

Agenda for Council

Wednesday, 26 July 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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Issued 17 July 2017

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

Dear Sir/Madam

Meeting of the Council of the District of East Devon on Wednesday 26 July 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 [Public speaking](#)
- 2 Minutes of the [Extra ordinary Council meeting](#) and [Annual Council meeting](#) held on 17 May 2017
- 3 Apologies
- 4 [Declarations of interest](#)
- 5 [Matters of urgency](#) – none identified
- 6 Announcements from the Chairman and Leader
- 7 Confidential/exempt items – there are no items which Officers recommend should be dealt with in this way but if confidential minutes from Cabinet and/or the Council's Committees are being discussed, Officers may recommend consideration in the private part of the meeting.
- 8 To answer questions asked by Members of the Council pursuant to Procedure Rules No 9.2 and 9.5.
- 9 Reports from the Cabinet and the Council's Committees and questions on those reports:

Cabinet	Minutes	215 - 235, 1 – 20, 21 – 41
†Scrutiny Committee	Minutes	47 – 53, 54 – 60, 1 – 7
†Overview Committee	Minutes	20 - 25
†Housing Review Board	Minutes	1 – 15
Strategic Planning Committee	Minutes	1 – 8
Development Management Committee	Minutes	47 – 50, 1 – 4, 5 - 8
Audit and Governance Committee	Minutes	1 – 15
Licensing and Enforcement Committee	Minutes	16 – 19, 1 – 3
Licensing and Enforcement Sub Committee	Minutes	24 – 26, 1 – 6, 7 – 10

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

10 Contract Standing Orders (pages 4 - 28)

Members are asked to approve revised Contract Standing Orders. There is requirement to review and update the Orders to ensure they are kept up to date and relevant.

11 Motion – National Funding for Schools Consultation

‘That this Council supports the response of Devon County Council as the local education authority, and the objection of Hugo Swire MP, to the National Funding for Schools Consultation and calls upon the Secretary of State for Education to address this serious issue that is affecting schools, parents and pupils in East Devon and ensure fair funding for our schools across the district.’

Proposed by Councillor Matt Booth, seconded by Councillor Cathy Gardner and supported by Councillors Ben Ingham, Marianne Rixson, Susie Bond and Dawn Manley.

12 Motion – NHS NEW Devon CCG

'That this Council is concerned that the NHS NEW Devon CCG takes little or no notice of public opinion or the views of elected councillors. When consultations are held, the NHS NEW Devon CCG does not appear to follow the considered and constructive responses, and presses ahead with its intended decision even in the face of considerable opposition.

This Council therefore calls on National Government to ensure that all NHS CCGs are completely open and transparent, and fully embrace the important principles of democratic accountability."

Proposed by Councillor Ben Ingham, seconded by Councillor Cathy Gardner and supported by Councillors Marianne Rixson, Val Ranger, Megan Armstrong and Geoff Jung.

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

Report to: Council

Date of Meeting: 26 July 2017

Public Document: Yes

Exemption: None



Review date for release None

Agenda item: 10

Subject: Contract Standing Orders

Purpose of report: Attached is a revised copy of the Council's Contract Standing Orders for approval.

There is requirement to review and update the Orders to ensure they are kept up to date and relevant. The document has been redrafted significantly but the main areas of amendments to note are:

- Competition requirements (including financial thresholds) have been amended in the main to tie in with Devon County Council Contract Standing Orders in order to facilitate aligned procurement processes. Procurement advice is now delivered by Devon Procurement Services as part of two year service level agreement.
- The Contract Standing Orders now stipulate the use of the electronic procurement portal for all contracts over £10,000. This will aid transparency and clear process, and will link to the Council's Contract Register and meet the requirement to publish contracts on the national database - Contract Finder.
- They have been redrafted to make them easier to use and apply by officers.
- The procedures around exemptions to Contract Standing Orders have been revised to make the process easier to administer.

Recommendation: Council to adopt the revised Contract Standing Orders

Reason for recommendation: The Contract Standing Orders form part of the Council's constitution and require review and updating from time to time to ensure they are still relevant.

Officer: Simon Davey, Strategic Lead Finance

Financial implications: There are no direct financial implications within the recommendations of this report, however the Contract Standing Orders is a key control in the financial management of the Council.

Legal implications:	The Contract Standing Orders are a key control measure in the procurement / contracting activity of the Council as they ensure that there is a robust framework for the awarding and letting of contracts which helps avoid suspicion or allegations of corruption. They have been drafted following the applicable legislative provisions including European procurement rules (as detailed in the document) and can therefore be considered up to date and appropriate for use. Only Full Council can adopt revised Contract Standing Orders as they form part of the Council's Constitution. A small degree of extra work is required to finalise the document but none of the changes will affect the substance of what is reported to this Committee. Delegated authority is sought to make additional amendments prior to the Contract Standing Orders being presented to Council for approval.
Equalities impact:	Low Impact
Risk:	Low Risk
Links to background information:	.
Link to Council Plan:	<ul style="list-style-type: none"> • Council's Constitution - Part 4



East Devon District Council

Contract Standing Orders

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DEFINITIONS APPENDIX

A BRIEF GUIDE TO CONTRACT STANDING ORDERS

These Contract Standing Orders, or Rules, are intended to promote good procurement practice, public accountability, commercial enterprise and deter corruption. Following the Rules is the best defence against allegations that a purchase has been made incorrectly or fraudulently.

They are issued in accordance with section 135 of the 1972 Local Government Act; s123 of the Local Government Act 1972; the Public Procurement Regulations 2015 and in the case of commercial enterprise the Localism Act 2011.

Officers responsible for purchasing or disposal **must comply** with these procedures. These procedures lay down **minimum requirements** for the purchase and disposal of goods and services.

Officers must;

- Follow these Rules whenever they purchase goods, services, or building works.
- Take Legal, Financial and professional advice from the respective departments.
- Declare any personal financial interest in a contract.
- Be minded that Bribery has a very wide interpretation and is a criminal offence.
- Conduct a Most Economic Advantageous Tender ("MEAT") review and appraise the purchasing/disposal need in accordance with the legislative provisions and obtain Value for Money for the public finance.
- Consider whether there is an existing corporate contract or framework agreement that would satisfy MEAT requirements which you can make use of, before undergoing a competitive process.
- Identify a contract manager with responsibility for ensuring the contract delivers as intended.
- Ensure there is authority to enter into a contract and ensure you complete a written contract or Council order before supply or works begin.
- Keep records of dealings with suppliers.
- Assess and monitor each contract after completion to understand how well it met the purchasing need and quality of delivery requirements, including Value for Money.

Failure to comply with these Contract Standing Orders may lead to disciplinary action.

The Section 151 Officer may propose amendments from time to time to these Contract Standing Orders after consultation with Legal Services. Proposed amendments will then be submitted to the Audit and Governance Committee, with a recommendation from that Committee to Council for approval, if appropriate.

Contract Standing Orders should be read in full, however to aid quick reference key aspects have been drawn out by way of summary below.

Summary of Requirements for the Competitive Process and Contract Completion

Where the Total Value for a contract is within the values in the first column below, the competition and awarding requirements are then as specified. The Cabinet has the power to authorise exemptions from the requirement to seek quotations or invite tenders for specific projects where the EU Procedure does not apply.

All ICT system developments and purchases of computer equipment or software must be approved and purchased through Strata Services Solutions Ltd

Total Value (excl. VAT)	Competition Requirements (see Rule 8.1)	Short listing (See Rule 8.1)	Method of Completion (see Rule 16.2)	Completion Authorised by (See Rule 16.2)
Up to £5,000	Quotation to be obtained in writing from a minimum of one supplier.	Authorised Officer	Electronic order or by signature	Authorised Officer / Budget Manager
£5,001 – £50,000	Quotations to be obtained in writing from a minimum of three suppliers ¹ who have responded to a written tender specification by a defined deadline. Quotations to be formally evaluated. Electronic procurement portal to be used for all contracts above £10,000.	Authorised Officer and Budget Manager	Electronic order or by signature	Budget Manager
£50,001 – £100,000			Electronic order, by signature or under seal (as advised by Legal Services)	
£100,001 – EU Threshold	Formal tenders to be obtained from a minimum of four suppliers ¹ , who have responded to a written tender specification by a defined deadline. Tenders to be formally evaluated. Electronic procurement portal to be used for all tendering at this level	Budget Manager and Service/Strategic Lead in consultation with Procurement Support	By signature or under seal (as advised by Legal Services)	Budget Manager (in consultation with Service / Strategic Lead)
Above EU Threshold	EU tender procedures to be used, electronic portal to be used for all EU tendering.	Budget Manager in consultation with Procurement Support and Legal Services	Legal Services to advise on form of contract and whether by signature or under seal	Service/ Strategic Lead
Use of collaborative contracting arrangements ²	Purchases using such arrangements are deemed to comply with these Standing Orders. ³	Budget Manager / Strategic or Service Lead in consultation with Procurement Support and Legal Services	Legal Services to advise on form of contract and whether by signature or under seal	Service/ Strategic Lead

¹ Officers to use reasonable endeavours to ensure minimum responses achieved

² e.g. Crown Commercial Services, Devon and Cornwall Procurement Partnership

³ Officers must ensure any arrangements to be used for purchases above EU threshold, have been properly established.

SECTION 1: SCOPE OF CONTRACT STANDING ORDERS

1. **BASIC PRINCIPLES**

All purchasing procedures must:

- Look to find the Most Economic Advantageous Tender for public money spent in order to achieve Value for Money;
- Be consistent with the highest standards of integrity of Members and Officers, having regard to the Council's Anti Fraud, Theft and Corruption Policy, the Anti-Bribery Policy, and the Office of Fair Trading guidance on Anti-Competitive Behaviour;
- Ensure Open, Transparent and Fair procedures are followed in allocating public contracts;
- Comply with all legal and financial requirements;
- Ensure that only commercial considerations influence any contracting decision in matters pursuant to the Localism Act 2011;
- Support and comply with the Council's Plan, Priorities, and Policies.

2. **RESPONSIBILITIES**

2.1 **Officers**

2.1.1 Officers responsible for purchasing or disposal must comply with these Contract Standing Orders, Financial Regulations, the Employee Code of Conduct and with all UK and European Union binding legal requirements. Officers must ensure that any agents, consultants and contractual partners acting on their behalf also comply.

2.1.2 Officers must:

- Have regard to the Council's purchasing and contract guidance – details held on the intranet (Procurement pages);
- Ensure that the appropriate approved budgetary provision is in place;
- Ensure appropriate authority is in place prior to purchase being completed;
- Check whether a suitable corporate contract exists before seeking to let another contract; where a suitable corporate contract exists, this must be used unless there is an auditable reason not to – discuss with Procurement Support if unclear;
- Keep the records required by Rule 7;
- Take all necessary procurement, legal, financial and other professional advice as appropriate.

2.1.3 When any employee either of the authority or of a service provider may be affected by any transfer arrangement, Officers must ensure that the Transfer of Undertaking (Protection of Employment) (TUPE) Regulations 2006 are considered and obtain advice from HR and Legal Services before proceeding with inviting tenders or quotations.

2.2 Members

2.2.1 Members considering purchasing or disposal must comply with these Contract Standing Orders, Financial Regulations, the Member Code of Conduct and with all legal binding requirements. Members must promote and maintain high standards of conduct as a representative of the local constituency.

2.2.2 Members must;

- pursue to the best of their ability the seven Nolan principles of; Selflessness, Integrity, Objectivity, Accountability, openness, honesty and leadership.
- Register their pecuniary interests and disclose the same when appropriate
- disclose any personal interests when appropriate
- act in accordance with the Members Code of Conduct

2.3 ***If it comes to the knowledge of an elected Member or an employee of the authority that a contract in which he or she has a pecuniary interest (whether directly or indirectly) has been or is proposed to be entered into by the Council, he or she shall immediately give written notice to the Monitoring Officer.***

3. EXEMPTIONS from seeking quotations or tenders

3.1 The Council and its Cabinet have the power to authorise exemptions from the requirement to seek quotations or invite tenders for specific projects if the EU Threshold has not been reached.

3.2 Where an exemption is necessary because of an unforeseeable emergency or appropriate business reasons (**e.g. Life or Death, Increased Costs/Loss of Income, Limited Markets or Reputation**) the procuring Officer, with the approval of their Service Lead or Strategic Lead, the S151 officer and the Strategic Lead (Governance and Licensing), may jointly approve the exemption and record as such on the Contract Standing Orders Exemption Form.

Where the Contract sum is £20,001 or above then the use of the exemption must be reported by the Officer, to the next meeting of the Cabinet for them to note their support for the action taken.

NOTE: If prior approval is being sought from Cabinet then a Contract Exemption Form is not required.

Terms are defined as:

Life or Death – Is there a significant chance that the life or health of officers, members or the public will be put at real risk?

Increased Costs/Loss of Income – Will the Council incur significant avoidable costs or lose significant income (significant shall be taken to mean material in the sense that it is either material to the project, the service or the Council)?

Limited Markets – Would the Council be wasting its time obtaining quotations as supply of the product or service is demonstrably restricted to one or few businesses (or an approved list if it is recommended by Central Government which evidences that the market has been tested)?

Reputation – Would the Council be criticised for failing to act promptly or for acting in a certain way?

3.3 No exemption can be used if the EU Threshold is exceeded.

3.4 No exemption is necessary for any purchase below the EU Threshold where;

- a local authority purchasing consortium is used e.g. Devon Procurement Services or Eastern Shires Purchasing Organisation (ESPO), or
- any contracts entered into through collaboration with other local authorities or other public bodies, where a competitive process has been followed that complies with the Contract Standing Orders of the leading organisation

3.5 The Contract Standing Orders Exemption form is available on the Council's intranet. All exemptions, and the reasons for them, must be recorded. Exemptions shall be completed as above and a register maintained by S151 Officer.

4. RELEVANT CONTRACTS

4.1 These Contract Standing Orders apply to any arrangement made by, or on behalf of, the authority for the carrying out of works or for the supply of goods, materials or services (a 'Relevant Contract'). These include arrangements for:

- The supply or disposal of goods (see also Financial Regulations);
- The hire, rental or lease of goods or equipment;
- The delivery of services, including (but not limited to) those related to:
 - the recruitment of staff
 - financial and consultancy services

4.2 Relevant Contracts do not include:

- Contracts of employment which make an individual a direct employee of the authority; or
- Agreements regarding the acquisition, disposal, or transfer of land (for which Financial Regulations and other legal duties shall apply); or
- Section 151 Officer dealing in the money market or obtaining finance for the Council.
- Urgent legal advice or support

SECTION 2: REQUIREMENTS FOR ALL CONTRACTS

5. **STEPS PRIOR TO PURCHASE**

5.1 **Prior to expenditure the Officer must confirm that there is an approved budget and authority for the purchase.**

The Officer must appraise the purchase, or seek suitable advice in a manner commensurate with its complexity, value and associated risk profile, taking into account any purchasing guidance, by:

- Appraising the need for the expenditure and its priority.
 - Defining the objectives of the purchase, and the required product specification.
 - Assessing and documenting the risks associated with the purchase and how to manage them, including use of a procurement risk register for all contracts over £100,000.
 - A business case must be prepared for all procurements with a potential value over the EU Threshold. Provision for resources for the management of the contract, for its entirety, must be identified in the business case.
 - Considering what procurement method is most likely to achieve the purchasing objectives, including internal or external sourcing, partnering, collaborative procurement arrangements with another local authority, government department, statutory undertaker or public service purchasing consortium.
 - Consulting users as appropriate about the proposed procurement method, contract standards and performance and user satisfaction monitoring.
 - Consider (and where appropriate draft) the terms and conditions that are to apply to the proposed contract.
 - For Service contracts above the EU Threshold, the Officer must consider the requirements of the Social Value Act 2012. Here, the Officer must consider:
 - (a) how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area, and
 - (b) how, in conducting the process of procurement, the Officer may act with a view to securing that improvement.
- www.legislation.gov.uk/ukpga/2012/3/enacted)

6. **ADVERTISING AND FRAMEWORK AGREEMENTS**

6.1 **Identifying and Assessing Potential Suppliers**

6.1.1 For all contracts above EU Threshold, an EU advertisement must be published via the Official Journal of the European Journal ("OJEU") and EU Procedure followed.

