Behaviour Crime and Policing Act 2014 be agreed.

REASON:

In order to meet the requirements to incorporate existing dog control orders into new Public Space Protection Orders, and to review them during the process.

***213 Exclusion of the public**

that under Section 100(A) (4) of the Local Government Act 1972 and in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public (including the press) be excluded from the meeting as exempt and private information (as set out against each Part B agenda item), is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

***214 1 & 2 Pankhurst Close**

A landowner had acquired the freehold interest of 1 & 2 Pankhurst Close. 1 Pankhurst Close was subject to an overage payment to EDDC due on the grant of planning permission. Both properties were subject to further covenants in favour of EDDC. An offer to settle overage negotiations and release specified covenants had been proposed.

RESOLVED:

that the overage settlement based on the terms set out in this report be accepted.

REASON:

The proposed offer was considered a fair settlement figure to compensate the Council.

Attendance list

Present:

Paul Diviani	Leader
Andrew Moulding	Deputy Leader/Strategic Development and Partnership

Portfolio Holders:

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

Cabinet Members without Portfolio:

Geoff Pook
Eileen Wragg

Cabinet apologies:

Ian Thomas	Finance
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Non-Cabinet apologies:

Brian Bailey
Matt Booth
Colin Brown
Jenny Brown
Graham Godbeer
Steve Hall
Alan Dent
Bill Nash
Mike Allen
Steve Gazzard
Brenda Taylor

Also present (for some or all of the meeting)

Councillors:

Megan Armstrong
David Barratt
Maddy Chapman
John Dyson
Peter Faithfull

Cathy Gardner
Roger Giles
Ian Hall
Marcus Hartnell
Stuart Hughes
Ben Ingham
Geoff Jung
Rob Longhurst
Dawn Manley
Cherry Nicholas
John O'Leary
Val Ranger
Marianne Rixson
Pauline Stott
Mark Williamson

Also present:

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Simon Davey, Strategic Lead – Finance
Henry Gordon Lennox - Strategic Lead - Governance and Licensing
John Golding. Strategic Lead – Housing, Health and Environment
Karen Jenkins, Strategic Lead – Organisational Development and Transformation
Charlie Plowden, Service Lead - Countryside & Leisure
Andrew Ennis, Service Lead - Environmental Health and Car Parks
Jay Lambe, Service Lead – Regeneration and Property
Andy Wood, East of Exeter Projects Director
Steve Pratten, Relocation Manager
Jules Waddington, Project and Facilities Manager
Donna Best, Principal Estates Surveyor
Jamie Buckley, Community Engagement and Funding Officer
Amanda Coombes, Democratic Services Officer

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 2 February 2017

Attendance list at end of document

The meeting started at 6.00pm and ended at 7.42pm

The Chairman advised the committee that Councillor Douglas Hull, a member of the committee, was currently unwell, and had sadly recently lost his wife. The committee expressed their condolences and wished him a speedy recovery.

***33 Public speaking**

There were no public speakers.

***34 Minutes**

The minutes of the Scrutiny Committee held on the 24 November 2016 were confirmed as a true record.

***35 Declarations of Interest**

Councillor Bruce de Saram: minute 39; personal interest; Chairman of Exmouth Cricket Club.

Councillor Darryl Nicholas: minute 37; personal interest; works for New Devon CCG.

***36 Review of the process for production of the Local Plan**

The Service Lead for Planning Strategy and Development Management updated the committee on discussions held with the Planning Advisory Service (PAS) on their availability to undertake a review of the production process of the Local Plan.

A review of the production process has been on the forward plan of the committee for some time. The proposal from PAS for undertaking the review gave an opportunity for an independent body with experience in this line of work to report back to the committee for comment and recommendations to Cabinet.

The broad outline of the proposal was set out in the report, covering 10 days work at £600 per day, plus expenses and VAT. An exemption to standing orders request will have to be submitted for the work, as there is no allocation in the budget.

The committee was asked to provide detailed instructions of any specific issues in respect of the review that they would like PAS to consider if they felt this course of action should proceed.

In discussion, the committee debated:

- An opportunity for an independent body to review the process and provide recommendations on future plan production;
- The PAS was a respected body and had undertaken such work before for another authority – although with differences in local plans, those recommendations would not necessarily apply to the Council directly;
- The recommendations that may result from the review could relate in part to the Greater Exeter Strategic Plan (GESP) but as this was now a different model of plan, it was possible that the recommendations by the PAS would not be relevant to the GESP;

- The governance arrangements for the GESP were set out and were recommended by the Strategic Planning Committee at their meeting on the 17 January 2017;
- Suggestions were put forward for specific detail for the PAS to consider relating to the Strategic Housing Land Availability Assessment (SHLAA) being communicated to land owners; and how errors in calculations were handled in the process;
- No current budget provision made for this work; a suggestion was made to start on staff travel cost review which would provide adequate budget to cover this work;
- A number of changes had occurred since the production of the plan, including the GESP and the change from SHLAA to Housing and Employment Land Availability Assessment (HELAA); and clearer guidance had evolved on the legislation;
- There was a risk that undertaking the review would produce recommendations that could not be used because of the change of how such plans were produced in the future;
- The cost was a relatively small amount and would help to clarify a number of issues.

The Chairman proposed that the review of the Local Plan production process be undertaken by PAS. The proposal was put to the vote and lost.

***37 NHS Property Services**

The committee discussed the transfer of 12 community hospitals to NHS Property Services as landlords, at their meeting on the 24 November 2016. At that meeting, the committee resolved for the Chairman to write to NHS Property Services to express the disappointment at the lack of response to the request to attend committee, and put other questions raised during the debate.

A response was received on the 22 December 2016, and included:

- Explanation of calculation of market rental value for freehold properties;
- Voluntary contributions from community groups value being appreciated but does not in itself provide rights of ownership;
- The uplift to NHS England's funding from the Department of health for market rent is intended to be recurrent in subsequent years.

The committee discussion included:

- Information on the website of the NHS Property Services indicated that the body was acting as a commercial enterprise, which was not fitting to the NHS service; it was a move towards asset stripping, and a factor into the change in the NHS service moving towards the American system of healthcare;
- Areas of particular concern were that any receipts of sales were not ring-fenced to the local area; the impact on voluntary donations both past and present; and that mitigation by NHS England on rents did not present any savings to the NHS budget;
- That the NHS Property Services charges were excessive and only took more money away from service delivery;
- The services required were not commissioned by NHS Property Services but by the Clinical Commissioning Group (CCG);
- Selling of assets happened elsewhere with other bodies, such as church premises, where voluntary donations had made considerable investment in maintaining them;
- Putting sales receipts into where the maintenance was most needed was a fair business model.

RESOLVED that

1. The Scrutiny Committee records its deep regret that the NHS Property Services has declined its invitation to a meeting of the East Devon District Council Scrutiny Committee;
2. The Scrutiny Committee to write to the three local MPs representing East Devon, expressing its concern at the failure of NHS Property Services to agree to attend a meeting of the East Devon District Council Scrutiny Committee, and asks the MPs to raise the matter with the Secretary of State for Health, with a view to his ensuring proper openness and transparency in the work of NHS Property Services, and ensuring proper public scrutiny of the work of the NHS Property Services, by requiring attendance at meetings of local councils when requested to do so;
3. The Scrutiny Committee to write to the Devon County Council Health and Wellbeing Scrutiny Committee, expressing its concerns;
4. The Scrutiny Committee to write to NHS Property Services requesting details of the actual market rent for Axminster Hospital, Budleigh Salterton Hospital, Exmouth Hospital, Honiton Hospital, Seaton Hospital and Sidmouth Hospital, with details of how those figures were arrived at.

(Councillor Darryl Nicholas left the chamber for this item once a reference was made to the CCG and remained absent for the vote)

***38 Police and Crime Panel Update**

Councillor Tom Wright, representative for the Council on the Police and Crime Panel, gave an update on their work, and highlighted that the Panel were considering the police budget at their next meeting. The Police and Crime Commissioner's new plan is now published.

In discussing the update, the committee reiterated its view that whilst it welcomed the proposal to increase police officer numbers, it wished to see the current level of PCSOs retained, as expressed to the PCC when she met with the committee on the 3 November 2016.

Cllr Wright confirmed that discussions were ongoing with the office of the PCC and other parties in relation to the future of the CCTV system in Exmouth.

***39 Scoping – rental of Sports and Activities Clubs; and Thelma Hulbert Gallery**

A scoping report set out the options for the committee to consider on any possible review of two of the topics from the forward plan list.