6.1.2 For contracts below EU Threshold, Officers shall consider the most appropriate advertising strategy. Officers should consider whether proposed contracts might be of interest to potential suppliers located in other EU member states, and take this into account in the advertising strategy for the contract. Examples of where advertisements for procurements may be placed include:

- The Council's e-tendering website: 'Supplying the South West Procurement Portal'
- Domestic websites, newspapers or journals
- Government Contracts Finder (automatically populated via the SW Procurement Portal for contracts above £100,000)
- OJEU.

6.1.3 Officers are responsible for ensuring that all suppliers for a relevant contract are suitably assessed. The assessment process shall establish that the potential suppliers have the requisite:

- Technical ability to deliver the contract
- Capacity to deliver the contract
- Economic and financial standing
- And meet all relevant qualifying criteria

in order to fulfill the requirements of the authority.

6.1.4 It is acceptable to use purchasing consortiums / collaborative arrangements or a Framework Agreement in lieu of conducting an EU procurement exercise where the EU procedure was followed in establishing the consortium or framework. Similarly such arrangements can be used in lieu of the requirements of these Rules for below EU Threshold contracts provided competitive arrangements were used in establishing them. It is the Officers responsibility to check whether this requirement is satisfied.

6.2 Approved Lists

Approved Lists will not be maintained by EDDC due to the administration involved and the need to ensure that competition is maximised.

Suppliers interested in doing business with the Council must register online as a prospective EDDC supplier via the Supplying the South West Procurement Portal.

A register of pre-qualified contractors and consultants maintained by or on behalf of central government or other parties (e.g. Constructionline, Exor, Quidos, Achilles) will not normally be deemed to be an Approved List for the purpose of these Contract Standing Orders.

6.3 Framework Agreements

6.3.1 The duration of a Framework Agreement must not exceed four years, as per the Public Contracts Regulations 2015.

6.3.2 Contracts may be awarded under Framework Agreements by either:

- i Applying the terms laid down in the Framework Agreement without reopening competition (where such terms are sufficiently precise to cover the particular call-off),

or:

- ii where the terms laid down in the Framework Agreement are not precise enough or complete for the particular call off, by holding a mini competition in accordance with the following procedure:
 - Inviting the organisations within the Framework Agreement that are capable of executing the subject of the contract to submit written Tenders (via mini competition)
 - Fixing a time limit of a sufficient period to enable Tenders for each specific contract to be submitted, taking into account factors such as the complexity of the subject matter of the contract.

- Awarding each contract to the tenderer which has submitted the best Tender on the basis of the award criteria set out in the specifications of the underlying Framework Agreement.

7. RECORD KEEPING

- 7.1 Where the Total Value is less than £100,000 the following records must be kept:
- Invitations to quote and quotations received (where e-tendering is used, the Archive record of the e-tendering system will suffice).
 - Written records of communications with the successful contractor or an electronic record if a written record of the transaction would not normally be produced.
 - Any exemption obtained under Rules 3 and the reasons for it.
 - If the lowest price is not accepted, the reasons why.
 - The contract documentation.
- 7.2 Where the Total Value exceeds £100,000 the following records must be kept:
- The method for obtaining bids (see Rule 8.1).
 - Any exemption obtained under Rule 3 together with the reasons for it.
 - The award criteria in descending order of importance.
 - Tender documents sent to and received from suppliers.
 - Pre-tender market research.
 - Clarification and post-tender negotiation (to include minutes of meetings).
 - Legal advice.
 - Any Contracting Decision and the reasons for it.
 - The contract documentation.
 - Post-contract evaluation and monitoring.
 - Communications with suppliers and with the successful contractor throughout the period of the contract.
 - Where relevant, all documentation relating to EU procurement not covered above (e.g. the OJEU notice)
- 7.3 Records must be kept for six years (12 years if completed under Seal) after the end of the contract. However, written documents which relate to unsuccessful suppliers may be electronically scanned or stored by some other suitable method after 12 months from award of contract, provided there is no dispute about the award.
- 7.4 Legal Services must be provided with the original of all contracts completed by signature or under seal for secure storage if they do not already hold them.

SECTION 3: CONDUCTING PURCHASE AND DISPOSAL

8 COMPETITION REQUIREMENTS FOR PURCHASE, DISPOSAL AND PARTNERSHIP ARRANGEMENTS

The Officer must calculate the **Total Value** (excluding VAT) for the period of the contract. This should include the total lifetime value where possible.

The following procedures apply where there are no other procedures which take precedence. Other procedures may include agency agreements with Government. If in doubt, Officers must seek the advice of Procurement Support or Legal Services.

8.1 Requirements for the Competitive Process

8.1.1 Where the Total Value for a contract is within the values in the first column below, the competition requirements in the second column must be followed. Short listing shall be done as per the roles specified in the third column.

Total Value (excl. VAT)	Competition Requirements	Short listing
Up to £5,000	Quotation to be obtained in writing from a minimum of one supplier.	Authorised Officer
£5,001 – £100,000	Quotations to be obtained in writing from a minimum of three suppliers ⁴ who have responded to a written tender specification by a defined deadline. Quotations to be formally evaluated. Electronic procurement portal to be used for all contracts above £10,000.	Authorised Officer and Budget Manager
£100,001 – EU Threshold	Formal tenders to be obtained from a minimum of four suppliers ⁴ , who have responded to a written tender specification by a defined deadline. Tenders to be formally evaluated. Electronic procurement portal to be used for all tendering at this level.	Budget Manager and Service/Strategic Lead in consultation with Procurement Support
Above EU Threshold	EU Procedures to be used, electronic portal to be used for all EU tendering.	Strategic / Service Lead in consultation with Procurement Support and Legal Services
Use of collaborative contracting arrangements See Rule 6.1.4	Purchases made via collaborative contracting arrangements (e.g. Crown Commercial Services, Devon and Cornwall Procurement Partnership) are deemed to comply with these Standing Orders. Officers must ensure any arrangements to be used for purchases above EU threshold, have been properly established. <i>Procurement Support should be consulted prior to commencing any procurement process using collaborative contracts.</i> <i>The terms and conditions of contract applicable to any collaborative contract, including the requirement to undertake competition between providers, must be fully complied with.</i>	Same as requirements above

All ICT system developments and purchases of computer equipment or software must be approved and purchased through Strata Services Solutions Ltd

For legislation pertinent to contracts see link to Public Contract Regulations 2015:
http://www.legislation.gov.uk/ukxi/2015/102/pdfs/ukxi_20150102_en.pdf

⁴ Officers to use reasonable endeavours to ensure minimum responses achieved

- 8.1.2 Where it can be demonstrated that there are insufficient suitably qualified suppliers to meet the competition requirement, all suitably qualified suppliers must be invited.
- 8.1.3 There must be no attempt to artificially disaggregate any contract requirement to avoid the EU requirements or these Contract Standing Orders. However within the procurement process, officers should consider assigning the component parts of a properly advertised contract into smaller Lots, to support accessibility for SME's.
- 8.1.4 Where the EU Procedure is required, the Officer shall also consult Procurement Support as appropriate, to agree the method of conducting the purchase.

8.2 Assets for Disposal

- 8.2.1 Assets for disposal must be sent to public auction except where better overall Value for Money (including staff administrative costs) is likely to be obtained by inviting quotations and tenders. (These may be invited by advertising on the Council's internet site). In the latter event, the method of disposal of surplus or obsolete stocks / stores or assets (other than land) must be formally agreed as required by Financial Regulations and the Scheme of Delegation.

8.3 Contracts to Provide Services to External Purchasers

- 8.3.1 Legal Services must be consulted where contracts to work for organisations other than the authority are contemplated.

8.4 Collaborative and Partnership Arrangements

- 8.4.1. Collaborative and partnership arrangements are subject to UK and EU procurement legislation and must follow these Contract Standing Orders (although see Rule 6.1.4). If in doubt, officers must seek the advice of Legal Services and / or Procurement Support. However, arrangements to share staff with other public bodies may not require a formal procurement process and Legal Services should be consulted.

8.5 The Appointment of Consultants to Provide Services

- 8.5.1 The appointment of Consultants (such as architects, engineers, surveyors and other professionals) who are directly providing services to East Devon District Council as the client shall be selected and commissions awarded in accordance with the procedures detailed within these contract standing orders and as outlined at Rule 8.1.1 and 16.
- 8.5.2 The engagement of a Consultant shall follow the agreement of a brief that adequately describes the scope of the services to be provided and shall be subject to completion of a formal letter or contract of appointment to be in a form agreed by Legal Services.
- 8.5.3 Records of Consultants appointments shall be maintained in accordance with Rule 7, and be readily accessible by Procurement and Audit.
- 8.5.4 Consultants shall be required to provide evidence of, and maintain professional indemnity insurance policy for the duration of the respective agreement unless the Strategic Lead (Finance) is prepared to accept the uninsured risk as being "Low" but in any event indemnity must be held for the duration of the respective agreement and for a minimum term of 3 years thereafter where the Councils Legal Services team deem the risk to be "Medium" or higher.

9 PRE-TENDER MARKET RESEARCH AND CONSULTATION

- 9.1 The Officer responsible for the purchase may, prior to the issue of the Invitation to Tender or Quote, consult potential suppliers in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters, provided this does not prejudice any potential Supplier. The Officer must not seek or accept technical advice on the preparation of an Invitation to Tender or Quote from anyone who may have a commercial interest in them, if this may prejudice the equal treatment of all potential Suppliers or distort competition. If in any doubt, the Officer should seek advice from Legal Services.

10. STANDARDS AND AWARD CRITERIA

- 10.1 The Officer must ascertain what are the relevant European, British or international standards which apply to the subject matter of the contract. The Officer must include those standards which are necessary to properly describe the required quality, and invite open to equal or equivalents. This includes sustainability standards. Legal Services and Procurement Support must be consulted if it is proposed to use standards other than European standards.

- 10.2 The Officer must define and document award criteria that are appropriate for the purchase and relevant to the matter at hand. Award criteria should be designed to secure an outcome giving 'Value for Money' for the authority, before quotations and tenders are sought. The basic criteria shall be:

- 'Most economically advantageous', where considerations of overall value apply, or :
- 'Lowest price to specification' where payment is to be made by the authority when the award criteria is price alone and the specifications are clear, or:
- 'Highest price' if payment is to be received

If the first criterion is adopted, it must be further defined by reference to sub-criteria which may refer only to relevant considerations. These may include price, service quality, product quality, running costs, technical merit, delivery, cost effectiveness, relevant environmental considerations, implementation planning, decommissioning considerations, aesthetic and functional characteristics (including security and control features), safety (which is likely to be a pass / fail criteria), after-sales services, technical assistance and any other relevant project specific considerations.

- 10.3 Award criteria must not include:
- Non-commercial considerations
 - Matters which discriminate against suppliers, irrespective of size, from the European Economic Area or signatories to the Government Procurement Agreement.

11 INVITATIONS TO TENDER/QUOTATIONS

- 11.1 All Invitations to Tender or Quote must specify the goods, service or works that are required, together with the terms and conditions of contract that will apply (Rule 16).

- 11.2 The Invitation to Tender or Quote must state;

11.2.1 that the Council is not bound to accept any Quotation or Tender, either as a whole or in part,

11.2.2 that Tenders / Quotes are submitted to the Council on the basis that they are compiled at the tenderer or quoter's expense,

11.2.3 that no Tender or Quote will be considered unless it is received by the date, time and manner stipulated in the Invitation to Tender or Quote. No Tender or Quote delivered in contravention of this clause shall be considered.

11.4 In addition all Invitations to Tender shall include the following:

- (a) A specification that describes the Council's requirements in sufficient detail to enable the submission of competitive and comparable offers.
- (b) A requirement for tenderers to declare that the Tender content, price or any other figure or particulars concerning the Tender have not been disclosed by the tenderer to any other party (except where such a disclosure is made in confidence for a necessary purpose).
- (c) A requirement for tenderers to complete fully and sign all Tender documents including a form of Tender and certificates relating to canvassing and non-collusion.
- (d) A description of the award procedure and, unless defined in a prior advertisement, a definition of the award criteria in objective terms and ideally in descending order of importance.
- (e) All contracts above £10,000 must be undertaken using the Council's e-tendering system. If by exception, hard copy Tenders are used, there must be notification that no Tender will be considered unless it is enclosed in a sealed envelope or container which bears the word 'Tender' followed by the subject to which it relates.
- (f) The method by which any arithmetical errors discovered in the submitted Tenders is to be dealt with. In particular, whether the overall price prevails over the rates in the Tender or vice versa.

11.5 All Suppliers invited to Tender or Quote must be issued with the same information at the same time and subject to the same conditions. Any supplementary information must be given on the same basis, and any pre-tender questions and answers must be shared (anonymously) with all tenderers.

12. SHORTLISTING

- 12.1 Any Shortlisting must be in line with the financial and technical standards relevant to the contract and the shortlisting criteria. Special rules apply in respect of the EU Procedure and Legal / or Procurement Services should be consulted.
- 12.2 Evaluation criteria (which may include a scoring system for larger value or complex tenders) must be transparent and any sub-criteria specified. Shortlisting records must be kept and held for the period specified in the Council's Document Retention Policy.
- 12.3 The officers responsible for shortlisting are specified in Rule 8.1.1.

13. SUBMISSION, RECEIPT AND OPENING OF TENDERS/QUOTATIONS

13.1 Suppliers must be given an adequate period in which to prepare and submit a proper Quotation or Tender, consistent with the complexity of the contract requirement. Normally at least four weeks should be allowed for submission of Tenders. The EU Procedure lays down specific time periods, please consult Procurement Support.

13.2 All Tenders and Quotations above £10,000 must be submitted electronically, through the Council's approved and secure electronic tendering system, with controlled opening and independent registration. Staff will have the relevant training to use Procurement Portal.

13.3 Where Electronic Tenders are not used:

13.3.1 The Officer must not disclose the names of potential Suppliers to any staff involved in the receipt, custody or opening of Tenders. Democratic Services shall be responsible for the safekeeping custody of Quotations / Tenders until the appointed time of opening.

Each Tender must be:

- Suitably recorded so as to subsequently verify the date and precise time it was received
- Adequately protected immediately on receipt to guard against amendment of its contents
- Recorded immediately on opening the Tender Register.

13.3.2 The Democratic Services team must ensure that all Tenders are opened at the same time when the period for their submission has ended. An Officer representing the Strategic or Service Lead in question must be present.

13.3.3 Upon opening, a summary of the main terms of each Tender (i.e. significant issues that are unique to each Tender submission and were not stated in the Invitation to Tender documents such as tender sum) must be recorded in the Tender Register. The summary must be signed by all present.

14. CLARIFICATION PROCEDURES

14.1 Clarification of an Invitation to Quote / Tender with potential or actual Suppliers or seeking clarification of a Tender should be in writing, email or if using the Supplying the South West Procurement Portal via the question function. In doing so, Officers must be mindful to maintain equal treatment of all tenderers in the clarification process. Discussions with tenderers after submission of a Tender and before the award of a contract with a view to obtaining adjustments in price, delivery or content (i.e. post Tender negotiations) is not permitted.

15. EVALUATION, AWARD OF CONTRACT, AND DEBRIEFING OF TENDERERS

15.1 Subject to the disclosures required under law, and apart from the debriefing required or permitted by these Contract Standing Orders, the confidentiality of Quotations, Tenders and the identity of Suppliers must be preserved at all times and information about one Supplier's response must not be given to another Supplier. Formal debriefing must be provided to the extent required in law, particularly in relation to contracts above the relevant EU Threshold. A standstill procedure must be observed prior to award of EU contracts, and is discretionary for below EU Threshold contracts.

15.2 Contracts must be evaluated and awarded in accordance with the published award

criteria. During this process, Officers shall ensure that submitted Tender prices are compared with any pre-tender estimates and that any discrepancies are examined and satisfactorily resolved.

- 15.3 The arithmetic in compliant Tenders must be checked. If arithmetical errors are found those may need to be clarified and advice should be sought from Procurement Support in respect of how this should be done.
- 15.4 Officers may accept Quotations and Tenders received in respect of proposed contracts, provided they have been sought and evaluated fully in accordance with these Contract Standing Orders. Awarding of contracts that are expected to exceed the approved budget sum shall be referred back to Cabinet subject to consultation with the Strategic Lead (Finance).
- 15.5 Where the **Total Value** is over £100,000, the Officer must notify all Suppliers simultaneously and as soon as possible of the intention to award the contract to the successful Supplier and include the reasons why for unsuccessful bidders. The Officer must provide unsuccessful Suppliers with a period of at least ten days in which to review / or challenge the decision if they wish to before the Officer awards the contract.

If the decision is challenged by an unsuccessful Supplier then the Officer shall not award the contract without first seeking the advice of Legal Services. The Officer shall debrief in writing all those Suppliers which submitted a bid about the characteristics and relative advantages of the leading bidder. No information, other than the following, should be given without taking the advice of Legal Services:

- How the award criteria were applied.
- The prices or range of prices submitted, in either case not correlated to suppliers' names.
- The name of the successful tenderer(s)
- The scores of the successful tenderer(s), and the reasons for those scores.
- The scores of the unsuccessful tenderer being debriefed, and the reasons for those scores
- The relative advantages of the successful Tender, above the unsuccessful tenderer being debriefed

The debriefing process should only be carried out in writing.

SECTION 4: LEGAL FORMALITIES

16. CONTRACT DOCUMENTS

16.1 Relevant Contracts

16.1.1 The formal advice of Legal Services must be sought for all Relevant Contracts where any of the following apply:

- Appointment of Consultants (see Rule 8.5); or
- Where the total contract value exceeds £50,000; or
- Those involving leasing arrangements; or
- Where it is proposed to use a supplier's own terms; or
- Contracts to carry out work for other organisations; or
- Those that are complex, High Profile or High Risk in any other way.

16.1.2 The Council's order form or standard terms and conditions must be used wherever

possible. Notwithstanding, all Relevant Contracts above £50,000 shall be in writing in a form approved by Legal Services. If any doubt exists, refer to the advice of Legal Services.

16.1.3 All Relevant Contracts, irrespective of value, shall clearly specify:

- What is to be supplied (i.e. the works, materials, services, matters or things to be furnished, had or done).
- The provisions for payment (i.e. the price to be paid and when).
- The time, or times, within which the contract is to be performed.
- The provisions for the Council to terminate the contract.
- Anti bribery / corruption clauses

16.1.4 In addition, every Relevant Contract above £50,000 must also state clearly as a minimum:

- That the contractor may not assign or sub-contract without prior written consent.
- Any insurance requirements.
- Health and safety requirements.
- Ombudsman requirements.
- Data protection requirements, if relevant.
- That charter standards are to be met if relevant.
- The Council's requirements concerning Equality, detailed in EDDC's Equality Policy
- Freedom of Information Act requirements.
- Anti bribery / corruption clause
- Where agents are used to let contracts, the agents must comply with the Council's Contract Standing Orders.
- A right of access to relevant documentation and records of the contractor.
- The use of penalty clauses for non or unacceptable performance e.g. quality issues, late delivery. This will be aided by the inclusion of Key Performance Indicators within the contract.

16.2 Contract Formalities

16.2.1 Agreements shall be completed as follows:

Contract Value	Method of Completion	Completion by
Up to £5,000	Electronic order or by signature	Authorised Officer / Budget Manager
Between £5,001 to £50,000	Electronic order or by signature	Budget Manager
Between £50,001 to £100,000	Electronic order, by signature or under seal (as advised by Legal Services)	Budget Manager
Above £100,001 or if any of para 16.1.1 applies	By signature or under seal (as advised by Legal Services)	Service/Strategic Lead if by signature and by Authorised Signatory if under seal

16.2.2 The Officer responsible for securing signature of the contract must ensure that the person signing for the other contracting party has authority to bind it.

16.3 Sealing

16.3.1 Where appropriate, contracts are completed by each side adding their formal seal. The fixing of the Council's seal must be witnessed by an Authorised Signatory – Legal Services can advise on this process.

16.3.2 Every Council sealing will be consecutively numbered, recorded and signed by the person witnessing the seal. The seal must not be affixed except in accordance with the Council's Constitution.

16.3.3 A contract must be sealed where:

- The Council may wish to enforce the contract more than six years after its end
- The price paid or received under the contract is a nominal price and does not reflect the value of the goods or services, or
- There is any doubt about the authority of the person signing for the other contracting party.

16.4 Records

16.4.1 All contracts that are completed by way of signature, irrespective of the contract sum, the Officer responsible for securing a signature must provide Legal Services with the original copy for secure storage. An electronic copy must be held on file.

16.4.2 All contracts completed under seal must be kept by Legal Services for secure storage. An electronic copy must be held on file.

17. BONDS AND PARENT COMPANY GUARANTEES

17.1 The Officer must consult the Strategic Lead (Finance) about whether a Parent Company Guarantee is necessary when a supplier is a subsidiary of a parent company and:

- The total value exceeds £100,000, or
- Award is based on evaluation of the parent company, if there is some concern about the stability of the supplier.

17.2 The Officer must consult the Strategic Lead (Finance) whether a Bond is needed

- Where the total value exceeds £1,000,000, or
- Where a Parent Company Guarantee is not available if there is no parent company
- Where it is proposed to make stage or other payments in advance of receiving the whole of the contract and there is concern about the stability of the Supplier i.e. following a formal risk assessment

18. PREVENTION OF CORRUPTION, AND ANTI COMPETITIVE BEHAVIOUR

18.1 Prevention of Corruption

18.1.1 The Officer needs to be aware of the Bribery Act 2010 which introduces general offences of offering or receiving bribes, a specific offence of bribing a foreign public official, and the new corporate offence of failing to prevent bribery. Officers should also be aware of the Council's Anti Fraud, Theft and Corruption Policy and the Anti Bribery Policy.

- 18.1.2 The Officer must comply with these above requirements and the Employee Code of Conduct and must not invite or accept any gift or reward in respect of the award or performance of any contract. It will be for the Officer to prove that anything received was not received corruptly. High standards of conduct are obligatory. Corrupt behaviour will lead to dismissal and is a crime under the Bribery Act 2010.
- 18.1.3 Anti-Bribery Clauses must be written into every written Council contract except where doing so would conflict with the contract rules associated with a national or local framework
- 18.2 Anti-Competitive Behaviour**
- 18.2.1 In its guidance for public sector procurers, the Office of Fair Trading has highlighted practical steps to take to reduce the risks of anti-competitive behaviour, which should be followed where practical:
- (a) Use non-collusion clauses, certificates of independent bids and requests;
 - (b) Ensure sufficient credible bidders;
 - (c) Look for suspicious bidding patterns
 - (d) Keep comprehensive notes of all discussions and potential bidders and systematically scrutinise them for suspicious patterns.
- 18.2.2 If there is any doubt concerning anti-competitive behaviour during a procurement exercise, or for further guidance, the Officer should contact Procurement Support or Legal Services.

SECTION 5: CONTRACT MANAGEMENT

19. MANAGING CONTRACTS

- 19.1 Strategic or Service Leads are to name contract managers ('the Contract Manager') for all new contracts and all contracts must have a named Council Contract Manager for the entirety of the contract.
- 19.2 Contract Managers must follow the procedures set out in the Council's Contract Standing Orders.
- 19.3 All variations to contracts are to be in writing in the form of an appropriately authorised variation order.
- 19.4 Payments to contractors will only be made on certification by the designated contract manager or nominated alternative officer(s), or, where engaged by the Council, the appropriate Consultant.
- 19.5 Liquidated and ascertained damages may need to be deducted for periods of delay in line with the terms of the contract. Any instance, where in the opinion of the Officer/Contract Manager, this does not apply, must be fully justified and authorised by the Council's Monitoring Officer and the Section 151 Officer.
- 19.6 The Officer/Contract Manager will consult with the Council's Monitoring Officer and the Section 151 Officer promptly on becoming aware of any significant dispute, claim for additional payment in connection with a contract.

20. CONTINGENCY PLANNING

- 20.1 In entering into contract agreements or reviewing existing contracts, Officers must consider risk implications and ensure that the Council's Risk Register is updated with any identified risks and that mitigating controls are recorded appropriately and complete a contract risk register for all contracts with a value over £100,000.

21. CONTRACT MONITORING, EVALUATION AND REVIEW

- 22.1 All contracts which have a value higher than the EU Threshold limits, or **which are High Risk**, are to be subject to formal review(s) by the Contract Manager with the contractor. The review may be conducted at a frequency that is determined by the risk value and profile of the contract.
- 22.2 A contract review process must be applied to all contracts deemed to be High Risk, High Value, or High Profile. This process must be applied at key stages of major procurements.
- 22.3 During the life of the contract, the Contract Manager must monitor and take any necessary corrective action in respect of:
- Performance
 - Compliance with specification and contract
 - Cost
 - Any Value for Money requirements
 - User satisfaction and risk management
 - Key performance indicators included within the contract.

DEFINITIONS APPENDIX

Authorised Officer	An officer with authority and responsibility for dealing with contracts within the course of their employment.
Authorised Signatory	An officer authorised by Rule 22 of Part 4 of the Constitution to attest the use of the Council's seal
Bond	An insurance policy: if the contractor does not do what it has promised under a contract with the Council, the Council can claim from the insurer the sum of money specified in the bond (often 10% of the contract value). A bond is intended to protect the Council against a level of cost arising from the contractor's failure.
Budget Manager	An officer in charge of or responsibility for overseeing the budget relating to the contract. Finance will allocate a budget manager to all budget areas and these are approved by the Service/Strategic Leads.
Consultant	Someone employed for a specific length of time to work to a defined project brief with clear outcomes to be delivered, who brings specialist skills or knowledge to the role, and where the Council has no ready access to employees with the skills, experience or capacity to undertake the work (including architects, engineers, surveyors, lawyers and other professionals).
Contracting Decision	Any of the following decisions: <input type="checkbox"/> withdrawal of Invitation to Tender <input type="checkbox"/> whom to invite to submit a Quotation or Tender <input type="checkbox"/> short listing <input type="checkbox"/> award of contract <input type="checkbox"/> any decision to terminate a contract.
Contract Manager	An officer with the responsibility of overseeing and monitoring delivery of a contract who may also be an Authorised Officer
EU Procedure	The procedure required by the EU where the Total Value exceeds the <i>EU Threshold</i> .
EU Threshold	The contract value at which the EU public procurement directives apply, for Goods, Services and Works. Available at OJEC website .
European Economic Area	The members of the European Union, and Norway, Iceland and Liechtenstein.
Financial Regulations	The Financial Regulations outlining Officer responsibilities contained in the Constitution.
Framework Agreement	An agreement between one or more authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.
Government Procurement Agreement	The successor agreement to the General Agreement on Trade and Tariffs. The main signatories other than those in the European Economic Area are the USA, Canada, Japan, Israel, South Korea, Switzerland, Norway, Aruba,

	Hong Kong, China, Liechtenstein and Singapore.
High Profile	A high-profile purchase is one that could have an impact on functions integral to Council service delivery should it fail or go wrong.
High Risk	A high-risk purchase is one which presents the potential for substantial exposure on the Council's part should it fail or go wrong.
High Value	A high-value purchase is where the value exceeds the EU Threshold values.
Invitation to Tender (ITT)	Invitation to tender documents in the form required by these contract standing orders.
Invitation to Quote	Invitation to quote in the form required by these contract standing orders.
Non-commercial Considerations	<p>(a) The terms and conditions of employment by contractors of their workers or the composition of, the arrangements for the promotion, transfer or training of or the other opportunities afforded to, their workforces ('workforce matters').</p> <p>(b) Whether the terms on which contractor's contract with their sub-contractors constitute, in the case of contracts with individuals, contracts for the provision by them as self-employed persons of their services only.</p> <p>(c) Any involvement of the business activities or interests of contractors with irrelevant fields of government policy.</p> <p>(d) The conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons ('industrial disputes').</p> <p>(e) The country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors.</p> <p>(f) Any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees.</p> <p>(g) Financial support or lack of financial support by contractors for any institution to or from which the authority gives or withholds support.</p> <p>(h) Use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984 or the Building (Scotland) Act 1959.</p> <p>Workforce matters and industrial disputes, as defined in paragraphs (a) and (d), cease to be non-commercial considerations to the extent necessary or expedient to comply with Best Value; or where there is a transfer of staff to which the Transfer of undertakings (Protection of Employment) Regulations 1981 (TUPE) may apply.</p>
Officer	The officer designated by the Service Manager to deal with the contract in question.
Parent Company Guarantee	A contract which binds the parent of a subsidiary company as follows: if the subsidiary company fails to do what it has promised under a contract with the Council, the Council can require the parent company to do so

	instead.
Procurement support	Refers to the Council's arrangements for specialist procurement assistance
Quotation	A quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender).
Relevant Contract	Contracts to which these contract standing orders apply (see Rule 4).
Section 151 Officer	The Service Lead for Financial Services or such other officer as may be designated Section 151 Officer by the Council, including the appointed Deputy S.151 Officer.
Shortlisting	The process of selecting suppliers who are to be invited to quote or bid or to proceed to final evaluation.
Supplier	Any person who asks or is invited to submit a Quotation or Tender.
Tender	A supplier's proposal submitted in response to an Invitation to Tender.
Tender Register	The log kept by Democratic Services to record details of Tenders (see Rule 13.5).
Total Value	<p>The whole of the value or estimated value (in money or equivalent value) for a single purchase or disposal calculated as follows:</p> <p>(a) where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period</p> <p>(b) where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions in the coming 12 months</p> <p>(c) where the contract is for an uncertain duration, by multiplying the monthly payment by 48</p> <p>(d) for feasibility studies, the value of the scheme or contracts which may be awarded as a result</p> <p>(e) for Nominated Suppliers and Sub-contractors, the total value shall be the value of that part of the main contract to be fulfilled by the Nominated Supplier or Sub-contractor.</p>
Value for Money	'Value for money' does not necessarily mean the lowest possible price. It combines goods or services that fully meet your needs, with the level of quality required, delivery at the time you need it, at an appropriate price, from an effective supplier.

Meeting of the Council – 26 July 2017

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EAST DEVON DISTRICT COUNCIL

Minutes of the Extra Ordinary Meeting of the Council held at Knowle, Sidmouth, on Wednesday, 17 2017

Attendance list at the end of document.