Rental of tenanted non-residential property – sports and activities clubs

The report set out a timeline of the process of council asset review of those premises used by sports and activities clubs, covering the reports presented to Cabinet outlining the review and a proposed rent support grant scheme.

Cabinet are due an update report that illustrates the work completed to date with lease reviews and the first round of applications to the support grant scheme, along with a review of that scheme and any refinements that may be required for subsequent applications.

The committee were in agreement that this topic should not be scoped further until the update report had been presented to and discussed by the Cabinet.

Thelma Hulbert Gallery

The focus on the scope was to look at the performance of the gallery in commercial terms, rather than comment on the diversity and type of events and workshops offered.

Regular reporting is made to the Arts and Culture Forum and directly to Council. Basic statistical information was presented to the committee to show the footfall and income increases; the number of events and workshops were illustrated in recent Cabinet reports, which reflected the social, wellbeing and economic benefits that the Gallery gives.

Based on this trend of improvement, the officer recommendation was that no further work was required by the committee to review the progress of the Gallery at this time.

A suggestion was put forward that the committee should receive an update from the gallery about their work, in particular their excellent outreach work. In response the Chairman made clear that he felt the remit of the committee was related to the performance of the gallery, and the information presented showed that there were no areas of concern that warranted further investigation by the committee. The internal audit plan already shows work on discretionary services (including THG) for 2017/18.

RESOLVED that:

1. No further investigation into the Thelma Hulbert Gallery is warranted at the current time;
2. No further scoping into Rental of tenanted non-residential property – sports and activities clubs until an update on the rent support scheme has been received and debated at Cabinet.

***40 Scrutiny Forward Plan**

The forward plan was noted with the addition of discussion on submitting comment to a government inquiry on the overview and scrutiny arrangements.

The Broadband update scheduled for 2 March meeting was discussed and suggested to widen to include mobile phone coverage; the committee requested that representation from Connect Devon and Somerset and British Telecom is sought for that meeting.

Other suggested topics were already being discussed by the Overview Committee or the Strategic Planning 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
Dean Barrow
Darryl Nicholas
Cherry Nicholas
Bill Nash
Val Ranger
Marianne Rixson

Other Members

Dawn Manley
Andrew Moulding
Geoff Jung
Megan Armstrong
John Dyson
Pauline Stott
Tom Wright
David Barratt

Officers present:

Ed Freeman Service Lead Planning Strategy and Development Management
Giles Salter, Solicitor
Debbie Meakin, Democratic Services Officer

Scrutiny Member apologies:

Cathy Gardner
Marcus Hartnell
Maddy Chapman
Douglas Hull

Other Member apologies:

Graham Godbeer
Jill Elson

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 2 March 2017

Attendance list at end of document

The meeting started at 6.00pm and ended at 8.40pm

***41 Public speaking**

Mr Bill Wrench of Otterton informed the committee about his complaint against the Council in dealing with a housing tenant who is his neighbour. He felt that there were serious shortcomings by the Council in how they had dealt with the tenant, who had breached his tenancy agreement.

The Chairman sympathised with Mr Wrench on his difficulties. He advised that he had spoken with officers but could not give any detail on the case, as it is protected by the Data Protection Act. He assured the committee that the Council was doing all it can on the issue, and that the Housing Ombudsman is actively involved in the case. Whilst the Housing Ombudsman investigation is ongoing, he could make no comment personally or on behalf of the Council in response to Mr Wrench.

Once the Housing Ombudsman has reached a conclusion, this will be reported to the Housing Review Board as the relevant overview and scrutiny committee under the constitution for this issue.

***42 Minutes**

The minutes of the Scrutiny Committee held on the 2 February 2017 were confirmed as a true record. The Chairman voiced his disappointment at the announcement of the Devon and Cornwall Police budget that showed a significant reduction of PCSOs, particularly after the plea by the Committee to the Police and Crime Commissioner.

Two of the three MPs had responded favourably to the letter from the Chairman relating to NHS Property Services.

RESOLVED that the Chairman of the Scrutiny Committee writes to the Chief Constable of Devon and Cornwall Police, and to the Police and Crime Commissioner, on the issue of PCSOs with a request to reverse that decision.

***43 Broadband update**

Ruth Foster, a resident from Membury, spoke about delivery issues of broadband for her local area due to the limitations of the superfast broadband provision voucher scheme. The area she represented was listed as "out of program" for the CDS roll out of superfast broadband; and the vouchers offered ran out in March, which was not sufficient time to deal with other providers, particularly as they took many weeks to respond to such requests and negotiations. She told the committee that the voucher scheme did not have enough flexibility in that it severely limited consumer choice to expensive tied contracts. She asked the committee to press the CDS on what they could do to find an efficient solution to this issue.

The Chairman welcomed:

- Phil Roberts from Connecting Devon and Somerset (CDS)
- Paul Coles from British Telecom (BT)
- Gary Day from Voneus (fixed wireless broadband provider)
- Portfolio Holder for Corporate Services, Councillor Phil Twiss

The committee were updated on:

- Significant progress towards provision of Superfast Broadband in East Devon, (defined by the Government as 24Mbps downstream) to 95% of premises by the end of 2017;
- The tender process for phase 2, aimed at delivering up to 95% of premises by the end of 2017 has been completed, with a company called Gigaclear, being awarded four of six “lots” in the tender, including the one for parts of East Devon. This will provide fibre to the premises (at higher speeds than the defined measure of 24Mbps for Superfast) with no deterioration in signal, as opposed to the solution of copper cable for the “final mile”, from a green roadside box.
- The committee were reminded that, as with a target figure of 95% of premises being able to receive superfast broadband, 5% of the district will not be able to receive it at that speed (possibly more, if the distance by copper cable to the premises from an “enabled” exchange is over 1.2km/1.4km).
- An increasing number of other technological solutions may be possible to close this gap, including fixed wireless Broadband signals from a point where it connects with the fibre, to mobile carriers using high speed 4G.

Paul Coles of BT outlined the recent purchase of EE and that they were providing a 4G service for the emergency services. This had led to an increased roll out of 4G in the area, with 21 new transmitters with 4G in the district in the last six months. BT still had an offer to assist communities outside of the CDS scheme with co-investment.

Phil Roberts updated the committee that BT were on target for the contracted delivery of coverage under the Phase 1 contract although this had gone over the original timescale, but would be completed by the end of March 2017.

Gary Day outlined the role of the company he was representing as an interim supplier who CDS and BT were aware of in the market. He outlined the level of service offered and some of the areas in the district that his company were actively engaged with. A viable project for them would be a minimum of 65 homes in a 10 kilometre radius.

In discussion and through questioning, the main points covered were:

- 5G technology was not yet a reality as the standards for it were not yet agreed;
- Maps on CDS website showing coverage were not yet updated and further work was underway linked to further funding;
- Further updates on claw back will be given, but in brief funds through claw back would be in two year incremental stages resulting in £10M over eight years;
- Discrepancy between shortfall figures for Phase 1 delivery between CDS and BT. The final estimation given was 6000 homes, requiring installation of 5 cabinets, 4 of which were on target but one still had difficulties;
- Desire of the committee to have clear figures of numbers of homes and end dates;
- 2020 was a more realistic target of achieving the government set 95% rather than 2017;
- With changes in the BT framework for delivery over the course of Phase 1 it was unclear how the allocated EU funding was being delivered where it was unintended for. BT declares areas it intends to build commercially 3 year prior to the completion date, so there is the possibility that the framework will change, particularly if viability options change – but any area not already covered as already built or to be build is

classed as commercially unviable. The government target of using the funding to achieve the most amount of homes has forced this approach;

- Copper line length issues were still apparent and a local example of one was given, which totaled 8 kilometres. The delivery under the CDS scheme is dependent on speed, not just on the provision of broadband – so BT will not receive payment under the CDS scheme if the speed is too slow;
- Keen to see all sectors of the community benefit.

RECOMMENDED to Cabinet that the Council continues to work with CDS and other partners with a view to going beyond the government target of 95% to a full coverage for the whole of the District, to benefit every member of society both in their individual and business use in either rural or urban areas

RESOLVED that the Chairman will write to the three local MPs about the government failure in its target of 95% coverage linked to maximum number of properties for the funding provided, and asking that they intercede with the government for future contracts to guard against this. To include in the letter a request to recognise that in both rural and urban communities, businesses are being run from the homes; and to assure the Council that EU funding for the project has been appropriately used.

The Chairman thanked those for attending to update the committee and welcomed future updates.