The meeting started at 6.00 pm and ended at 6.17pm

***57 Honorary Aldermen**

The Council was asked to consider conferring the title of Honorary Alderman on former Councillors for their eminent service to East Devon District Council. The Chairman made individual reference to the service each had rendered to the Council and their valued contribution to the Council and community.

Councillor Tom Wright proposed that the title of 'Honorary Alderman' be conferred to Peter Bowden. Peter had represented wards of both Broadclyst and Whimble during his time as a Councillor and had fought hard to maintain the identities of the villages surrounding the new town of Cranbrook and to ensure community cohesion. He had championed sustainable growth and had always been well prepared to deal with any subject or issue he was faced with. He wished Peter and his wife a very happy future in their new home in Australia.

Councillor Alan Dent seconded the proposal and spoke of Peter's achievements and warm personality, which had gained him many friends as a Councillor. He wished him and his family every happiness for the future.

Councillor Mark Williamson proposed that the title of 'Honorary Alderman' be conferred to David Atkins. In proposing he spoke of David's extensive history as a councillor and the service he had given to local government. David had an in-depth knowledge of both the Council and the district of East Devon, which had been invaluable during his time as a councillor. He had been a pleasure to work with, undertaking his duties with good humour. He hoped that David would continue to make valued contributions to the Council in his role as Honorary Alderman, if approved.

Councillor Pauline Stott seconded the proposal. She spoke of how David had always played an active role within the community and had dedicated his life to serving others.

The Chairman put the proposals to the vote.

RESOLVED: that the title of 'Honorary Alderman' be conferred on the following in recognition of their eminent services to East Devon District Council as past Members:-

David Atkins
Peter Bowden

(The resolution was required to be passed by not less than two-thirds of the Members of the Council voting thereon.)

The Chairman invited the nominees to come forward to receive the Honorary Alderman medallion and scroll from the Vice Chairman. Each of the new Honorary Aldermen spoke on their appointment and thanked the Council for granting this honour. They thanked fellow Councillors for their support and fellowship and the Chief Executive and all Council staff for their professionalism and help over the years.

Attendance list

Councillors present

Mike Allen
Megan Armstrong
Brian Bailey
David Barratt
Dean Barrow
Susie Bond
Colin Brown
Jenny Brown
Peter Burrows
Paul Carter
Maddy Chapman
Iain Chubb
Matt Coppel
Alan Dent
Bruce de Saram
Paul Diviani
John Dyson
Jill Elson
Mark Evans-Martin
Peter Faithfull
Graham Godbeer
Steve Hall
Marcus Hartnell
Stuart Hughes
Douglas Hull
John Humphreys
Ben Ingham
Geoff Jung
David Key
Jim Knight
Rob Longhurst
Andrew Moulding
Cherry Nicholas
John O'Leary
Helen Parr
Marianne Rixson
Eleanor Rylance
Pauline Stott
Ian Thomas
Phil Twiss
Mark Williamson
Eileen Wragg
Tom Wright

Honorary Aldermen:

Trevor Cope
Christine Drew
Ken Potter
Sara Randall Johnson
Steve Wragg

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Amanda Coombes, Democratic Services Officer
Henry Gordon Lennox, Strategic Lead – Governance and Licensing
Susan Howl, Democratic Services Manager
Debbie Meakin, Democratic Services Officer
Diana Vernon, Democratic Services Manager
Hannah Whitfield, Democratic Services Officer

Councillor apologies:

Matt Booth
Pat Graham
Simon Grundy
Ian Hall
Dawn Manley
Darryl Nicholas
Bill Nash
Geoff Pook
Brenda Taylor

Honorary Aldermen apologies:

Col. Anthony Drake
Stephanie Jones
Frances Newth
Bob Peachey
Tim Wood

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of the Annual Meeting of the Council held at Knowle, Sidmouth, on Wednesday, 17 May 2017

Attendance list at the end of document.

The meeting started at 6.30 pm and ended at 8.42 pm

***1 Election of Chairman**

Councillor Stuart Hughes (Chairman) invited nominations for the office of Chairman of the Council for the ensuing year.

Councillor Graham Godbeer proposed and Councillor Jill Elson seconded Councillor Andrew Moulding being elected Chairman of the Council for the ensuing civic year.

In proposing, Councillor Godbeer spoke of Councillor Moulding's extensive experience as a councillor having served as a Parish, District and County Councillor. During his time as Chairman of the County Council, Councillor Moulding had shown much enthusiasm and understanding whilst undertaking his duties and he had no doubt that he would show the same commitment to East Devon.

In seconding, Councillor Elson said that the position was much deserved and that she had every confidence that Councillor Moulding would make a very good Chairman.

There were no other nominations.

RESOLVED

that Councillor Andrew Moulding be elected Chairman of the Council for the ensuing year.

Following the election, Councillor Hughes invested the new Chairman with the Chain and Jewel of Office. Councillor Moulding took the Chair, read and signed the Declaration of Acceptance of Office. He then spoke in response to his election. He thanked his proposer and seconder and said how proud he was to be given the opportunity to represent the District, which was very close to his heart. He intended to chair meetings of the Council impartially and with fairness. He spoke of the next two years being very important for the Council, particularly in respect of the relocation of the Council's offices. He thanked Councillors for entrusting the role on him and paid particular thanks to his wife and son for their continued support.

The Chairman thanked Councillor Hughes as retiring Chairman for his services which he had carried out with dignity and fairness and presented him with the past Chairman's Badge and an East Devon District Council plaque.

Councillor Hughes spoke in response, congratulating the Chairman and thanking him for his kind words. He spoke of the many fond memories he had from serving as Chairman. He thanked Councillors for instilling their trust in him to carry out the role of Chairman – which had been an honour, the Chief Executive, Wendy Harris and the Democratic Services Team for their support and particular thanks were

passed to Maria Pearce for all her help over the last two years. Lastly he thanked Councillor Helen Parr for being a wonderful Vice Chairman and for the support she had given him.

***2 Appointment of Vice-Chairman**

The Chairman invited nominations for the appointment of Vice-Chairman of the Council for the ensuing year.

Councillor Iain Chubb proposed and Councillor Colin Brown seconded Councillor David Key being appointed Vice-Chairman of the Council for the ensuing civic year.

In proposing, Councillor Iain Chubb said that Councillor David Key deserved this honourable position and spoke of his many responsibilities and achievements as a Councillor, including being chairman of Development Management Committee and Member Champion for Affordable Homes. David possessed the skills and sound understanding to undertake this important role.

In seconding Councillor Key, Councillor Colin Brown said that the position of Vice Chairman was much deserved.

The Chairman invited further nominations.

Councillor Eileen Wragg proposed and Councillor Steve Gazzard seconded Councillor Douglas Hull being appointed Vice-Chairman of the Council for the ensuing year.

In proposing, Councillor Wragg said that Councillor Hull was much loved by his constituents and had put his heart and soul into serving the local community and East Devon District Council. She felt the position of Vice Chairman was much deserved and hoped councillors from all of the parties/groups would support him.

In seconding, Councillor Gazzard said that he was proud to support the proposal. Councillor Hull was a long serving councillor who had dedicated many years to serving his community.

The nominations were put to the vote.

RESOLVED

that Councillor David Key be appointed Vice-Chairman of the Council for the ensuing year.

Following the appointment, the Chairman invested the new Vice-Chairman with the Badge of Office. Councillor Key read and signed the Declaration of Acceptance of Office. He then spoke in response to his appointment, thanking his proposer and seconder. He said that it was an honour to accept the role and he would do his utmost to support the Council during the challenging times ahead.

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

The former Vice-Chairman then spoke in response, congratulating the Chairman and Vice-Chairman, who she had no doubt would do an excellent job in their new roles. She said that it had been an honour and pleasure to represent the Council at the many events she had attended and thanked those who had helped and supported her over the last two years, including the Chief Executive, Maria Pearce, Wendy Harris and the Democratic Services Team.

Councillor Douglas Hull congratulated both the new Chairman and Vice Chairman on their appointments.

***3 Public Speaking**

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

There were two members of the public who wished to speak on the motion on the Sustainability and Transformation Plan.

Di Smith spoke of her personal experience of care services being provided in East Devon. She advised that the community care provision currently was inadequate and that it was a particular issue in the rural areas. She spoke of the importance of people having access to community hospital services and the need to fight to keep beds in those hospitals. Under the current proposals Sidmouth Community Hospital would have to serve the whole of the Exe and Axe valleys which would lead to vast journey times, particularly for those who relied on public transport. This was a national problem which needed to be addressed.

Tony Smith spoke of the value of both the Seaton and Honiton Community Hospitals and how they were treasured by the large rural communities they served. Without the community hospitals many people would be cut off from health services. He urged the Councillors to support the motion and urge the NEW Devon CCG to not only maintain community hospital beds but to increase them.

The Chairman thanked both the speakers for their contributions. He stated that the District Council took the matter very seriously and that their comments would be taken into consideration when the motion was debated later in the agenda.

***4 Minutes**

The minutes of the meeting of the Council held on 26 April 2017 were confirmed and signed as a true record, subject to Councillor Hull being included in the list of attendees.

***5 Declarations of interest**

Councillor Cherry Nicholas – Minute 19

Interest: Personal

Reason: Son worked for NEW Devon CCG

Councillor Stuart Hughes – Minute 19

Interest: Personal

Reason: Devon County Councillor

Councillor Phil Twiss – Minute 19
Interest: Personal
Reason: Devon County Councillor

Councillor Iain Chubb – Minute 19
Interest: Personal
Reason: Devon County Councillor

Councillor Paul Diviani – Minute 19
Interest: Personal
Reason: Elected by Devon Districts Forum to represent all of the Devon Districts' interests on Devon County Council's Health and Wellbeing Scrutiny Committee

Councillor Jill Elson – Minute 19
Interest: Personal
Reason: Charitable Manger at Seaton Hospiscare.

Councillor Peter Burrows – Minute 19
Interest: Personal
Reason: Wife involved with Hospital at Home service run by Seaton Hospiscare.

Councillor Douglas Hull – Minute 19
Interest: Personal
Reason: Governor of Royal Devon and Exeter Hospital

*6

Chairman's announcements

a) Welcome new Councillors – the Chairman welcomed the 2 Councillors who had been elected at the 4 May by-elections – Councillors Mark Evans-Martin (Whimple) and Eleanor Rylance (Broadclyst).

b) Long Service awards

Long Service awards were now presented to staff at the annual meeting of the Council. The Chairman welcomed the opportunity to present service awards to long-serving staff; it was a chance for the Council to thank them for their valued contribution.

He highlighted the achievements of the staff individually before presenting them with their long service certificates.

Melissa Clode	Support Officer, Revenues and Benefits	20 years
Linda White	Clerical Support Officer, Governance and Licensing	20 years
Mike Stone	Building Control Surveyor	20 years
Paul Huppler	Environmental Health Officer	30 years
Dave Barnard	Building Control Surveyor	40 years

c) Democratic Services Manager retiring

The Chairman announced that, after 28 years of dedicated service, Diana Vernon would be retiring from the Council. He spoke of how much she was valued, especially by the Councillors. She had been a huge asset to the Council and would be greatly missed. He thanked her all the support she had given to Councillors over the years, which she had always done with a smile and without fuss, and wished her a very happy, and much deserved, retirement.

The Chairman presented Diana with flowers and she received a standing ovation from the Councillors.

***7 Leader of the Council**

Councillor Mark Williamson proposed Councillor Paul Diviani as Leader of the Council for the ensuing year. This proposal was seconded by Councillor Brian Bailey.

In proposing, Councillor Mark Williamson spoke highly of Councillor Diviani's leadership during the many challenges which had faced the Council over the years he had been Leader and of his faith in Councillor Diviani's ability to lead through future challenges. He undertook the role calmly, purposefully and with intelligence and was a strong and stable leader.

In seconding, Councillor Bailey endorsed the proposer's motion and spoke of Councillor Diviani's strong leadership skills and the support he offered to other Councillors.

In accepting his appointment, Councillor Diviani thanked his proposer and seconder and said that it was a great honour to be re-elected Leader of the Council. During his speech the Leader highlighted some of the challenges that had been overcome during his time as Leader and some of the upcoming challenges facing the Council, such as the relocation of the Council's offices to Honiton and Exmouth. He congratulated the Chairman and Vice Chairman on their well-deserved appointments.

***8 Appointment of Deputy Leader**

The Leader confirmed his appointment of Councillor Phil Twiss as Deputy Leader of the Council. Councillor Diviani said that Councillor Twiss would take on the new role with the same great enthusiasm and energy that he approached all tasks and thanked him for his continued support

***9 Cabinet Members and Portfolio Holders**

The Leader proposed certain changes to Portfolio Holders appointments. The Corporate Business and Corporate Services Portfolio would be combined and would be called Corporate Services. A Deputy Environment Portfolio would be created. The Cabinet would again include two Members who were not members of the ruling party as Cabinet Members without Portfolio.

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

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

The Deputy Leader was appointed Strategic Development and Partnerships Portfolio Holder.

*10 **Committees**

RESOLVED:

1. that Committees be established for the municipal year as set out in Articles 7, 8, 9 and 10 of the Constitution. Proposed changes are included in the Chief Executive's report at agenda item 14.
2. that the size and terms of reference for those Committees be as set out in Articles 7, 8, 9 and 10 of the Constitution subject to changes included within the Chief Executive's report at agenda item 14.
3. that the membership of the Standards Committee be confirmed, namely:

Council representatives:

Chairman of the Council, Councillors Graham Godbeer, Stuart Hughes, Douglas Hull and Dawn Manley.

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

Non-voting Independent representatives:

Martin Goscomb and Tim Swarbrick*.

*Tim Swarbrick (non-voting independent representative) was originally appointed in 2012 for a 4-year term. Council approved a second 4-year term to retain Mr Swarbrick's experience and knowledge.

Non-voting Parish/Town Council representatives:

Councillors Jessica Bailey (West Hill Parish Council) and Frances Newth (Sidmouth Town Council).

Non-voting Independent person – Alison Willan was not a member of the Standards Committee but was consulted by the Monitoring Officer on Code of Conduct Complaints. Her original appointment in 2012 was for a term of 4 years. Council approved a second 4-year term so that Alison's experience and knowledge could continue to be used for the benefit of the Council and support its governance arrangements.

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

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

Angela Bea, Mike Berridge, Joyce Ebborn, Victor Kemp and Pat Rous.

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

Julie Adkin and Christine Drew.

***11 Report of the Chief Executive**

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

Appendices A and B – agenda pages 18-20.

The Chairman advised that there was one amendment to the Appendix B in the agenda – this was to increase the membership of the Capital Strategy Allocation Group from four to five (four from the Conservative Group and one from a group other than the largest group of the Council, namely Councillor Geoff Pook.

Councillor Megan Armstrong put forward a motion that the Exmouth Regeneration Board membership should mirror that of the Axminster Regeneration Board, however the motion was lost. The Chief Executive advised that the membership had been considered at a previous Cabinet meeting.

b) Amendments to the Council's Constitution

The proposed amendments were detailed in the report, the draft Constitution, and in the revision note circulated prior to the meeting. The Chairman advised of one further amendment at the meeting which related to recommendation two of the report – the further amendment dealt with enforcement powers in relation to high hedges.

Councillor Susie Bond proposed that the Standards Committee meet four times a year, instead of twice as year as proposed in the changes to the Constitution. The proposal was seconded by Councillor Twiss, put to the vote and carried.

c) Annual reports:

Overview Committee

Councillor Graham Godbeer, Vice-Chairman of the Overview Committee presented the annual report.

Scrutiny Committee

Councillor Roger Giles, Chairman of the Scrutiny Committee presented the Committee's annual report, which had been circulated to Members under a separate cover.

Housing Review Board

Councillor Pauline Stott, Chairman of the Housing Review Board presented the Board's annual report.

d) Lead Councillors

Councillor Mark Williamson, Lead Councillor for Neighbourhood Plans spoke on behalf of the Council's Lead Councillors and highlighted the value of their work to the Council. He commended the reports to Council and urged Members to read them if they had not already done so in order to understand the breadth and value of the work undertaken.

RESOLVED

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

Conservative Group	(35 Members)	59%	62
Independents Group	(15 Members)	26%	27
Liberal Democrats Group	(7 Members)	12%	12
Independent	(2 Members)	3%	3
Total	(59 Members)		<u>104 seats</u>

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

- 1.b) that the allocation of seats on individual overview, scrutiny, regulatory and other committees be as set out in Appendix A of the agenda.
2. that the political balance for Advisory Panels/Forum/Steering Boards and Joint Bodies set out in amended Appendix B of the agenda, be agreed, subject to the Capital Strategy and Allocations Group being increased to five members (four from the Conservative Group and one from a group other than the largest group on the Council).
- 3.a) that the proposed amendments to the Constitution as set out in the revised report be accepted, subject to Standards Committee meetings being increased back to four meetings per annum;
- 3.b) that Council authorises the Monitoring Officer to amend Section 2 of Part 3 (Delegated Powers to Officers) to ensure that new enforcement powers and requirements introduced by the Housing and Planning Act 2016 are appropriately covered and enforcement action by the Planning Department in respect of high hedges;
- 3.c) that delegated authority be given to the Monitoring Officer to amend the Constitution as necessary to reflect legislative changes during the civic year.
4. that the annual reports of the Overview and Scrutiny Committees and the Housing Review Board be received and noted.

5. that the joint report of the Lead Councillors on key areas of work be received and noted.

***12 Chairmen and Vice Chairmen of Committees**

RESOLVED:

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

Committees	Chairman	Vice-Chairman
Overview	Graham Godbeer	Ian Hall
Scrutiny	Roger Giles	Alan Dent
Housing Review Board	Pauline Stott	To be appointed by the HRB
Strategic Planning	Phil Twiss	Graham Godbeer
Development Management	Mike Howe	Colin Brown
Audit and Governance	Mark Williamson	Dean Barrow
Standards	Chairman of the Council – Andrew Moulding	
Interviewing (Chief Officers)	Leader	Deputy Leader
Employment Appeals	Deputy Leader	
Licensing and Enforcement	Steve Hall	John O'Leary

13 Appointment of Lead Councillors*RESOLVED:**

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

Axminster	Ian Hall
Culture	John O'Leary
Exmouth	John Humphreys
Employment/Business	Mike Allen
Health and Wellbeing	Cherry Nicholas
Member Development & Engagement	Maddy Chapman
Neighbourhood Planning	Mark Williamson
Planning Design and Heritage	Alan Dent
Procurement	Graham Godbeer
Rural	Paul Carter
Sport and Recreation	Darryl Nicholas
Tourism	Jenny Brown
Youth	Mark Evans-Martin

***14 Appointment of Members to Committees**

Members of the Council considered the nominations for membership of various committees put forward by the political groups.

RESOLVED

that the membership of Committees for 2017/18 be as set out on Appendix A to these minutes.

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

that the membership of the Leader's/Portfolio Holders 'think tanks' for 2017/18 be as set out in Appendix B to these minutes.

16 Appointment of Forum, Panels, and Joint Bodies*RESOLVED**

that appointments be made to Forum, Panels, Joint Bodies for 2017/18 as set out in Appendix C to these minutes.

17 Outside Bodies*RESOLVED**

that appointments be made to Outside Bodies for 2017/18 as set out in Appendix D to these minutes.

***18 Council and Committee Meetings 2017/18**

RESOLVED

that the programme of ordinary meetings of the Council, Cabinet and Committee meetings for 2017/18 be approved as set out in Appendix E (a and b) to these minutes.

***19 Motion: Sustainability and Transformation Plan**

The following motion was proposed by Councillor Cathy Gardner and seconded by Councillor Marianne Rixson and supported by Councillors Val Ranger, Matt Coppel and Megan Armstrong:

“that this Council condemns the decision of the NEW Devon CCG to close community hospital beds in Seaton and Honiton and calls on our County Councillors and MPs to oppose further cuts to services in East Devon as part of the ongoing Sustainability and Transformation Plan.”

The proposer of the motion, Councillor Cathy Gardner said that since Council passed their motion on 26 October 2016 regarding community bed losses, 50% of community beds had been lost from East Devon. She advised that there was no plan for proven and effective care at home. The NEW Devon CCG was under increasing pressure to find more cuts and this was having a huge impact on the quality of care being delivered. She stressed the need to put pressure on Devon County Councillors and MPs to oppose any further cuts in East Devon as part of the ongoing Sustainability and Transformation Plan.

The seconder of the motion, Councillor Marianne Rixson echoed what had been said by the proposer and the two public speakers earlier in the meeting.

Councillor Mike Allen proposed an amendment to the proposal. He spoke of the importance that Devon County Councillors and MPs act on the issues raised and continue to oppose any further bed losses. There was insufficient evidence to show that care at home worked and the losses only dealt with a very small proportion of the deficit. Councillor Cherry Nicholas seconded the amendment.

Points raised during the debate included:

- Evidence was required to show that care at home works prior to any bed losses;
- There was a need to send a clear message that any loss of community beds was unacceptable;
- Thanks were paid to the two public speakers for raising their concerns;
- Concerns were raised about the provision of care at home in the rural areas and how this would be adequately achieved;
- The NEW Devon CCG would be attending Scrutiny Committee on 22 June – Councillors and members of the public were encouraged to attend;
- Insufficient carers to carry out the care at home service as the increased travel times were not taken into consideration for the rural areas;
- There was a lack of people wanting to work in the care industry, largely due to the low pay;
- Hospital at Home had been successfully introduced by Hospice Care in Seaton and would be introduced to Exmouth in the near future;

- Care at home was complicated for people with complex care needs – must be reliable;
- There was a need to look at how community hospitals would be used in the future;
- NEW Devon CCG should be held to account to ensure a complete care at home package was available;
- There were other obvious areas of the NHS where money could be saved, such as in pharmacies and bank staff;
- EDDC needed to ensure balanced communities through the planning process;
- Concern that Sustainability and Transformation could lead to the loss of more services.

The amendment was put to the vote and carried. The substantive motion was then put the vote and carried.

RESOLVED:

1. that this Council condemns the decision of the NEW Devon CCG to close community hospital beds in Seaton and Honiton and to begin these changes before putting in place effective home care resources.
2. that this Council requests Devon County Council Health and Wellbeing Scrutiny, at its meeting on 7 July 2017:
 - a) Demands independent evidence is provided by the CCG, providing beyond all doubt the home care option is working, to at least the care standard offered by the in-patient beds and that a similar letter goes to the new MPs immediately following the election; and
 - b) That other health services such as the Minor Injuries Unit and maternity unit in Honiton remain 'ring fence' protected for a period of time to be determined, before review in 3 years;
 - c) That the NEW Devon CCG keep its commitment to ensure effective home care services are in place before closing these beds.

Councillor Diviani abstained from the vote.

Before closing the meeting, the Chairman invited all Councillors, Honorary Aldermen and guests to a buffet in the Members' Area. He also extended the invitation to staff in receipt of long service awards and their guests.

Attendance list

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

Mike Allen
Megan Armstrong
Brian Bailey
David Barratt
Dean Barrow
Susie Bond
Colin Brown
Jenny Brown
Peter Burrows
Paul Carter

Maddy Chapman
Iain Chubb
Matt Coppel
Alan Dent
Bruce de Saram
Paul Diviani
John Dyson
Jill Elson
Mark Evans-Martin
Peter Faithfull
Cathy Gardner
Steve Gazzard
Roger Giles
Graham Godbeer
Steve Hall
Marcus Hartnell
Stuart Hughes
Douglas Hull
John Humphreys
Ben Ingham
Geoff Jung
David Key
Jim Knight
Rob Longhurst
Andrew Moulding
Cherry Nicholas
John O'Leary
Helen Parr
Christopher Pepper
Val Ranger
Marianne Rixson
Eleanor Rylance
Philip Skinner
Pauline Stott
Ian Thomas
Phil Twiss
Mark Williamson
Eileen Wragg
Tom Wright

Honorary Aldermen:

David Atkins
Peter Bowden
Trevor Cope
Christine Drew
John Jeffery
Ann Liverton
Graham Liverton
Ken Potter
Sara Randall Johnson
David Scott
Steve Wragg

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Amanda Coombes, Democratic Services Officer
Henry Gordon Lennox, Strategic Lead – Governance and Licensing
Susan Howl, Democratic Services Manager
Debbie Meakin, Democratic Services Officer
Diana Vernon, Democratic Services Manager
Hannah Whitfield, Democratic Services Officer

Councillor apologies:

Matt Booth
Pat Graham
Simon Grundy
Ian Hall
Dawn Manley
Darryl Nicholas
Bill Nash
Geoff Pook
Brenda Taylor

Honorary Aldermen apologies:

Col. Anthony Drake
Stephanie Jones
Frances Newth
Bob Peachey
Tim Wood

Chairman Date

Appendix A - Membership of Committees 2017/18

Members of Cabinet and Committees 2017/18	Cabinet 10	Housing Company Sub 5	Scrutiny 15	Overview 11	Housing Review Board 5	Strategic Planning 15	Development Management 16	Standards 5	Audit & Governance 8	Interviewing (Chief Officers) 7	Employment Appeals 7	Licensing & Enforcement 15
Allen Mike												
Armstrong Megan												
Bailey Brian												
Barratt David												
Barrow Dean									Vice Chairman			
Bond Susie								Substitute				
Booth Matthew												
Brown Colin							Vice Chairman					
Brown Jenny												
Burrows Peter												
Carter Paul												
Chapman Maddy												
Chubb Iain												
Coppell Matt												
Dent Alan			Vice Chairman					Substitute				
De Saram Bruce												
Diviani Paul	Leader	Chairman								Chairman		
Dyson John												
Elson Jill												
Evans-Martin Mark												
Faithfull Peter												
Gardner Cathy												
Gazzard Steve												
Giles Roger			Chairman									
Godbeer Graham				Chairman		Vice Chairman						
Graham Pat												
Grundy Simon												
Hall Ian				Vice Chairman								
Hall Steve												Chairman
Hartnell Marcus												
Howe Mike							Chairman					
Hughes Stuart												
Hull Douglas												
Humphreys John												
Ingham Ben												

Appendix A - Membership of Committees 2017/18

Members of Cabinet and Committees 2017/18	Cabinet 10	Housing Company Sub 5	Scrutiny 15	Overview 11	Housing Review Board 5	Strategic Planning 15	Development Management 16	Standards 5	Audit & Governance 8	Interviewing (Chief Officers) 7	Employment Appeals 7	Licensing & Enforcement 15
Jung Geoff												
Key David												
Knight Jim												
Longhurst Rob												
Manley Dawn												
Moulding Andrew								Chairman				
Nash Bill												
Nicholas Cherry												
Nicholas Darryl												
O'Leary John												Vice Chairman
Parr Helen												
Pepper Christopher												
Pook Geoff												
Ranger Val												
Rixson Marianne												
Rylance Eleanor												
Skinner Philip												
Stott Pauline					Chairman							
Taylor Brenda								Substitute				
Thomas Ian												
Twiss Phil	Deputy Leader	Vice Chairman				Chairman				Vice Chairman	Chairman	
Williamson Mark									Chairman			
Wragg Eileen												
Wright Tom												

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

Appendix B: Leader's/Portfolio Holders' Think Tanks

	2017/18	Appointments-2017/18 (Lead Councillors indicated)
1.	Strategic Development and Partnerships Phil Twiss	Mike Allen (Employment/Business Lead) Megan Armstrong Alan Dent Cathy Gardner Ian Hall (Axminster Lead) Marcus Hartnell (Seaton Lead) John Humphreys (Exmouth Lead) Rob Longhurst Geoff Pook Brenda Taylor
2.	Corporate Services Iain Chubb	Maddy Chapman (Member Development Lead) Brian Bailey Susie Bond Peter Burrows John Dyson Pat Graham Geoff Jung Dawn Manley
3.	Economy Philip Skinner	Mike Allen (Employment/Business Lead) Jenny Brown (Tourism Lead) Paul Carter (Rural Lead) Alan Dent (Planning Design & Heritage Lead) Darryl Nicholas (Sport and Recreation Lead) Matt Booth Steve Gazzard Steve Hall Ben Ingham
4.	Environment Tom Wright Deputy: Marcus Hartnell	John O'Leary (Culture Lead) Mark Williamson (Neighbourhood Planning Lead) Peter Faithfull Mike Howe John Humphreys Helen Parr Val Ranger Marianne Rixson Eleanor Rylance Eileen Wragg
5.	Finance Ian Thomas	Graham Godbeer (Procurement Lead) Dean Barrow Colin Brown Peter Burrows Bruce De Saram John Dyson Ian Hall Ben Ingham Bill Nash
6.	Sustainable Homes and Communities Jill Elson	Cherry Nicholas (Health & Wellbeing Lead) Mark Evans-Martin (Youth Lead) Megan Armstrong David Barratt Matt Coppell Simon Grundy Stuart Hughes Douglas Hull Jim Knight Chris Pepper Pauline Stott

The Chairman and Vice Chairman of the Council to be ex-officio and can attend any meetings of the Think Tanks.