***44 Communities and Local Government Committee inquiry to consider overview and scrutiny arrangements**

The Communities and Local Government Committee have launched an inquiry to consider whether overview and scrutiny arrangements in England are working effectively and whether local communities are able to contribute to and monitor the work of their councils.

Any individual councillor can of course respond directly with a written submission to the inquiry. Submissions are due by 10 March 2017.

The committee discussed the terms of reference for submission:

- Whether scrutiny committees in local authorities in England are effective in holding decision makers to account
 - Meetings publicised and open to public, with responses to Cabinet as needed. Some question as to whether these comments are heeded not just 'noted'.
- The extent to which scrutiny committees operate with political impartiality and independence from executives
 - The committee were comfortable that they are independent and impartial
- Whether scrutiny officers are independent of and separate from those being scrutinised
 - Democratic Services have high integrity
- How chairs and members are selected
 - Independent Chairman. Politically balanced committee but little attention paid to individual skills, knowledge and aptitude. Consideration could be given to further training to hone scrutiny skills.
- Whether powers to summon witnesses are adequate

- Inadequate for external organisations, with a recent example of the repeated request to NHS Property Services to attend. Some reluctance by members and officers to attend.
- The potential for local authority scrutiny to act as a voice for local service users
 - This was already being undertaken by the committee, with recent examples covering superfast broadband delivery, NHS revision of service delivery, and the Police 101 service;
- How topics for scrutiny are selected
 - Committee Members (and other councillors) invited to be involved. There may be work that the Cabinet require more detailed analysis of and a request made to the Scrutiny committee to carry out that examination – to date this has not occurred. There was often a frustration in not being able to investigate topics because of limitations of the constitution or on issues where so much time had passed that it was not deemed viable to look into;
- The support given to the scrutiny function by political leaders and senior officers, including the resources allocated (for example whether there is a designated officer team)
 - Shared service of an officer within Democratic Services, no dedicated officer
- What use is made of specialist external advisers
 - To date mostly witnesses not advisers invited to attend. A suggestion was made to approach the Local Government Association for a scrutiny advisor.
- The effectiveness and importance of local authority scrutiny of external organisations
 - Mostly a lobbying role passed to MPs and others. More relevant for scrutiny at a county level.
- The role of scrutiny in devolution deals and the scrutiny models used in combined authorities
 - Need to have scrutiny involvement throughout the process, not after the deal has been completed
- Examples where scrutiny has worked well and not so well
 - Effective internally on aspects such as the Tree TaFF and the changes to press releases; less effective on having an impact on beach hut charges. With limited powers, difficult to have an impact on other outside bodies.

RESOLVED that a response be provided by the Chairman on behalf of the Scrutiny Committee to the Communities and Local Government Committee inquiry to consider overview and scrutiny arrangements

***45 Quarterly monitoring of performance quarter three 2016/17**

The committee considered the report for the third quarter, commenting on:

- Welcomed increase in affordable housing being delivered
- Supporting the growth of greater Exeter still on track
- Percentage of invoices paid improved close to target of 95% on time
- New recycling and waste collection service successes in first phase for Exmouth
- Beach Safety Officer post now has an agreed authority to recruit
- Continued work with Strata through the joint scrutiny arrangement, including the customer portal, and the food hygiene rating scheme. Migration to the global desktop had begun for employees of the Council
- Percentage of council tax collected continued to improve
- Random vehicle licence checks will now be replaced with a focus on specific licences and the targets revised
- Planning application targets will be revised in line with government target changes

- Devolving council services and sectors work ongoing with reporting through the Asset Management Forum and the Cabinet
- Alternative delivery models for the environmental health and car park teams included looking at working with neighbouring authorities on the feasibility of establishing a structure for delivering paid for service for training, inspection, coaching and auditing of food premises. This is as a result of the possible new regime under review by the Food Standards Agency to permit private sector auditors, enabling food businesses to opt out of local authority inspection;
- Development of workspace units comes to the Cabinet for decision on 8 March 2017
- Network rail issues relating to the Feniton flood alleviation scheme needs to be kept under review
- District design guide on hold because of workload of the team
- Systems thinking review started for the Governance and Licensing Team
- New procurement strategy before Cabinet on 8 March to approve a Devon County Council arrangement
- Additional days purchased from the external auditor were to cover work following an objection to the accounts – this is fully documented in the minutes of the Audit and Governance Committee of 17 November 2016

***46 Scrutiny Forward Plan**

Additional issues from the review of the performance monitoring report for scoping included:

- Review of official complaints received (as reported to Cabinet)
- Review of Freedom of Information requests received (as reported to Cabinet)
- Food hygiene certificates for mobile catering, including how they are linked to consent street status
- Check on legal issues in making tree preservation orders relating to land ownership (including check back to work covered under the Tree TaFF)

Further updates on the implementation of superfast broadband would also be added to the plan as and when updates became available.

The Chairman requested the committee considers the proposal to change the Manor Pavilion car park to a day and display car park. The budget to cover this proposal was agreed by Council, but could not be implemented until the change to the Parking Places Order (PPO) had taken place (which includes consultation); and the decision to implement those changes to the PPO must be approved by Cabinet. The committee were advised that this presented another two opportunities for interested parties to comment on the proposals. As the decision was not yet made, the committee could not consider the issue but retained the right to exercise call-in a Cabinet decision.

A report on the proposed changes to the PPO is due to Cabinet on the 5 April 2017.

The committee also discussed the anti-social aspects of drone flying but were advised by legal that this was the responsibility of the Civil Aviation Authority.

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

Scrutiny Members present:

Roger Giles
Alan Dent
Colin Brown
Bruce de Saram
Bill Nash
Val Ranger
Maddy Chapman

Other Members

Paul Diviani
Geoff Jung
Brian Bailey
John Dyson
Pauline Stott
Tom Wright
David Barratt
Phil Twiss
Jill Elson
Peter Faithfull

Officers present:

Giles Salter, Solicitor
Debbie Meakin, Democratic Services Officer

Scrutiny Member apologies:

Cathy Gardner
Marcus Hartnell
Marianne Rixson
Simon Grundy
Darryl Nicholas
Cherry Nicholas
Dean Barrow

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Housing Review Board held at Knowle, Sidmouth on 9 March 2017

Attendance list at end of document

The meeting started at 2.30pm and ended at 4.35pm.

***59 Public Speaking**

There were no questions raised by members of the public. The Chairman welcomed those present to the meeting and invited everyone to introduce themselves.

***60 Minutes**

The minutes of the Housing Review Board meeting held on 12 January 2017 were confirmed and signed as a true record. Victor Kemp requested that the minutes be amended as he was not in dispute with the Council, although he had made a request for his property to be adapted.

***61 Declarations of Interest**

Mike Berridge: Personal interest - family member lives in a Council owned property and a housing tenant.

Cllr Ian Hall: Personal interest – family member lives in a Council owned property and uses Home Safeguard.

Victor Kemp: Personal interest – housing tenant and had made a request for his property to be adapted – this request had not yet been resolved.

Cllr Jim Knight: Personal interest - family member lives in a Council owned property and another family member lives in a housing association property.

Pat Rous: Personal interest - housing tenant.

***62 Urgent item and exclusion of the public**

There was one urgent item that would be considered under part B of the agenda after the public (including press) have been excluded.

***63 Forward plan**

The Strategic Lead, Housing, Health and Environment presented the forward plan and advised Members that the forward plan acted as a reminder of agenda items to come forward to future meetings. Members were reminded that they could add further issues to the next forward plan by informing either himself or the Democratic Services Officer.

RESOLVED: that the forward plan be noted.

***64 Housing White Paper – Fixing our broken housing market**

The Strategic Lead – Housing, Health and Environment's report set out the main elements of the Housing White Paper published in February, setting out the Government's thinking in respect of national housing policy for the future. The four principle themes of the White Paper were:

- Planning for the right homes in the right places
- Building homes faster
- Diversifying the market
- Helping people now

There had not been sufficient time for a detailed analysis but officers would be undertaking this in order to produce a response by the May deadline. The Strategic Lead – Housing, Health and Environment reported that the paper had received mixed reactions. However it

demonstrated a strong motivation to improve the housing market and recognised that there was no single answer to the problems in the housing market. The Council's response to the White Paper would be presented at the next Board meeting.

RESOLVED: that the Housing Review Board note the contents of the Housing White Paper.