Panels and Forum

Appointments 2017/18

- | | | |
|----|---------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Asset Management Forum | <p>Portfolio Holders – Strategic Development & Partnerships,
Economy
Finance
Alan Dent
Geoff Pook</p> <p>ex officio:
Leader
Chairman of the Council</p> |
| 2. | Budget Working Party | <p>Leader of the Council
Portfolio Holders:
Strategic Development and Partnerships (Deputy Leader)
Corporate Services
Economy
Finance
Sustainable Homes and Communities
Cllrs:
Dean Barrow
Colin Brown
Peter Burrows
John Dyson
Geoff Pook</p> |
| 3. | Capital Strategy and Allocation Group | <p>Portfolio Holders:
Strategic Development and Partnerships,
Finance,
Economy,
Corporate Services
Geoff Pook</p> |
| 4. | Community Fund Panel | <p>Portfolio Holder - Finance
Cllrs:
Paul Carter
Douglas Hull
Geoff Jung
David Key
Marianne Rixson</p> |
| 5. | Community Infrastructure Levy (CIL) Working Group | <p>Susie Bond
Colin Brown
Graham Godbeer
Mike Howe
Brenda Taylor</p> |
| 6. | Disciplinary Panel – to consider disciplinary matters relating to statutory officers | <p>Cllrs:
Megan Armstrong
Brian Bailey
Pauline Stott
Brenda Taylor</p> |

Appendix C – Panels, Forum and Joint Bodies

Panels and Forum	Appointments 2017/18
7. Member Development Working Party	Portfolio Holder – Corporate Services Maddy Chapman (Champion) Susie Bond Alan Dent Pat Graham Marianne Rixson
8. New Homes Bonus Panel	Portfolio Holders: Corporate Services Strategic Development and Partnerships Mike Allen David Barratt Simon Grundy Douglas Hull Geoff Jung Christopher Pepper
9. Office Accommodation Executive Group	Leader of the Council Portfolio Holders – Strategic Development and Partnerships Corporate Services Finance
Joint Bodies	Appointments 2016/17
10. Arts and Culture Forum <i>As this Forum already considers art and culture across the district including the Thelma Hulbert Gallery and Manor Pavilion Theatre – the Manor Pavilion Theatre Management Steering Committee is no longer required but users may choose to retain a user group and invite the Culture Lead Member to their meetings.</i>	Culture Lead Councillor (to be Chairman of the Forum) Tourism Champion Peter Faithfull (plus 2 Community & 7 town representatives) ex officio Portfolio Holder – Corporate Services
11. East and Mid Devon Community Safety Partnership	Cllr Steve Gazzard
12. County Committees including: East Devon Highways and Traffic Orders Committee	Cllrs: Brian Bailey Matt Coppell Pauline Stott

Joint Bodies

Appointments 2017/18

- | | | |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 13. | Exeter and East Devon Enterprise Zone Board | Leader |
| 14. | Exeter and Heart of Devon Growth Board | EDDC appointee
Leader of the Council
(EDDC substitute:
Deputy Leader) |
| 15. | Greater Exeter Strategic Plan
a) Member Steering Group which includes a representative from each of the five councils (Devon, East Devon, Exeter, Mid Devon and Teignbridge) | EDDC appointee
a) Portfolio Holders: Strategic Development & Partnerships
(EDDC substitute: Portfolio Holder – Economy) |
| | <i>(This includes HELAA (Housing and Employment Land Availability Assessment which replaced SHLAA (Strategic Housing Land Availability) to include employment land.)</i> | |
| | b) *Joint Advisory Reference forum | |
| | <i>(*an informal politically balanced forum comprising 5 councillors each from the five councils to consider and make comments on draft plan proposals before they are formally considered by each council)</i> | 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
Geoff Jung
Brenda Taylor |
| 16. | LED Leisure Management Ltd | Steve Hall
Bill Nash |
| 17. | Local Joint Panel | Leader
Portfolio Holders:
Finance
Corporate Services
Cllr Steve Gazzard
Ben Ingham |

Joint Bodies	Appointments 2017/18
18. Lower Exe Mooring Authority Management Committee	John Humphreys Brenda Taylor (substitute : Pat Graham)
19. Recycling and Waste Partnership Board	Portfolio Holder – Environment (Chairman) Deputy Portfolio Holder - Environment Brian Bailey Steve Gazzard Geoff Jung
20. Regeneration Board - Axminster	Portfolio Holders: Strategic Development & Partnerships Sustainable Homes & Communities Economy Plus 2 local Members (Douglas Hull and Graham Godbeer) Axminster Champion
21. Regeneration Board - Exmouth	Portfolio Holders: Economy (Chairman) Strategic Development & Partnerships Sustainable Homes & Communities (Vice Chairman) Exmouth Champion Tourism Champion
22. Sidmouth Main and East Beaches Steering Group	Deputy Leader of the Council Portfolio Holder - Environment Deputy PH Environment Sidmouth Ward Members Geoff Pook
23. Sidmouth Port Royal Project Reference Group	Councillors David Barratt John Dyson
24. STRATA Joint Executive Committee (EDDC, Exeter City and Teignbridge authorities)	EDDC appointees: Leader and Chief Executive of each partner authority EDDC substitute: Deputy Leader

Joint Bodies

Appointments 2017/18

- | | | |
|-----|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 25. | STRATA Joint Scrutiny Committee
(EDDC, Exeter City and Teignbridge authorities) | EDDC appointees:
Alan Dent and Darryl Nicholas, (Conservative)
Geoff Jung (Independent)
EDDC substitutes:
Mike Allen and Cherry Nicholas (Conservative Group),
Steve Gazzard (Liberal Democrats Group)
Geoff Pook (Independent) |
| 26. | South East Devon Habitat Regulations Executive Committee | EDDC appointee:
Portfolio Holder - Strategic Development and Partnerships |
| 27. | Woodbury, Exmouth & Budleigh (WEB) Community Health and Wellbeing Board | EDDC appointee:
Portfolio Holder - Sustainable Homes and Communities
EDDC substitute:
Health and Well Being Champion |

NOTES:

1. The Council is required to appoint 'designated persons' to comply with the arrangements (introduced in 2014) for dealing with complaints by tenants – the designated persons to work alongside the Tenant Complaint Panel.

2017/18 nominated 'designated persons' are Councillors Ian Hall, Simon Grundy and Rob Longhurst.

2. Further to the 2012 review undertaken initially by the Corporate Business Portfolio Holder's Think Tank and recommendations of the Overview and Scrutiny Committee, supported by Cabinet at its meeting on 4 April 2012, the allocation of places to the various Leisure East Devon Partnership Forum throughout the district is no longer made formally through Council. Instead, Leisure East Devon is provided with a list of Ward Members and meeting arrangements are made direct.

REPRESENTATION ON OUTSIDE BODIES 2017/18

	Name of Outside Body	Councillor appointments 2017/18	Portfolio Holders/ Champion – reporting link
	APPOINTMENTS: GENERAL		
1	Blackdown Hills (AONB) Joint Advisory Committee	Paul Diviani	Environment
2	Devon and Exeter Area Rail Project Working Party	Brian Bailey Rob Longhurst	Economy
3	Devon Authorities Strategic Waste Committee	Environment Portfolio Holder Substitute: Deputy Portfolio Holder	Environment
4	Devon Youth Service	Member Champion - Youth	Sustainable Housing/ Communities
5	East Devon AONB Partnership	Graham Godbeer Geoff Pook	Environment
6	East Devon Citizens' Advice Bureau	Brian Bailey Alan Dent	Sustainable Housing/ Communities
7	East Devon Transport, Research and Information Project (TRIP) Working Party/Management Group	John O'Leary	Sustainable Housing/ Communities
8	East Devon Volunteer Support Agency (EDVSA) – Trustee Board	Tom Wright	Sustainable Housing/ Communities
9	Exe Estuary Management Group	Mike Howe (substitute: John Humphreys)	Environment
10	Exeter International Airport Consultative Committee	Phil Twiss	Economy/ Environment
11	Exeter Science Park Board of Directors: Exeter Science Park – Shareholder representative	PH – Finance (director) PH – Economy (shareholder representative)	Finance/ Economy/ Strategic Dev & Partnerships

Appendix D – Outside Bodies 2017/18

	Name of Outside Body	Councillor appointments 2017/18	Portfolio Holders/ Champion – reporting link
12	Exmouth Town Management Partnership Panel	Jill Elson	Economy
13	Greater Exeter Strategic Sports Board	Economy Portfolio Holder (substitute Lead Councillor – Sport and Recreation)	Economy/ Sustainable Housing/ Communities
14	Local Government Association General Assembly	Leader* (substitute: Deputy Leader) *Leader is SW representative on district councillor network executive	Council
15	Local Government Association Annual Rural Assembly	Leader (with vote) Deputy Leader (who can vote in the absence of Leader)	Council
16	Local Government Association People and Places Board	Leader* (substitute: Deputy Leader) *representing South West Districts.	Council
17	Police and Crime Panel – Devon and Cornwall	Tom Wright Substitute: Leader	Council
18	SWAP (South West Audit Partnership Ltd)	Shareholder – Audit and Governance Chairman Director – Section 151 Officer	Finance
19	South West Councils - including Employers' Panel	Leader Deputies: Portfolio Holders – Corporate Services	Council
20	SPARSE – Rural Special Interest Group	Leader Sub: Rural Champion	Council

OUTSIDE BODIES - NOTE:

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

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

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

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

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

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

DATES FOR COUNCIL, CABINET & COMMITTEE MEETINGS 2017/2018

Unless otherwise indicated meetings will normally be held at Knowle, Sidmouth. Not all meetings are open to the public and not all business at other meetings can be considered in the public part of the meeting Please check the weekly newsletter 'The Knowledge' for most up to date details of forthcoming meetings

MAY 2017

Wednesday	17	Licensing and Enforcement Committee	9.30am
Wednesday	17	ANNUAL COUNCIL	6.30 pm

JUNE

Tuesday	6	** STRATA Joint Scrutiny Committee (Civic Centre, Exeter)	5.30 pm
Wednesday	7	†† Licensing and Enforcement Sub (if required)	9.30 am
Monday	12	Development Management Committee	10.00am
Wednesday	14	Cabinet	5.30pm
Thursday	15	Asset Management Forum	9.30 am
Thursday	15	Housing Review Board	2.30pm
Tuesday	20	** STRATA Joint Executive Committee (Civic Centre, Exeter)	5.30 pm
Wednesday	21	†† Licensing and Enforcement Sub (if required)	9.30 am
Thursday	22	Scrutiny Committee	6.00 pm
Wednesday	28	†† Licensing and Enforcement Sub (if required)	9.30 am
Thursday	29	Audit and Governance Committee (DO NOT MOVE)	2.30 pm

JULY

Tuesday	4	Development Management	10.00 am
Wednesday	5	†† Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	11	Strategic Planning Committee	10.00 am
Wednesday	12	†† Licensing and Enforcement Sub (if required)	9.30 am
Thursday	13	Cabinet	5.30pm
Wednesday	19	†† Licensing and Enforcement Sub (if required)	9.30 am
Thursday	20	Scrutiny Committee	6.00 pm
Tuesday	25	Standards Committee	10.00am
Tuesday	25	Overview Committee	6.00pm
Tuesday	25	SED Habitat Regulations Exec Comm (Civic Centre, Exeter)	6.00pm
Wednesday	26	†† Licensing and Enforcement Sub (if required) (Cttee Room)	9.30 am
Wednesday	26	COUNCIL	6.30 pm

AUGUST

Wednesday	2	†† Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	2	Cabinet (if required)	5.30 pm
Monday	7	Development Management Committee	10.00 am
Wednesday	9	†† Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	16	†† Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	23	†† Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	23	† Licensing and Enforcement Committee	9.30 am
Thursday	24	Scrutiny Committee (if required)	6.00 pm
Wednesday	30	†† Licensing and Enforcement Sub (if required)	9.30 am

SEPTEMBER

Tuesday	5	Development Management	10.00 am
Wednesday	6	†† Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	6	** STRATA Joint Scrutiny Committee (Civic Centre, Exeter)	5.30 pm
Wednesday	6	Cabinet	5.30pm
Thursday	7	Asset Management Forum	9.30 am
Thursday	7	Housing Review Board	2.30 pm
Tuesday	12	Overview Committee	6.00 pm
Wednesday	13	†† Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	19	Strategic Planning Committee (if required)	10.00 am
Wednesday	20	†† Licensing and Enforcement Sub (if required)	9.30 am
Thursday	21	Audit and Governance Committee	2.30 pm
Thursday	21	Scrutiny Committee	6.00 pm
Tuesday	26	** STRATA Joint Executive Committee (Civic Centre, Exeter)	5.30 pm
Wednesday	27	†† Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	28	SED Habitat Regulations Exec Comm (Civic Centre, Exeter)	6.00 pm

OCTOBER

Tuesday	3		Development Management	10.00 am
Wednesday	4	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	4		Cabinet	5.30 pm
Tuesday	10		Strategic Planning Committee	10.00 am
Wednesday	11	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	17		Standards Committee	10.00 am
Wednesday	18	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	19		Scrutiny Committee	6.00 pm
Wednesday	25	††	Licensing and Enforcement Sub (if required) (Cttee Room)	9.30 am
Wednesday	25		COUNCIL	6.30 pm
Tuesday	31		Development Management	10.00 am

NOVEMBER

Wednesday	1	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	1		Cabinet	5.30 pm
Thursday	2		Housing Review Board	2.30 pm
Tuesday	7		Overview Committee	6.00 pm
Wednesday	8	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	14		Strategic Planning Committee (if required)	10.00 am
Wednesday	15	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	15	†	Licensing and Enforcement Committee	9.30 am
Thursday	16		Audit and Governance Committee	2.30 pm
Thursday	16		Scrutiny Committee	6.00 pm
Wednesday	22	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	29	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	29		Cabinet	5.30 pm
Thursday	30	**	STRATA Joint Scrutiny Committee (Civic Centre, Exeter)	5.30 pm

DECEMBER

Tuesday	5		Development Management	10.00 am
Wednesday	6	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	7		Asset Management Forum	2.00 pm
Thursday	7		Strata Joint Executive (Civic Centre, Exeter)	5.30 pm
Wednesday	13	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	13		COUNCIL	6.30 pm
Wednesday	20	††	Licensing and Enforcement Sub (if required) Cttee Room	9.30 am

JANUARY 2018

Wednesday	3	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	3		Cabinet	5.30 pm
Tuesday	9		Development Management	10.00 am
Wednesday	10	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	11		Housing Review Board	2.30 pm
Tuesday	16		Strategic Planning Committee	10.00 am
Wednesday	17		Joint Overview & Scrutiny – Service Planning & Budget	9.00 am
Wednesday	17	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	18		Audit and Governance Committee	2.30 pm
Tuesday	23		Standards Committee	10.00am
Wednesday	24	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	28		SED Habitat Regulations Exec Comm (Civic Centre, Exeter)	6.00 pm
Wednesday	31	††	Licensing and Enforcement Sub (if required)	9.30 am

FEBRUARY

Tuesday	6		Development Management	10.00 am
Wednesday	7	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	7		Cabinet	5.30 pm
Wednesday	14	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	14	†	Licensing and Enforcement Committee	9.30 am
Wednesday	21	††	Licensing and Enforcement Sub (if required) Cttee Room	9.30 am
Thursday	22		Scrutiny Committee	6.00 pm
Wednesday	28	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	28		COUNCIL – setting Council Tax and agree budgets	6.30 pm

MARCH

Tuesday	6	Development Management	10.00 am
Wednesday	7	†† Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	7	Cabinet	5.30 pm
Thursday	8	Asset Management Forum	9.30 am
Thursday	8	Housing Review Board	2.30 pm
Tuesday	13	Overview Committee	6.00 pm
Wednesday	14	†† Licensing and Enforcement Sub (if required)	9.30 am
Thursday	15	Audit and Governance Committee	2.30 pm
Thursday	15	** STRATA Joint Scrutiny Committee (Civic Centre, Exeter)	5.30 pm
Tuesday	20	Strategic Planning Committee (if required)	10.00 am
Tuesday	20	** STRATA Joint Executive (Civic Centre, Exeter)	5.30 pm
Wednesday	21	†† Licensing and Enforcement Sub (if required)	9.30 am
Thursday	22	Scrutiny Committee	6.00 pm
Wednesday	28	†† Licensing and Enforcement Sub (if required)	9.30 am

APRIL

Tuesday	3	Development Management	10.00 am
Wednesday	4	†† Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	4	Cabinet	5.30 pm
Tuesday	10	Strategic Planning Committee	10.00 am
Wednesday	11	†† Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	18	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	19	Scrutiny Committee	6.00 pm
Tuesday	24	Standards Committee	10.00 am
Wednesday	25	Licensing and Enforcement Sub (if required) Cttee Room	9.30 am
Wednesday	25	COUNCIL	6.30 pm

MAY

Tuesday	1	Development Management	10.00 am
Wednesday	2	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	2	Cabinet	5.30 pm
Wednesday	9	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	16	Licensing and Enforcement Sub (if required) Cttee Room	9.30 am
Wednesday	16	Annual meeting of the Council – to be confirmed	6.30 pm

Time to be arranged

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

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

** STRATA Executive and Scrutiny meetings will be held at the Civic Offices, Exeter unless advised otherwise – please check the Knowledge.

Notes:

- ☐ Devon County Council Budget meeting time tabled for February 2018 – yet to be confirmed
- ☐ Meetings of the Standards Sub Committees will be arranged as required.
- ☐ Dates of Housing Company Sub Committee are yet to be agreed.

List of meetings 2017/2018

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

			2017					2018							
Meeting	Day	Time	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Annual Council	Wed	6.30pm	17												16
Council	Wed	6.30pm			26			25		13		28		25	
Cabinet	Wed	5.30pm		14	13	2	6	4	1 29		3	7	7	4	2
Scrutiny Committee	Thu	6.00pm		22	20	24	21	19	16			22	22	19	
Overview & Scrutiny Committees joint Service Plan & Budget Meeting	Wed	9.00am									17				
Overview Committee	Tue	6.00pm			25		12		7				13		
Strategic Planning Committee	Tue	10.00 am			11		19	10	14		16		20	10	
Development Management Committee *	Tue	10.00am		12	4	7 (Mon)	5	3 31		5	9	6	6	3	1
Audit & Governance Committee	Thu	2.30pm		29			21		16		18		20		
Housing Review Board	Thu	2.30pm		15			7		2		11		8		
Licensing & Enforcement Committee	Wed	9.30am	17			23			15			14			
Licensing & Enforcement Sub Committee	Wed	9.30am		7 21 28	5 12 19 26	2 9 16 23 30	6 13 20 27	4 11 18 25	1 8 15 22 29	6 13 20	3 10 17 24 31	7 14 21 28	7 14 21 28	4 11 18 25	2 9 16
Standards Committee	Tue	10.00am			25			17			23			24	
Asset Management Forum	Thu	9.30am		15			7			7			8		
STRATA Joint Executive Committee	Wed	5.30pm		20#			26#			7#			27#		
STRATA Joint Scrutiny Committee	Thu	5.30pm		6#			15#		30#				15#		
South East Devon Habitat Regulations Executive Committee	Wed	6.00pm			25#			23#			24#				

Sub-Committees of the Licensing and Enforcement Committee are timetabled for every Wednesday on an 'if required' basis. **Cancelled meetings are shown crossed through in red.** # Held at Civic Centre, Exeter ; * Formal site visits as required will be held on the morning of the meeting date

EAST DEVON DISTRICT COUNCIL
Minutes of the meeting of Cabinet held
at Knowle, Sidmouth on 10 May 2017

Attendance list at end of document

The meeting started at 5.33pm and ended at 6.10pm

***215 Public Speaking**

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

***216 Minutes**

The minutes of the Cabinet meeting held on 5 April 2017 were confirmed and signed as a true record.

***217 Declarations**

Councillor Paul Diviani – Minute 227

Interest: Personal

Reason: Member of District's Health and Wellbeing Scrutiny Committee

Councillor Geoff Pook – Minute 231

Interest: Personal

Reason: Member of the Construction Industry

Councillor Phil Twiss – Minute 235

Interest: Personal

Reason: Member of Exeter Airport Consultative Committee on behalf of EDDC

***218 Matter of urgency**

None

***219 Matters referred to the Cabinet**

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

***220 Exclusion of the public**

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

***221 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 June 2017 to 30 September 2017.

***222 Minutes of the Overview Committee held on 28 March 2017**

Members received the Minutes of the Overview Committee held on 28 March 2017.

RESOLVED (1) that the following recommendations be approved
Minute 24 East Devon Local Economy

1. the East Devon Local Economy report formed the basis of an Action Plan and further work to confirm the priorities, projects and financing arrangement for a future pipeline of Local Economic Development activity,

2. a report be submitted to Cabinet to agree the direction and detail of the Council's Local Economic Development activity to include rural economic development,
3. a report be presented in Autumn 2017 as part of the preparation of a future Economic Development Investment Plan for the Council within the overall budget planning for 2018/19 onwards.

Minute 25 Housing Delivery Task and Finish Forum

1. Overview welcomed the Cabinet decision to support the proposal for establishing a Local Housing Company for the Council, as a means of delivering more housing,
2. Council continue to maintain as a priority the delivery of affordable homes in its Council Plan,
3. Cabinet ask relevant officers to undertake further research into the financial model of affordability, considering new practices emerging in other local authorities, to report back to the Overview Committee,
4. Cabinet ask relevant officers to look at means of attracting other registered providers to the District in order to have a wider choice of providers than the dominant Devon and Cornwall Homes (DCH),
5. Council explore how it could better support existing Community Land Trusts, and help bring forward new Trusts, through using partner organisations such as the Wessex Community Housing Project, and regular promotion of successful projects,
6. Cabinet explore investment into property as a means of better financial return on reserves,
7. the forthcoming District Design Guide (under the adopted Local Plan) was developed not only to improve the quality of new buildings, but to be innovative in seeking high quality of design, sustainability, and build, in order to drive a higher quality of planning applications submitted,
8. Consideration be given to encouraging the use of off-site manufacture for both developers in the area and for those interested in self-build, and
9. Council ensures a robust response to the government on the Housing White Paper including a request for a more coherent national housing policy; a return to a grant providing scheme of funding to stimulate growth; and practical solutions to deliver more diversity in the housing market.

***223 Minutes of the South East Devon Habitat Regulations Executive Committee held on 29 March 2017**

Members received and noted the Minutes of the South East Devon Habitat Regulations Executive Committee held on 29 March 2017.

***224 Minutes of the Scrutiny Committee held on 30 March 2017**

Members received the Minutes of the Scrutiny Committee held on 30 March 2017.

***225 Notes of the Exmouth Regeneration Programme Board held 30 March 2017**

Members received the Notes of the Exmouth Regeneration Programme Board held 30 March 2017.

***226 Sidmouth Beach Management Plan**

The Strategic Lead - Housing, Health and Environment presented the report, which primarily intention was to secure authority to enter into contracts for the next stage of the project.

RESOLVED:

1. that necessary works to produce the Outline Business Case for consideration by the Environment Agency be progressed within the allocated budget, and
2. that the Strategic Lead Governance and Licensing, and Strategic Lead Housing, Health and Environment be authorised to enter into contracts for provision of the consultancy and surveying services required to do so.

REASON:

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

- Maintaining the 1990's Sidmouth Coastal Defence Scheme Standard of Service (protection against flooding and erosion); and
- reducing the rate of beach and cliff erosion to the east of the River Sid (East Beach); and
- to 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.

This required the appointment of a consultant (and associated surveyors) with appropriate experience and expertise to produce an Outline Business Case so that EDDC could seek formal Environment Agency approval for Sidmouth Beach Management Scheme.

***227 Cranbrook Healthy New Town Programme: summary of first year's activities 2016/17**

The Strategic Lead - Housing, Health and Environment presented the report. The summary gave an overview of the progress on NHS England's national Healthy New Town [HNT] Programme for Cranbrook, through which five priority areas were selected to make a positive difference to Cranbrook residents' health and wellbeing.

RESOLVED:

that the achievements of the programme to date be recognized, and to note the change in emphasis towards new care models and the programme lead role being passed to Devon County Council's Director of Public Health.

REASON:

To help ensure that members and staff across the Council were aware of this national programme and able to support activities which support health and wellbeing in Cranbrook.

228 Street Trading – Designation of Streets Under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982

The item was deferred until a later date.

***229 Seaton Beach Management Plan**

The Strategic Lead - Housing, Health and Environment presented the report, which required agreement for the procurement of services to progress the Seaton Beach Management Plan.

RESOLVED:

that the Strategic Lead Governance and Licensing, and Strategic Lead Housing, Health and Environment be authorised to enter into a contract with CH2M for provision of the services to produce a Beach Management Plan for Seaton.

REASON:

To progress a Beach Management Plan for Seaton so that there was an integrated, justifiable and sustainable approach to managing the risk of flooding and coastal erosion from the Axe Estuary to Seaton Hole.

***230 Monthly Performance reports – March 2017**

The report set out performance information for March 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 were showing excellent performance:

- Percentage of Council Tax Collected
- Percentage of Non-domestic Rates Collected
- % of invoices paid in 10 working days
- Working days lost due to sickness absence

There were two performance indicator showing as concern:

- Percentage of planning appeal decisions allowed against the authority's decision to refuse - The Development Manager was in the process of assessing all the appeal decisions to establish any trends that could be identified, learnt from and addressed. It was proposed that these findings would be presented to the next meeting of the Strategic Planning Committee as part of the annual report into the performance on appeals.
- Days taken to process Housing Benefit / Council Tax Benefit new claims and change events - March was the assessment team's busiest month assisting customers and receiving a large volume of new claims. The increase in NI181 was due to the impact of this additional work pressure on resources. The reduced performance in March 2017 compared with March 2016 was a reflection of these additional pressures.

The Portfolio Holder Sustainable Homes and Communities congratulated Health and Local Food for Families (HALFF) Axminster for winning the People's Projects vote.

RESOLVED:

that the progress and proposed improvement action for performance measures for the 2016/17 financial year for March 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 Management, Housing and Revenues and Benefits.

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

The Service Lead, Planning Strategy and Development Management presented the report, which set out the main elements of the Housing White Paper published in February, which set out the government's thinking in respect of national housing policy for the future. The four principle themes of the White Paper were outlined. The White Paper contained an Annex, which posed a series of questions. The report provided a proposed set of responses to the questions, which were recommended to form the submission by the Council.

Discussions included the following:

- Sustainable Development criteria sometimes stopped villages getting the development they actually need
- A 5 Year Land Supply should not necessarily mean developments happen by submitting to developers' demands just because it is a key indicator. Some communities end up with houses they did not want
- The White Paper encouraged sub-division of bigger plots which conflicted with the Conservation Areas' restrictions
- The White Paper did not help Councils with their own housing stock
- Affordable housing was not just needed for young people, older people were desperate to downsize but developments for over 55s were too expensive

RESOLVED:

that the responses to the questions set out in the Housing White Paper as detailed in the report were noted and endorsed having already been forwarded to Government.

REASON:

To ensure that the Council provided feedback to the Government in respect of the White Paper.

***232 Response to Dunkeswell Neighbourhood Plan Submission**

To agree the response by the Council to the current consultation for the Dunkeswell Neighbourhood Plan.

RESOLVED:

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

REASON:

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

***233 Contract Standing Order Exemption for Locum Legal cover**

The report advised Cabinet that exemption to standing orders had been applied in order to appoint a locum solicitor to cover the period whilst a new permanent solicitor was hired, following the resignation of a solicitor. A candidate had been identified who had the right mix of skills required and had been engaged through a reputable agency, which had been used previously. It was envisaged that a replacement solicitor would start in June.

RESOLVED:

that the exemption to Contract Standing Order to enable the appointment of a locum solicitor be noted.

REASON:

To ensure that sufficient legal resources were in place to deliver a first rate legal service.

***234 Camperdown seawall**

An exemption from standing orders was sought for urgent repairs to the estuary wall adjacent to Camperdown Creek, Exmouth, as well as capital funding for urgent repairs to the estuary wall adjacent to Camperdown Creek, Exmouth.

RESOLVED:

that the following be agreed;

1. an exemption from standing orders for urgent repairs to the estuary wall at Camperdown Creek.
2. £30,000 of capital funding for urgent repairs to the estuary wall at Camperdown Creek.

REASON:

To prevent further collapse of EDDC land in advance of the Exmouth Tidal Defence Scheme. Failure to undertake repairs was likely to result in further collapse of the wall and result in:

- Washout of made ground behind
- Collapse of boats stored in the area onto the foreshore below
- A public safety hazard to people using the area above and below the wall

***235 To approve the appointment of Cyrrus to identify the upgrade works required to the existing Instrumental Landing System at Exeter International Airport.**

The East of Exeter Projects Director advised that exemption to standing orders had been requested to appoint Cyrrus to analyse of the existing Instrumental Landing System (ILS) for Exeter International Airport, and the works required to upgrade the ILS to enable continued development in the West End of East Devon.

Cyrrus provide a specialist consultancy service on instrumental landing systems for civil aviation. This was the current provider for Exeter International Airport with knowledge of the airport operation. It was unlikely that the consultancy support could be procured from another provider. The estimated cost of the contract is £25,000.

RESOLVED:

that the exemption to Contract Standing Order to enable the appointment of Cyrrus to undertake the analysis of the current Instrumental Landing System and identify works required for upgrade to enable continued development in the West End of East Devon, be agreed.

REASON:

To ensure that East Devon were able to support the continued development of employment space in the West End of the district without adverse impact upon Exeter International Airport.

The Chairman welcomed newly elected Councillor Eleanor Rylance and Sue Howl, the new Democratic Services Manager.

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
Tom Wright	Corporate Business

Cabinet Members without Portfolio:

Geoff Pook
Eileen Wragg

Non-Cabinet apologies:

Ian Hall
Mike Howe
Pat Graham
Val Ranger
Brenda Taylor
Mark Williamson

Officer apologies:

Mark Williams, Chief Executive

Also present (for some or all of the meeting)

Councillors:

Megan Armstrong
Brian Bailey
Colin Brown
Jenny Brown
Maddy Chapman
Bruce de Saram
Alan Dent
John Dyson
Peter Faithfull
Steve Gazzard
Roger Giles
Graham Godbeer
Steve Hall
Marcus Hartnell
John Humphreys
Geoff Jung
Rob Longhurst
John O'Leary
Eleanor Rylance
Pauline Stott

Also present:

Officers:

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

Ed Freeman, Service Lead – Planning Strategy and Development Management

Andy Wood, East of Exeter Projects Director

Sue Howl, Democratic Services Manager

Amanda Coombes, Democratic Services Officer

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Knowle, Sidmouth on 14 June 2017

Attendance list at end of document

The meeting started at 5.30pm and ended at 6.08pm

***1 Public Speaking**

David Everett wished to speak on item 16 relating to the Chardstock Neighbourhood Plan; the Cabinet agreed to bring the item forward to enable Mr Everett to depart for another meeting.

***2 Minutes**

The minutes of the Cabinet meeting held on 10 May 2017 were confirmed and signed as a true record.

***3 Declarations**

Councillor G Pook – Minute 5; Interest: Personal; Reason: Involved in construction industry.

***4 Matters of urgency**

a) Planning Obligations SPD

An urgent report seeking the adoption of the Planning Obligations Supplementary Planning Document (SPD), for reason of requirement in place to inform pending appeal statements, was agreed to be considered.

The Planning Obligations SPD had already undergone one consultation exercise in November 2016, following which the Strategic Planning Committee requested a subsequent 4 week consultation. Their resolution included putting the document before Cabinet for adoption if no substantive comments were received in response to that subsequent consultation. Of the responses received to the subsequent consultation, none were substantive, and the majority of objections relate to viability issues which will be addressed through means of redrafted guidance notes.

Councillor Allen raised concern on two elements of the document: timing of provision affordable housing delivery in new developments; and how section 106 funding could be released in larger phased developments.

In response, the Chief Executive reassured the Cabinet that the issue of affordable housing provision was dealt with in the overarching policies of the adopted Local Plan. He did accept that some councillors had concerns about phased developments, and highlighted paragraph 7.2 of the SPD, specifically “There are established trigger points which are suitable for S106 agreements and triggers selected in each case will be based upon the nature of the obligation and the stage at which the mitigation is required.”

Officers would need to be mindful of councillor concerns for such projects. In conclusion, he assured the Cabinet that there was sufficient protection in the document presented before them.

RESOLVED:

that the Planning Obligations Supplementary Planning Document be adopted.

REASON:

The Planning Obligations SPD will form a material consideration in the determination of planning applications.

b) Phase 2 of Recycling and Waste Contract

Portfolio Holder for Environment reported early statistics on increased recycling following the start of phase two of the contract that had begun that week. He expressed his thanks to the officers and contractors involved for their hard work.

c) Letter to the Health and Adult Care Scrutiny Committee

In response to a question about the recent motion at Annual Council regarding the NEW Devon CCG Sustainability and transformation plan, the Chief Executive confirmed that a letter setting out the concerns raised by councillors had been sent to the Chairman of the Health and Adult Care Scrutiny Committee. Cllr Diviani confirmed that he would be sitting on the Committee as the District Councils Network representative and he would be making sure that this Council's views, echoed by other District Councils, would be put to the Committee.