***65 Homelessness reduction bill**

The Strategic Lead – Housing, Health and Environment's report set out the contents of the Homelessness Reduction Bill and some of the implications for the Council's duties and approach to early intervention and prevention. Although the contents of the Bill had not yet been passed into law, preparations could be made for the changes in anticipation of more onerous homelessness duties being enacted. There were likely to be greater resource implications for the Council and starting preparations early would help to quantify what the likely impact would be on existing services and to identify additional resources required. It was noted that the driving factor behind the Bill was a desire to improve the position for single homeless people.

RESOLVED: that the Housing Review Board note the contents of the Housing Reduction Bill.

***66 Establishing a Local Housing Company for East Devon District Council**

The Board considered the report of the Strategic Lead – Housing, Health and Environment, which had been presented to, and agreed by, Cabinet the previous day. The report set out the business case for setting up a Local Housing Company to be wholly owned by the Council with the purpose of providing a range of housing including in the general market (outside the Revenue Account) and to generate a profit to provide income to the Council's general fund. The report also covered the purpose, benefits, legal position, risks, and considerations of operating a Local Housing Company, and specifically what this housing delivery vehicle could do that the Council were currently unable to do. The outline business case considered how the Local Company could operate, its objectives, and set out due diligence considerations.

It was noted that the Strategic Lead – Housing, Health and Environment would report back to the Housing Review Board and Cabinet, at appropriate times.

Some concern was expressed about the membership of a sub-committee of the Cabinet, to be called the 'Housing Company Sub-Committee'. The Strategic Lead – Housing, Health and Environment explained that the purpose of this was to allow the company to operate in an agile way and not to get caught up in local government bureaucracy.

RESOLVED: that the Housing Review Board note the Cabinet decision.

(Councillor Jim Knight, Christine Drew and Victor Kemp abstained from voting)

***67 Alternative models for building repairs and maintenance service**

In January the Board approved the appointment of consultants to scope, appraise and advise on a procurement approach which could lead to alternative service delivery options for the repairs and maintenance of tenants' homes. The report of the Strategic Lead – Housing, Health and Environment provided an update on the project which had been initiated through a launch meeting and workshop event to appreciate the current service arrangements, key service drivers, performance indicators and appetite for change.

Strategic Lead – Housing, Health and Environment advised that a final report would be presented to the Housing Review Board which would recommend a procurement strategy to follow and a preferred service delivery option.

RESOLVED: that the progress of the alternative models for building and repairs maintenance service be noted by the Housing Review Board.

***68 Charging private users of sewage treatment**

The Board was presented with a report which requested an increase to the charges of private users of sewage treatment plants to ensure all the Council's costs were covered, from April 2017, in line with service charges to leaseholders.

RECOMMENDED: that Cabinet agree that private users of sewage treatment works are charged at a 15% management fee on top of the amount charged for the actual costs incurred.

***69 Update on OPENHousing implementation**

The report of the Housing Needs and Strategy Manager brought the Housing Review Board up to date with the progress on the implementation project for Capita's OPENHousing system. It noted what had worked well, the issues faced and recent audit findings. A SWAP audit had identified some areas where project management could be improved and these good practice recommendations would be taken into phase 2 of the project. There was also the need to ensure that financial controls were effective and the system integrated with the Council's accounting system, Cedar.

RESOLVED: that the Housing Review Board note the progress on the implementation of the OPENHousing System.

***70 Quarterly performance indicator report – quarter 3 2016/17**

Consideration was given to the report of the Information and Analysis Officer which detailed selected indicators measuring performance across the housing service. Monthly performance reports to Cabinet were also used to highlight particular performance issues alongside Systems Thinking style capability charts showing key end to end times for voids and tenancy commencement to first rent payment for new tenancies.

The Board thanked the housing service staff for their hard work and high performance.

RESOLVED: that the performance of the housing service be noted by the Housing Review Board.

***71 Housing Revenue Account financial monitoring report 2016/17 and HRA Business Plan update**

The Board was presented with a summary of the overall financial position on the Housing Revenue Account, HRA Capital Programme and the Business Plan for 2016/17 at the end of month nine (December 2016).

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

Current monitoring indicated that:

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

The Board's attention was drawn to the number of affordable homes that had been purchased and it was noted that the Council were always looking for properties coming onto the market that could be let at affordable rents. The Board also noted the amount that was required for Social Services adaptations.

RESOLVED: that the variances identified as part of the HRA revenue and capital monitoring process up to month nine and the HRA Business Plan update be noted by the Board.

***72 Housing Review Board annual report**

Members were asked to note the annual report of the Housing Review Board which highlighted the achievements and detailed the work undertaken by the Board over the last year.

RESOLVED: that the annual report of the Housing Review Board be noted.

***73 Date of the next Housing Review Board meetings**

The Board noted the provisional dates of the HRB meetings for the forthcoming civic year:
Thursday 8 June 2017 – 2:30pm, Council Chamber, Knowle, Sidmouth
Thursday 7 September 2017 – 2:30pm, Council Chamber, Knowle, Sidmouth
Thursday 2 November 2017 – 2:30pm, Council Chamber, Knowle, Sidmouth
Thursday 11 January 2018 – 2:30pm, Council Chamber, Knowle, Sidmouth
Thursday 8 March 2018 – 2:30pm, Council Chamber, Knowle, Sidmouth

***74 Exclusion of the public**

RESOLVED: that under Section 100(A) (4) of the Local Government Act 1972 and in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public (including the press) be excluded from the meeting as exempt and private information (as set out against each Part B agenda item), is likely to be disclosed and on balance the public interest is in discussing the item in private session (Part B).

***75 Tenancy at Otterton**

The Landlord Services Manager briefed the Board on the current position regarding a tenancy in Otterton in light of representations from some neighbours and Council members.

RESOLVED: that the Housing Review Board note the details of the case and action taken so far.

Attendance list

Present:

Cllr Pauline Stott (Chairman)
Cllr Megan Armstrong
Cllr Ian Hall
Cllr Jim Knight
Cllr Brenda Taylor

Co-opted tenant members:

Pat Rous (Vice Chairman)
Mike Berridge
Victor Kemp

Independent community representatives:

Julie Bingham
Christine Drew

Officers:

Sue Bewes, Landlord Services Manager
Emma Charlton, Housing Projects Officer
Danielle Furzey, Housing Options Manager
John Golding, Strategic Lead - Housing, Health and Environment
Andi Loosemoore, Rental Manager
Andrew Mitchell, Housing Needs and Strategy Manager
Mike Purcell, Interim Property and Asset Manager
Jane Reading, Tenant & Communities Section Leader
Giles Salter, Solicitor
Alethea Thompson, Democratic Services Officer

Also present:

Cllr Jill Elson, Portfolio Holder – Sustainable Homes and Communities
Cllr David Barrett
Cllr Bruce de Saram

Apologies:

Angela Bea, tenant
Joyce Ebborn, tenant

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Strategic Planning Committee held at Knowle, Sidmouth on 29 March 2017

Attendance list at end of document

The meeting started at 2.00 pm and ended at 4.03 pm.

In the absence of a Vice Chairman, the Committee agreed to Cllr Godbeer acting as Vice Chairman for the meeting.

***40 Public speaking**

The Chairman welcomed everyone present to the meeting. The one registered speaker opted to speak when the item was considered (minute *45 Housing monitoring and Five Year Land Supply calculations).

***41 Minutes**

The minutes of the Strategic Planning Committee meeting held on 20 March 2017 were confirmed and signed as a true record.

***42 Declarations of interest**

Cllr Jill Elson; Minute *44 – Community Infrastructure Levy - Guidance
Interest - Personal
Reason: Chair of Governors, Exmouth Community College

***43 Planning and conversion of rural buildings to dwelling – briefing note**

The Committee considered the briefing note which sought to provide Members with a more detailed understanding of current national and local planning policy in relation to the conversion of rural buildings to residential use and also outlined how planning and related applications were considered in East Devon. Members noted that there were two types of applications that could be received for conversion of rural buildings to dwellings:

- Planning applications – which were considered against the NPPF and Local Plan policies; and
- Applications for 'prior approval' – which were considered against criteria set out within the legislation for dealing with permitted development rights. These applications had to be determined within 56 days and therefore had to be considered under delegated powers.

Point raised during a lengthy discussion on the briefing note included:

- Frustration that under current legislation sustainability was a material consideration for planning applications but could not be considered for 'prior approval' applications;
- The need to be specific when refusing applications on sustainability grounds;
- The need to be more positive about the re-use of redundant buildings in villages;
- It was considered that policy on succession housing for rural workers was not currently being applied as intended;
- The need to ensure that a building was truly redundant and not fit for purpose before permitting conversion;
- Farm sustainability needed to be taken into consideration when considering applications. The farming position was evolving all the time;
- Support for a workshop to talk through issues highlighted. Useful to have input from groups/agencies such as NFU, CPRE, Federation of Small Businesses;

- Appreciation for the difficult position planning officers were placed in trying to balance national and local policy;
- The need to be proactive and supportive of the rural areas in order to help them thrive;
- Legislation allowed permitted development on barns converted under prior approval;
- The economy was of vital importance in the rural areas;
- A policy was required that supported the effective use of redundant buildings.

In response to a question regarding changing policy, the Service Lead – Strategic Planning and Development Management advised that a Supplementary Planning Document could be produced to explain how a policy should be interpreted and provide more clarification but changes to policy could only occur through a plan review.

RESOLVED:

1. that the briefing note outlining the current policy position relating to the conversion of rural buildings to permanent be noted.
2. that the Service Lead – Strategic Planning and Development Manager arrange a workshop for members of the Strategic Planning Committee and Development Management Committee and appropriate outside groups/agencies to discuss issues relating to the conversion of rural buildings and wider rural development issues.

44 Community Infrastructure Levy – Governance

The Service Lead – Strategic Planning and Development Management presented the report which sought agreement to formalise arrangements for the governance of Community Infrastructure Levy (CIL) income and expenditure. The report built on the broad approach recommended by the CIL Task and Finish Forum (TaFF), comprising of Members and officers, which had been subsequently agreed by Cabinet in September 2013. Members noted that a more detailed timetable, in line with the budget setting process, would be brought to a future meeting.

During discussion on the detail of the report and recommendations, the Chairman brought to the Committees' attention the significant shortfall in infrastructure spending requirements compared with funds that would be available through CIL.

RECOMMENDED: that Council agrees:

1. the governance structure set out in the diagram at paragraph 4.21 of the committee report;
2. that 5% of the Total CIL income per annum be retained for reimbursing administration costs subject to annual monitoring and review;
3. that 8.6% of the Total CIL income per annum will be ring-fenced in a separate account for Habitats infrastructure mitigation;
4. that net new dwellings will be required to pay HRA (Habitat Regulations Assessment) non-infrastructure mitigation through S106 Agreements/Unilateral Undertakings in addition to CIL. The amounts to be collected per dwelling will be as follows: £96.46 in the Exe only area, £146.85 in the Pebblebeds only area and £201.61 in the combined area. ;
5. that the validation checklist be amended to take account of the changes proposed in recommendation 4 and that following consultation the amended validation checklist be adopted;

6. that the “meaningful proportion” funds will be transferred to town and parish councils twice a year on 28 April and 28 October each year or where it relates to a parish meeting, the money will be held by EDDC;
7. that the remaining CIL income be retained as a single main CIL pot to allow more flexibility and more timely delivery of key infrastructure;
8. that CIL will generally be used to match fund other funding sources (internal and external) so that it can stretch over multiple priorities, however, this will not restrict CIL being used to entirely fund certain specific projects if required;
9. that the Council will work closely with town and parish councils, parish meetings and local communities to develop joint lists of priorities for CIL spend at a local level;
10. that the eligibility criteria set out in the table at paragraph 4.23 be used to filter out unsuitable or otherwise ineligible projects seeking CIL funding at an early stage;
11. that a funding bid application form be used to gather the information on eligible projects required for officers to make recommendations on which projects to fund and agreement of this form be delegated to the Service Lead – Planning Strategy and Development Management.
12. that an officer/Member working group be set up to consider draft recommendations of officers ahead of recommendations being made to Strategic Planning Committee to ensure they have been informed by key priorities and knowledge of wider issues. The working group shall comprise 5 Members from Strategic Planning Committee and shall be appointed by the Council.
13. that the Chief Executive be authorised to write to the Government on behalf of the Council highlighting the problems associated with the delivery of infrastructure under the CIL regime and request that the pooling restrictions that are applied to Section 106 agreements be lifted to enable the required infrastructure to be secured.

RESOLVED: that the following be noted:

1. CIL funds were not expected to cover the costs of delivering all required infrastructure alone;
2. Whilst Total CIL income was projected to be around £40.6m over the plan period, only around £30.8 may be available to spend on infrastructure and around £3.5m of that would need to be spent on Habitat Regulations Assessment mitigation leaving approximately £27.3m for other infrastructure projects. Income projections were approximate estimates only based on a number of assumptions and caveats. A number of types of development were eligible for relief or exemption from paying CIL and whilst this had been factored in to an extent, the full impact of this was not yet known and could further reduce income. CIL should form part of a wider Council funding package for infrastructure potentially also including New Homes Bonus, business rates retention and the Council’s capital programme. The Council would therefore need to act in an entrepreneurial manner to secure income wherever possible to reduce the funding gap for the delivery of infrastructure identified in the committee report.

***45 Housing monitoring and Five Year Land Supply calculations**

The Service Lead – Strategic Planning and Development Management presented the report setting out the latest monitoring figures on housing completions and projections, and the Five Year Land Supply calculation to a base date of 30 September 2016. Members noted that in summary there had been 354 net completions in the last six months (1 April 2015 to 30 September 2016) and that officers considered that the Council was able to demonstrate 6.13 years supply of housing.

The Chairman invited Cllr Ray Bloxham of Cranbrook Town Council to address the Committee.

Councillor Bloxham spoke of the Town Council's concern regarding the slow down of housing completions in the town and the risk that the delay in issuing permissions could lead to developers taking their investment elsewhere. The Town Council considered the production of the masterplan to be the main reason for the reduced build rates as this was delaying the processing of applications – the masterplan was unnecessary at this stage. It was also felt that there was insufficient resources being put to the Cranbrook applications. There was concern that if build rates did not recover the town centre investment and economic development in the town would be at risk.

In response the Service Lead – Strategic Planning and Development Management acknowledged that the masterplan process was a long but necessary process to help deliver the expansion areas. There were still a large number of homes within the outline planning permission that the Council was awaiting reserved matters applications for. The reduction in build rates in the town was seen as a short-term problem due to technical issues currently being addressed. The resource issues were recognised and vacancies were in the process of being filled.

Comments made during discussions included:

- Needs to be the right development in the right place – development should not be rushed through;
- Scale and delivery models affected the build rates on different sites;
- Concern that the delays in build rates affected the delivery of affordable homes;
- Housing supply across the district had increased, however the Council was not complacent;
- Suggested that a meeting could be held with CABE (Chartered Association of Building Engineers) to discuss lessons to be learnt regarding the delivery of Cranbrook.

RESOLVED:

1. that the Housing Monitoring update to 30 September 2016 be noted;
2. that the approach to the calculation of the Five Year Land Supply as detailed in the committee report be agreed;
3. that the implications of the latest Housing Monitoring Update going forwards be noted.

***46 Planning Obligations Supplementary Planning Document**

The Service Lead – Strategic Planning and Development Management presented a report summarising representations received during the recent public consultation on the Planning Obligations Supplementary Planning Document (SPD) and proposed revisions to the SPD in light of these. Members' agreement was sought for the SPD and Consultation Statement to be published for four weeks and, if no substantive comments were received, that Cabinet be recommended to adopt it.

The Service Lead – Planning Strategic Planning and Development Manager referred to correspondence received from East Devon New Community partners since the agenda was published regarding validation of a planning applications and proposed a change to the text as a consequence.

RESOLVED:

1. that the Planning Obligations Supplementary Planning Document and its Consultation Statement be undertaken be published for four weeks, subject to the relevant sentence in paragraph 6.2 of the SPD being amended to read:
'Where the application does not accord with the Local Plan (and any Neighbourhood Plan) due to financial viability constraints, full information to illustrate the applicant's case will need to be submitted as part of the application in accordance with the Council's validation checklist and the application cannot be validated without it'
2. that, if no substantive comments are received in response to the consultation, the proposed changes to the Planning Obligations Supplementary Planning Document be agreed and it is recommend that the Supplementary Planning Document be adopted by Cabinet.

***47 East Devon Self-build and Custom Build Register**

The Service Lead – Strategic Planning and Development Management presented a report highlighting changes in the regulations governing the self-build and custom build register, which all planning authorities had a duty to compile since 1 April 2016, and recommendations to Members in light of these changes.

In response to a question, the Strategic Lead – Governance and Licensing advised that the register was not a public register and therefore the information provided was covered by data protection.

RESOLVED:

1. that the level of demand shown on the register for self-build and custom build in East Devon so that it can be taken into account in the Council's planning, housing, regeneration and disposal of land functions be noted;
2. the proposal to not charge fees for entry on the self build register, but to review this decision periodically be agreed;
3. that applying a local connection test to 'Part 1' of the register from 1st April 2017 as set out in paragraph 2.6 of the committee report be agreed;
4. that the proposal that financial test on 'Part 1' of the register should not be applied be agreed.

Attendance list

Committee Members:

Councillors

Andrew Moulding - Chairman

Graham Godbeer – Acting Vice Chairman

Mike Allen

Susie Bond

Jill Elson

Graham Godbeer

Geoff Jung

David Key

Rob Longhurst

Philip Skinner

Mark Williamson

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

Councillors:

Brian Bailey

Colin Brown

Paul Carter

Alan Dent

Paul Diviani

Peter Faithfull

Roger Giles

Helen Parr

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

Henry Gordon Lennox, Strategic Lead – Governance and Licensing

Hannah Whitfield, Democratic Services Officer

Apologies

Committee Members:

Brenda Taylor

Mike Howe

Non-committee Members:

Geoff Pook

Phil Twiss

Officers:

Richard Cohen

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 7 March 2017

Attendance list at end of document

The meeting started at 10.30am and ended at 3.03pm (the Committee adjourned for a lunch at 12pm and reconvened at 2pm).

***39 Minutes**

The minutes of the Development Management Committee meeting held on 7 February 2017 were confirmed and signed as a true record.

***40 Declarations of interest**

Cllr Alan Dent; 15/1881/MFUL; Personal interest; Budleigh Salterton Town Council
Cllr Brian Bailey; 16/2878/VAR & 16/2420/LBC & 16/2486/FUL; Exmouth Town Councillor
Cllr Steve Gazzard; 16/2878/VAR & 16/2420/LBC & 16/2486/FUL; Exmouth Town Councillor
Cllr Mark Williamson; 16/2878/VAR & 16/2420/LBC & 16/2486/FUL; Exmouth Town Councillor
Cllr David Barratt; 16/2573/FUL; Personal Interest; Sidmouth Town Council

Due to the possible perception of bias Cllr Chris Pepper did not speak or vote on application 16/2726/FUL as the applicant was well known to him.

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution:

- Cllrs Susie Bond, Helen Parr, Ben Ingham, Matt Coppell, Chris Pepper, Alan Dent, Mark Williamson and David key declared that they had been lobbied on application 16/2438/VAR & 16/2664/VAR.
- Cllr David Barratt declared that he had been approached and spoken to by the applicant of application 16/2573/FUL.

***41 Appeal statistics**

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

The Development Manager drew Members' attention to the appeal allowed on land adjacent to 17 Glebelands in Uplyme for the construction of a two-storey dwelling and off street parking. The Inspector had overruled the Committee's reasons for refusal relating to the impact on amenity and the landscape. Members noted that that the Inspector had referred to the partial conflict of the decision with the Local Green Space policy in the emerging Neighbourhood Plan, however considered that the proposed dwelling would maintain the generally spacious appearance of the area.

***42 Applications for Planning Permission and matters for determination RESOLVED:**

that the applications before the Committee be determined as set out in Schedule 10 – 2016/2017.

Attendance list

Present:

Committee Members

Councillors:

David Key (Chairman)

Mike Howe (Vice Chairman)

Brian Bailey

David Barratt

Susie Bond

Colin Brown

Paul Carter

Matt Coppell

Alan Dent

Steve Gazzard (AM only)

Simon Grundy

Ben Ingham

Helen Parr

Chris Pepper (left at 3pm)

Mark Williamson

Officers

Shirley Shaw, Planning Barrister

Chris Rose, Development Manager

Hannah Whitfield, Democratic Services Officer

Also present for all or part of the meeting

Councillors:

Megan Armstrong

Iain Chubb

Geoff Jung

Pauline Stott

Tom Wright

Apologies:

Committee Members

Councillor Peter Burrows

Non-committee Members

Councillor Steve Hall

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 11 April 2017

Attendance list at end of document

The meeting started at 10.00am and ended at 3.15pm (the Committee adjourned for a ten minute break at 11.30am and also for lunch at 1.05pm and reconvened at 2pm).

***43 Minutes**

The minutes of the Development Management Committee meeting held on 7 March 2017 were confirmed and signed as a true record.

***44 Declarations of interest**

Committee Members

Cllr Brian Bailey; 17/0099/MRES and 17/0208/VAR; Personal Interest; Exmouth Town Councillor

Cllr Steve Gazzard; 17/0099/MRES and 17/0208/VAR; Personal Interest; Exmouth Town Councillor

Cllr Mark Williamson; 17/0099/MRES and 17/0208/VAR; Personal Interest; Exmouth Town Councillor

Cllr Paul Carter; 16/3024/RES; Personal Interest; Ottery St Mary Town Councillor

Cllr David Key; 16/2705/FUL; Personal Interest; Applicant known to the Councillor

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution:

- All committee members declared that they had been lobbied on application 17/0099/MRES.
- Cllr Alan Dent declared that he had been lobbied on application 16/2946/FUL.
- Cllr Howe chaired the meeting during consideration of application 16/2850/FUL due to the application being in the Chairman's ward.

Non-committee Members

Cllr Andrew Moulding; 17/0384/FUL; Pecuniary Interest; Applicant

***45 Appeal statistics**

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

The Development Manager drew Members' attention to the following appeal decisions:

- Construction of 40 dwellings, doctors surgery, associated infrastructure, open space and landscaping on land south of King Alfred Way, Newton Poppleford – The Inspector did not agree with the Council's decision to refuse permission, considering that the affordable housing units were adequately dispersed throughout the site.
- Construction of detached dwelling at 21 Stoneborough Lane, Budleigh Salterton – The Inspector had overruled the Committee's reasons for refusal relating to amenity and highway safety, concluding that the proposal would not result in any significant overlooking or have a harmful effect upon the living conditions of nearby occupiers in

respect of privacy. The Inspector did not consider that the proposed parking arrangements would lead to unsafe highway conditions.

- Construction of 25 dwellings and 20 space car park for village hall at Weeks Farm, Talaton – The Inspector had upheld reasons for refusal relating to sustainability and drainage. The Development Manager took the opportunity to thank Talaton Parish Council and the members of the public who had helped the Council to fight the appeal.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 11 – 2016/2017.

Attendance list

Present:

Committee Members

Councillors:

David Key (Chairman)

Mike Howe (Vice Chairman)

Brian Bailey

David Barratt

Susie Bond

Peter Burrows

Colin Brown

Paul Carter

Alan Dent

Steve Gazzard

Simon Grundy

Ben Ingham

Helen Parr

Mark Williamson

Officers

Alison Hayward, Regeneration and Economic Development Manager

Jay Lambe, Service Lead – Regeneration and Property

Shirley Shaw, Planning Barrister

Chris Rose, Development Manager

Alison Stoneman, Communications and Public Affairs Manager

Lorna Todd, Regeneration Assistant

Hannah Whitfield, Democratic Services Officer

Anita Williams, Principal Solicitor

Also present for all or part of the meeting

Councillors:

Megan Armstrong

Jenny Brown

Maddy Chapman

John Humphreys

Andrew Moulding

Bill Nash

Bruce de Saram

Philip Skinner

Pauline Stott
Ian Thomas

Apologies:
Committee Members
Councillors:
Matt Coppel
Chris Pepper

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Audit & Governance Committee held in the Council Chamber at Knowle, Sidmouth on 2 March 2017

Attendance list at end of document

The meeting started at 2.30pm and ended at 4.12pm

***46 Chairman's welcome**

The Chairman welcomed everyone to the meeting.

***47 Public Speaking**

There were no members of the public present.

***48 Minutes**

The minutes of the Audit and Governance Committee meeting held on 5 January 2017 were confirmed and signed as a true record.

***49 Declarations**

Councillor Steve Hall – Minute 51

Interest: Personal

Reason: Chairman of the Licensing Committee

- *50** Matters referred to the Audit and Governance Committee by the Overview and Scrutiny Committees held on 18 January 2017.

***51 Annual Audit Plan 2017/18**

As a key element of its governance arrangements, the Council had a partnership arrangement with South West Audit Partnership to deliver an annual internal audit plan. The Assistant Director for SWAP, together with the Council's S151 Officer and in consultation with the Senior Management Team had produced an Audit Plan for 2017/18 that required the approval of the Audit and Governance Committee.

Discussions included the following:

- Concern of lack of Police cooperation to disputes on Licenced premises; especially not being logged and the effect this had on the Licensing Committee when premises came up for consideration or review.

RESOLVED:

That the Internal Audit Plan of 376 days for April 2017 to March 2018 be approved.

***52 a. Internal Audit Activity Plan Progress 2016/17 Quarter 3**

Moya Moore, Assistant director from SWAP presented the Internal Audit Plan. This report updated the position at the end of Quarter 3. It was noted that the 2017/18 Audit Plan included a full review (not just a follow up) of both business continuity and project management. A review of lone working arrangements, highlighted in the Health and Safety review was also proposed.

b. Achievement of Major Capital Projects Report

As part of the 2016-17, Audit Plan a review was undertaken to assess the adequacy of the controls and procedures in place for Achievement of Major Projects across East Devon District Council.

The Capital Programme included income and expenditure transactions for purchases and disposals of land or property, to build property, make improvements to existing properties and purchase large items of equipment. The Capital Programme was funded from capital receipts, Public Works Loans Board (PWLB) loans, government grants, partner contributions, the Capital Reserve and revenue contributions.

The annual Capital Programme was approved each year in February at Full Council which included an indicative programme for the following three years giving estimated spend and sources of funding.

The Capital budget for 2015/16 was £12.887m; the outturn position was a net spend of £10.510m, a variation of £2.377m. The majority of the underspend related to scheme slippage and a need to re-profile expenditure to later years.

Significant projects recorded on the Capital Programme include Seaton Jurassic Centre, as part of the Council's regeneration plans for Seaton, works on Mamhead Slipway in Exmouth, and the Feniton Flood Alleviation Scheme.

The Capital Strategy and Allocation Group were responsible for reviewing proposed Capital projects. As part of an agreed process, individual services were required to complete and submit a capital appraisal form (business case) in order to obtain Capital budget.

EDDC monitor the financial progress of the Capital Programme throughout the financial year which was reported to members for oversight, scrutiny and approval.

The Chairman thanked Moya for her report.

RESOLVED:

1. that the content of the Internal Audit Progress report and Achievement of Major Capital Projects report be noted, and
2. that the recommendations for action of Significant Corporate Risks be endorsed and agreed.

***53 External Audit Plan 2016/17**

Darren Gilbert from KPMG, presented the External Audit report which provided the Audit Committee with an overview on progress in delivering their responsibilities as the external auditors. The report supplemented their Audit Fee Letter 2016/17 presented in April 2016, which detailed their appointment by Public Sector Audit Appointments Ltd (PSAA). The audit had two key objectives:

1. Financial statements (including the Annual Governance Statement): Providing an opinion on EDDC accounts; and
2. Use of resources: Concluding on the arrangements in place for securing economy, efficiency and effectiveness in the use of resources (the value for money conclusion).

Audit planning and risk assessment was an on-going process; the assessment and fees in the Plan would be kept under review and updated if necessary.

The Chairman thanked Darren for the report.

RESOLVED:

that the content of the External Audit Plan be noted.

***54 Audit Committee update**

Members considered the report, which provided the Audit Committee with an overview on progress in delivering the responsibilities by the external auditors.

KMPG had completed the planning work for the 2016/17 audit, considering key issues at the Council and any relevant requirements as per the code. These discussions had formed the Audit Plan, which was presented at this Committee. KPMG were due to commence the interim audit visit on the week commencing 20 February, to test the control environment at the Council. The findings would be reported at the next Committee meeting.

RESOLVED:

that the progress be noted.

***55 Accounting Policies approval**

The Strategic Lead Finance presented the report, which considered best practice for the Audit and Governance Committee to approve the Accounting Policies for the preparation of the accounts to be adopted. The current policies were presented to Members for consideration. Members were informed of the accelerated timetable for completion of the annual statement of accounts.

Members commended Simon Davey and his team for undertaking this work earlier than expected.

RESOLVED:

that the Accounting Policies be approved and the accelerated timetable for the 2016/17 Statement of Accounts be noted.

56 Anti-Money Laundering Policy

The Strategic Lead Finance updated Members on the Proceeds of Crime Act (Anti-Money Laundering) Policy, which required approval. The object of the policy was to make all employees aware of their responsibilities and the consequences of non-compliance.

Legislation concerning money laundering (the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2007) definition of money laundering covered a range of activities caught by the statutory framework. As a result, this impacted on areas of local authority business and required local authorities to establish internal procedures to prevent the use of their services for money laundering.

The legislative requirements concerning anti-money laundering procedures were extensive and complex. The policy had been written to enable the Council to meet the legal requirements in a way which was proportionate to the very low risk to the Council of contravening the legislation.

RECOMMENDED:

that the revised Proceeds of Crime Act (Anti-Money Laundering) Policy be approved.

***57 Audit and Governance Forward Plan**

Members noted the contents of the Committee Forward Plan for 2017/18.

Items to be considered at the June Committee included:

- Review of Internal Audit Charter
- Annual Report inc. Quarter 4
- Internal Audit Activity – Quarter 1 2016/17
- Revenue and Capital Outturn Report 2016/17
- Draft annual governance statement
- Audit Committee update
- Risk Management Review
- S106 Payments Methodology update

RESOLVED:

that the Forward Plan be noted.

Attendance list

Councillors:

Mark Williamson (Chairman)
Bill Nash
John Dyson
Steve Hall
John Humphreys

Also present (for some or all of the meeting)

Councillors:

Ian Thomas Portfolio Holder Finance
Roger Giles
Brian Bailey

Apologies:

Dean Barrow (Vice Chairman)
Steve Gazzard
Ben Ingham

Officers present:

Mark Williams, Chief Executive
Simon Davey, Strategic Lead – Finance
Amanda Coombes, Democratic Services Officer

Darren Gilbert, Director, KPMG
Moya Moore, Assistant Director, SWAP

Chairman Date.....

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Licensing &
Enforcement Sub-Committee held at Knowle, Sidmouth on
Wednesday, 22 March 2017

Attendance list at the end of the document

The meeting started at 9.45 am and ended at 12.45pm

***16 Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 11 January 2017, were confirmed and signed as a true record.

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

The Sub Committee gave consideration to two applications for grants of premises licences where an agreed position had been reached and all parties had agreed that a hearing was unnecessary. The Sub Committee considered equality impacts when making their decision.

The Licensing Officer explained the background to the applications and the negotiations that had been carried out.

RESOLVED that the application be granted as below, subject to the agreed position set out in the schedule and any relevant statutory conditions and the applicants having complied with the relevant statutory requirements.

Schedule:

Type of application:

Application for the grant of a premises licence

Name of premises and address:

Bicton Arena, East Budleigh, Budleigh Salterton, EX8 7BL.

Agreed position reached by the parties:

Following mediation the applicant and the Council's Environmental Health team had agreed that they consider a hearing to be unnecessary if the agreed position set out below was approved.

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

1. The licence holder must control the volume of regulated entertainment taking place at the premises, by the installation of a noise limiter which shall be set by and to the satisfaction of an Environmental Health Officer of East Devon District Council.
2. To reduce the number of live music events requested from 7 to 5 and only during the months of April to September with a maximum number of no more than one event per month.

Schedule:

Type of application:

Application for the grant of a premises licence

Name of premises and address:

Viceroy, 4 Culme Way, Dunkeswell, EX14 4JP.

Agreed position reached by the parties:

Following mediation the applicant and the Devon and Cornwall Constabulary had agreed that they consider a hearing to be unnecessary if the agreed position set out below was approved.

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

1. The premises will operate a challenge 21 policy. The only acceptable forms of ID will be Passport, Phot Driving Licence and Government Approved PASS card.
2. No person carrying open vessels containing alcohol will be admitted to the premises at any time.
3. No customers will be permitted to take open vessels containing alcohol from the premises.

***18 Application for the grant of a premises licence to allow live music and the sale of alcohol on the premises at Earls, 60 High Street, Budleigh Salterton, EX9 6LW**

The Sub Committee gave consideration to an application for the grant of a Premises Licence to allow live music and the sale of alcohol on the premises at Earls, 60 High Street, Budleigh Salterton, EX9 6LW.

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 Sub Committee carefully considered the relevant representations that all parties had made, the written representations and other documentation put before the Sub Committee. The Sub Committee considered the particular locality of the premises in a town centre and its physical relationship with other residential and commercial properties in the vicinity.

The Sub Committee considered it relevant that no representations had been received from the police in relation to the Licensing Act objectives that had been the subject of representations which were, public safety, public nuisance, crime and disorder and protection of children from harm. 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. The applicant had now reduced the hours originally asked for.

The applicant, Mr Kevin Wood's case on paper, was that Earls was a modern coffee house situated on the high Street in Budleigh Salterton. After a lot of requests from visitors and locals this was an application to extend opening into the evening offering wine, bottled beers and high end spirits. Earls would also be offering tapas style menu and light meals. The aim was an alternative off and it was planned to close by 9.30pm.

At the hearing he added that Earls had been open for 7 months as a coffee house. There had also been some evening events, a museum supper and a birthday party, by request. The application was to extend the offer from lunchtime meals through the day and into early evening. The decision to seek an alcohol licence was taken at Christmas so that the business could offer wine with meals, for example, to people coming off the beach on a summer evening. The applicant had received encouragement from within the town community as a food establishment offering something different for events such as the food, literary and jazz festivals. The premises may only open up to 11.00pm perhaps twice a year.

The Chairman questioned Mr Wood on the issue of hours of the sale of alcohol, a planning notice condition, and noise nuisance. The Chairman was concerned that there were some issues with the application which needed to be resolved so that Mr Wood could operate an alcohol licence without causing noise nuisance to Ms Cornish. He noted that there was already a noise problem although Environmental Health had only received one complaint, which was received following the application process, on Friday 17 March, whilst this complaint wasn't relevant to the hearing he was concerned and sought the applicant's reassurance.

There were outstanding planning conditions which needed to be resolved and the Chairman stated that whilst this was not a licensing issue nevertheless the applicant should consider dealing with the issues by employing a noise consultant to reduce noise attenuation through the entire building.

The Council's Environmental Health Officer, Mrs J Wheller, was in attendance to advise the Sub Committee on the issues of reducing noise decibels (dB) in licensed premises and how this could be achieved through appropriate sound proofing and a noise limiter which could be properly installed and set.

There was then discussions about the use of Temporary Event Notices.

Following discussion the Chairman asked the applicant whether he would consider reducing his hours of sale to 7.30pm with a Closing Time (Terminal Hour of 8.00pm); not applying for any TENs until the issues of noise have been resolved to the satisfaction of the Council's Environmental Health Officer; limiting the number of smokers on the pavement to 4 at any one time; installing a noise limiter; disposal of empty bottles so as not to disturb residents close by; that the applicant and interested party exchange mobile phone number so that noise nuisance/disturbance can be dealt with swiftly.

The interested parties case, Mrs Julia Cornish, 14 Westhill Budleigh Salterton and Ms Samantha Cornish, Flat 1, 1 Station Road, Budleigh Salterton was on paper that first, in relation to the prevention of crime and disorder. The area was already a problem. There are issues with another licensed premises in close proximity and the Police have attended that licensed premise. People standing outside smoking.

Regarding public safety, the road was within 1 metre of the door of the premises. Narrow pavement and smokers blocking the pavement and patrons and pedestrians having to step into the road.

Regarding the prevention of public nuisance. The building was poorly sound proofed. The flat owner above was disturbed from music, conversation and laughter. There was excessive noise from patrons leaving the premises. Regarding the protection of children from harm. There was disturbance to the grandson who slept directly above the premises. The bedroom was above the newly opened fireplace and chimney. Noise echoed into the bedroom.

All parties agreed that Mr David Liddiard could speak at the hearing although he had not responded to a Notice of Hearing. Mr Liddiard was the freehold owner of the former NatWest building where Earls was situated on the ground floor and Mrs Cornish lives in the flat.

Mr Liddiard expressed his concerns on a number of issues not directly linked to matters which the subcommittee could deal with by way of condition but were issues that needed clarification to ensure that the premises were well managed and run according to the licence conditions, if granted. These were planning, environmental health and landlord and tenant contractual issues that required some discussion and dialogue amongst the parties led by the legal officer, the licensing officer, Mrs Westlake and Jill Wheller (EH).

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 and there would be appropriate policies in place. There were some concerns about issues outside of the licensing act regime but all parties have been advised by officers how to resolve them.

The Sub Committee did not accept that there was evidence of a significant public nuisance, risk to crime and disorder, risk to public safety risk to children arising from the operation of the premises. This was because of a lack of evidence of complaints to the statutory authorities. The Sub Committee had however, taken into account the concern of the interested party about future operation by ensuring that suitable conditions were imposed and that the operating hours were not unreasonable late.

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.

RESOLVED 1.

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

- a) The extent of the areas within which the various licensable activities will be permitted is as indicated by the legends on the applicants' plan.
- b) Permitted hours for the various licensable activities will as set out in the amended Appendix B.
- c) Alcohol sales between the hours of midday and 7.30pm Monday to Sunday.
- d) Terminal hour is 8.00pm.
- e) The conditions shall be as shown in Appendix E.
- f) The conditions in the operating schedule as set out in the amended Appendices E and F will also apply.
- g) The conditions in the operating schedule as set out in Appendices G and H apply.
- h) Delete Condition 24 and replace by new condition 24 to read: All bottles will not be disposed of outside of the premises before 8.00am or after the premises closed (the terminal hour)

New conditions

- i) No 29 When music is being played all windows and doors are to be kept shut save those used for access and egress of patrons on arrival or leaving the premises.
- j) No 30 All sales of alcohol to be ancillary to the sale of food purchases.
- k) No 31 A noise limiter must be installed, the levels of which should be set by EDDC Environmental Health.
- l) No 32 An exchange of mobile phone numbers, contact details between the occupants of the first floor flats and the Premises Licence Holder so that Licensing related issues and noise nuisance can be dealt with as soon as possible.
- m) No 33 There shall be only 4 smokers permitted on the pavement outside of the premises at any time. No alcohol to be taken outside of the premises.

The applicant gave the Sub Committee an undertaking that he would not apply for any Temporary Event Notices to the Licensing Authority until the issue of noise attenuation had been resolved to the satisfaction of the EDDC Environmental Health. The applicant to be written to request a signed undertaking (signed duplicate letter by the Licensing Authority).

2.

the designated Premises Supervisor will be Kevin Wood, 25 Knowle Road, Budleigh Salterton, EX9 6AR.

Attendance list

Councillors present:

Steve Hall (Chairman)

Dean Barrow

Brian Bailey

Officers present:

Giles Salter, Solicitor

Neil McDonald, Licensing Officer

Emily Westlake, Licensing Officer

Jill Wheller, Environmental Health Officer

Chris Lane, Democratic Services Officer

Councillor apologies:

Steve Gazzard

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Wednesday, 29 March 2017

Present: Councillors:
Jim Knight (Chairman)
Colin Brown
Geoff Jung

Also present: Councillor Steve Hall

Officers: Emily Westlake – Licensing Officer
Lesley Carlo – Licensing Officer
Chris Lane – Democratic Services Officer
Giles Salter – Solicitor
Steve Saunders – Licensing Officer

The meeting started at 9.30 am and ended at 11.20 am.

***19 Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 22 March 2017, were confirmed and signed as a true record.

***20 Exempt Information**

RESOLVED that the classification given to the documents to be submitted to the Sub-Committee be confirmed and that the report relating to exempt information be dealt with under Part B of the agenda.

***21 Private Hire Vehicle Suitability**

Consideration was given to the report of the Licensing Officer which set out the District Council's policy that on initial licensing a Private Hire vehicle should be no more than four years old from the date of first registration. Vehicles should not normally be licensed in the case of ordinary cars beyond eight years old and purpose built hackney carriages beyond ten years of age. Members were asked to consider licensing a vehicle as a private hire which was 5 years and 6 months old. The vehicle was a Mercedes Benz in exceptional condition.

RESOLVED that the application to licence a Mercedes Benz registration number LG61LWA as a private hire vehicle, despite falling outside of the criteria required by East Devon District Council, be granted as an exception because of its exceptional condition it was considered to be an exception to the policy and the Sub Committee were satisfied that it could be licensed.

***22 Exclusion of the Public**

RESOLVED that under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the description set out on the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session.

***23 Hackney Carriage Driver Suitability**

Consideration was given to whether an applicant was a fit and proper person to be licensed as a Hackney Carriage Driver. Members considered the Council's policy on medical issues, the overriding duty of the Sub Committee was protection of the public.

RESOLVED that, Mr MP's Hackney Carriage Drivers application for a licence be adjourned for a four week period in order to allow him to obtain a referral to the RD&E clinic to obtain an independent review of his health condition. The Sub Committee to meet again once this assessment has been received.

Chairman Date