***5 Matters referred to the Cabinet**

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

***6 Exclusion of the public**

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

***7 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 July 2017 to 31 October 2017. The review of public toilets was now delayed following a postponement of the Asset Management Forum meeting. Cllr Pook explained that this delay was due to further working being progressed before reporting to the AMF.

***8 Minutes of Scrutiny Committee held on 9 May 2017**

Members received the Minutes of the Scrutiny Committee held on 9 May 2017. The comments and recommendations made relating to the Manor Pavilion car park would be taken on board as part of the statutory consultation.

RESOLVED that the following recommendations be noted

Minute 56 Manor Pavilion Car Park

1. The Manor Pavilion Car Park fee-paying charges only apply up to 6pm
2. Endorse the maximum stay for the car park at four hours
3. Officers be reminded that there must be early consultation with the local ward member(s) and the relevant town or parish council for any significant service change that affected a local community.

***9 Chardstock Neighbourhood Plan Examiner's Report**

David Everett, a Chardstock parish councillor, spoke about the process of producing a neighbourhood plan. He gave specific thanks to the support from the Council, including officers Claire Rodway and Tim Spurway. He had been provided with two possible dates for a referendum on the plan and expressed a preference for the 20 July 2017.

In response, the Chief Executive expressed his willingness to try to accommodate the date requested.

The report provided feedback and set out proposed changes following the examination of the Chardstock Neighbourhood Plan. Chardstock Parish Council had agreed with the

recommendations made by the Examiner, and a new version of the Plan is now ready to be submitted to referendum.

RESOLVED:

1. that the examiner's recommendations on the Chardstock Neighbourhood Plan, be endorsed,
2. that a 'referendum version' of the Neighbourhood Plan (incorporating the examiner's modifications) should proceed to referendum and a decision notice to this effect be published, be agreed and,
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.

*10

Revenue and Capital Outturn Report 2016/17

The Strategic Lead – Finance presented his report. During 2016/17, monthly budget monitoring reports had informed members of budget variations and the anticipated year-end financial position. The Council had maintained its net spending within overall approved budget levels.

The report outlined:

- The General Fund position – closing balance as at 31/3/2017 stood at £4.206m. As this was above the adopted range previously agreed by the Council, £0.0606m is transferred into the Council's Capital Reserve;
- Housing Revenue Account – closing balance as at 1/3/2017 stood at £7.070m. The report proposed the introduction of a maximum level for the HRA balance, in line with the principle applied to the General Fund Balance; this maximum level of £3.1m still leaves the HRA balance significantly high, and therefore the report proposed a transfer of £3.970m into a new fund to be used to provide additional dwellings, and to match fund one to one replacement capital receipts. This new fund would be called the Future Housing Development Fund. The HRA Business Plan Volatility Reserve still held a balance of £4.4m and had not been required in the past year; a review of the purpose of this fund would be undertaken once the HRA Business Plan had been refreshed alongside an updated stock condition survey;
- Capital Budget – 2016/17 totalled net expenditure of £19.039m in the budget, but the Outturn position is lower at £16.242m, mainly due to scheme slippage and a need to re-profile expenditure into 2017/18 or later years. The future capital funding position will be debated further with the presentation of the Financial Plan (2018-2023) to Cabinet in early autumn.

The Portfolio Holder for Finance commended the proposals to the Cabinet.

RESOLVED:

1. that the Cabinet outturn position for 2016/17 be agreed, and
2. that the level of Reserves detailed in the report and the transfers/use as recommended, namely:
 - a) the transfer of £0.606m from the General Fund as one off savings in 2016/17 to the Capital Reserve to help fund future capital programme commitments;

- b) the transfer of £0.294m from the Business Rates Volatility Fund into the General Fund to meet the shortfall on business rates income against budget in 2016/17;
- c) that an adopted range was determined for the HRA Balance to be held off between £2.1m and £3.1m, and that £3.970m held above this level was transferred to a new Reserve "Future Housing Development Fund";
- d) that £2.8m was transferred from the HRA Business Plan Volatility Fund into the Future Housing Development Fund; and
- e) the Transfers to other earmarked reserves for specific projects (as outlined in the Outturn Booklet 2016/17), where funding contributions had been made in advance of spend and monies were held at year end to fund this work in future years, be agreed.

REASON:

To report the Outturn position for the Council's approved budgets for the General Fund, Housing Revenue Account and Capital Expenditure. The final position would be presented in the Council's Statement of Accounts.

***11 Monthly Performance reports – April 2017**

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

There were two indicators that were showing excellent performance:

- Percentage of Non-domestic Rates Collected;
- Working days lost due to sickness absence.

There were two performance indicator showing as concern:

- Percentage of planning appeal decisions allowed against the authority's decision to refuse;
- Days taken to process Housing Benefit / Council Tax Benefit new claims and change events.

RESOLVED:

that the progress and proposed improvement action for performance measures for the 2016/17 financial year for April 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 Management, Housing and Revenues and Benefits.

***12 Axmouth Harbour Quay improvement**

The Chief Executive presented the report, to lead the application for funding of improved fish landing facilities at Axmouth Harbour and to contribute £17,000 towards the project.

The Council own the harbour, which is leased in part to the East Devon Fishermen's Association (EDFA). The EDFA wish to work with the Council to submit a bid to secure

funding for construction of a concrete apron adjacent to the harbour wall. The £17,000 Council contribution would only be provided if the funding application succeeded.

RESOLVED:

That Streetscene Engineers assist the East Devon Fishermen's Association in obtaining funding for improved fish landing facilities at Axmouth Harbour, and that £17,000 of capital funding is allocated towards the project in the 2017/18 financial year.

REASON:

To improve facilities for local fishermen operating from Axmouth Harbour, improve the viability of their continued operation, and ensure continued income to the Council from leaseholders of the harbour.

***13 New Feniton Flood Alleviation Scheme**

Feniton Flood Alleviation Scheme is an ongoing project with approved capital funding. The report sought approval to change the parties involved in some aspects of the project in order to mitigate financial risk to the Council. Specifically, approval was sought to agree the proposed procurement in order to progress Phase 3 (the undertrack crossing) and Phase 4 (remainder of relief culvert) of the scheme.

The Chief Executive reminded members of the original level of risk the Council had been asked to take in their previous contractual arrangements. Following work undertaken by members, representatives, local MPs and officers, a revised scheme was now ready to pursue with Network Rail which reduced the level of risk significantly.

Cllr Susie Bond expressed her gratitude to all involved in helping to progress this scheme.

RESOLVED:

1. that the exemptions to contract standing orders for appointment of WSP PB and Network Rail to design and carry out the Feniton UTX respectively be approved; and
2. that delegated authority be granted to the Strategic Lead - Housing, Health and Environment in consultation with the Strategic Lead - Governance and Licensing to enter into contracts for the completion of the Feniton Flood Alleviation Scheme (including Phase 4 following a tender process subject to this being within budget) and the Basic Asset Protection Agreements with Network Rail.

REASON:

To progress Phase 3 (the undertrack crossing) and Phase 4 (the remainder of the relief culvert) of Flood Alleviation Scheme for Feniton to reduce the risk of flooding to 72 homes including 63 properties, which were currently considered at very significant risk.

***14 Whimble Flood Alleviation Scheme**

DEFRA funding (Flood Defence Grant in Aid) will result in the flood alleviation scheme for Whimble being 100% funded. Consequently, the £30,000 earmarked in the Capital Programme for 2017/18 is proposed to be set aside as a Council contribution to a total contingency of £460,000. The report sought approval to delegate authority to enter into contracts with the successful tenderer to provide the scheme.

RESOLVED:

that delegated authority be granted to the Strategic Lead - Housing, Health and Environment in consultation with the Strategic Lead - Governance and Licensing to enter

into contracts for the completion of the Whimble Flood Alleviation Scheme and the Basic Asset Protection Agreements with Network Rail following completion of the tender exercise.

REASON:

To progress a Flood Alleviation Scheme for Whimble to reduce the risk of flooding to 53 homes including 19 properties, which are currently considered at very significant risk.

***15 Access to information 2016/17**

The summarised requests received under the Freedom of Information Act (and Environmental Information Regulations) between 1 April 2016 and 31 March 2017. The report also looked at steps taken during the last 12 months to improve the accessibility of information.

RESOLVED:

that the number and type of requests received under the Freedom of Information Act and the steps being taken to improve access to information be noted.

REASON:

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

***16 Leader's annual report on urgent executive decisions**

Under regulation 19 of the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations, there is a requirement to submit a report containing details of each executive decision which was agreed as urgent under Regulation 11 (cases of special urgency) where less than 5 days' notice could be given.

RESOLVED:

That the annual report on urgent executive decisions be noted.

***17 Yarcombe with Marsh Neighbourhood Plan Examiner's Report**

The report provided feedback and set out proposed changes following the examination of the Yarcombe with Marsh Neighbourhood Plan.

RESOLVED:

1. that the examiner's recommendations on the Yarcombe with Marsh Neighbourhood Plan, be endorsed;
2. that a 'referendum version' of the Neighbourhood Plan (incorporating the examiner's modifications) should proceed to referendum and a decision notice to this effect be published, be agreed; and
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.

***18 Appointment of Inspector to examine the Dunkeswell Neighbourhood Plan - exemption to standing orders**

This report advised that exemption to standing orders had been applied in order to appoint an independent examiner to examine the Dunkeswell Neighbourhood Plan. Early adoption

of the Neighbourhood Plan would help with establish a positive planning policy framework for the parish to inform determination of planning applications in Dunkeswell.

RESOLVED:

that the exemption to Contract Standing Order to enable the appointment of Mary O'Rourke to undertake the Examination of the Dunkeswell Neighbourhood Plan, be noted.

REASON:

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

***19 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).

***20 Branscombe Beach Public Conveniences**

To seek approval to make minor amendments to the recommendations resolved by Cabinet on 7 October 2015.

RESOLVED:

that the recommended minor variations to Cabinet's previous resolution as set out in the report be agreed.

REASON:

To enable the surrender of the Council's leasehold interest in the land at Branscombe Car Park together with the associated public convenience building.

Attendance list

Present:

Paul Diviani Leader

Portfolio Holders:

Jill Elson	Sustainable Homes and Communities
Ian Thomas	Finance
Tom Wright	Environment
Marcus Hartnell	Deputy Portfolio Holder Environment

Cabinet Members without Portfolio:

Geoff Pook
Eileen Wragg

Cabinet apologies:

Iain Chubb	Corporate Services
Phil Twiss	Deputy Leader/Strategic Planning and Developments
Phil Skinner	Economy

Non-Cabinet apologies:

Rob Longhurst
Mark Williamson
Ian Hall
Matt Booth
Graham Godbeer
Maddy Chapman
Darryl Nicholas
John O'Leary
Alan Dent

Also present (for some or all of the meeting)

Councillors:

Megan Armstrong
Brian Bailey
Colin Brown
Jenny Brown
Bruce de Saram
John Dyson
Peter Faithfull
Steve Gazzard
Roger Giles
Steve Hall
Geoff Jung
Pauline Stott
Mike Howe
Cherry Nicholas
Mike Allen
Brenda Taylor
Dawn Manley
David Barratt
Susie Bond
Andrew Moulding

Also present:

Officers:

Mark Williams, 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
Dave Turner, Engineering Projects Manager
Debbie Meakin, Democratic Services Officer

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 30 March 2017

Attendance list at end of document

The meeting started at 6.00pm and ended at 7.22pm

***47 Public speaking**

There were no questions from members of the public.

***48 Minutes**

The minutes of the Scrutiny Committee held on the 2 March 2017 were confirmed and signed as a true record.

***49 Declarations of interest**

Councillor Darryl Nicholas: minute 55; personal interest; works for New Devon CCG.

***50 Mental Health Services for East Devon**

The Committee was reminded that the Chairman of the Honiton Hospital League of Friends and the Honiton Dementia Action Alliance had asked the Committee to consider the current state of services in the district. This request was as a result of the imminent closure of 'the Haven', Honiton, run by MIND and the transfer of the East Devon Community Mental Health Team from Honiton to Exeter.

RESOLVED

1. that this topic be considered at a future meeting of the Committee – at the earliest opportunity;
2. that the Chairman write to the Portfolio Holder, Stuart Barker, at Devon County Council, to advise that the Committee wished to debate the current state of mental health services in the district and ask him and officers to attend, giving him the chance to respond;
3. that the Chairman write to the Chairman of the Health and Wellbeing Scrutiny Committee to advise of the Committee's intended debate on mental health service issues in the district and invite his attendance to respond in respect of the allocation of resources for health services.

The aim would be for the item to be included on the agenda of the next Committee meeting of 9 May 2017 subject to responses received – resolutions 2 and 3 above refer.

***51 Modern Day Slavery**

The Committee received a verbal presentation on modern day slavery from Inspector Julian Pezzani. This was a global problem and, now estimated to be the second largest illicit trade worldwide. Inspector Pezzani gave statistical information on modern slavery's prevalence in the UK. However, he advised that this was also a local problem across all sectors of the economy but particularly within hospitality and agriculture. An example given in the South West was industrial cannabis manufacture. Victims earned their captors thousands of pounds; their heinous crimes needed to be addressed.

The police service across the UK was committed to combating modern day slavery. Work was been undertaken by the police in partnership with the government, other law enforcement agencies and partnerships (significantly including the voluntary sector) to improve the response to modern day slavery. For the police, the overriding focus was to

improve its ability to identify, rescue and support victims and in doing so ensuring that perpetrators were brought to justice. The perpetrators were often involved in other crimes including drugs firearms, money laundering and child abuse.

The initiative was supported through the Modern Slavery Bill legislation, which provided law enforcement agencies in the UK with greater opportunities and stronger framework to protect victims, bring offenders to justice and recover illicit assets. As modern day slavery was a hidden crime, the police had to act proactively to increase the detection rate. The complex legislation now covered child trafficking, forced labour/debt bondage, sexual exploitation, criminal exploitation (the most prevalent crime in this area where trafficked individuals were forced to carry out illegal acts) and domestic servitude. When an offence was discovered, there was a set legislative procedure in place to protect the victim. However adult victims had to consent to action being carried out – there was often reluctance on their part to come forward.

Addressing modern day slavery had significant government commitment supported by funding and a national action plan. Issues faced included:

- Un-reporting – victims can be unwilling to assist with investigations due to being manipulated by their abusers.
- Complex investigations – the perpetrators are very wily and so significant resource (including time) was required in identifying and investigating the crime.
- Recognising that, although involved in illegal trade, the modern day slave is a victim.
- The problem needed to be tackled though all partners working together.
- Trafficking had an impact on local services and included risks to local communities.

The police needed help in increasing general awareness and council support particularly in the early days following a rescue when victims needed accommodation.

Following the presentation, the Committee raised a number of issues including:

- Was there a manned confidential telephone number that members of the public could use to report concerns? Inspector Pezzani advised that the 101 service was improving but noted comments made at the meeting on its inadequacy. The default position was 'crimestoppers' (0800 555111) – operators had specific training on hidden crime which included domestic violence and modern day slavery. Alternatively, there was a national intelligence bureau form for organisations to enable intelligence to be shared.
- What was the level of co-operation on an international scale? Inspector Pezzani advised that new issues would need to be faced now that Britain was leaving the European Union. The British police had a good track record of procedures and worked closely with the International Crime agency.
- Would legalising growing cannabis make the problem of industrial manufacture easier to deal with? Inspector Pezzani did not think that such a change in legislation would help. The Devon and Cornwall Police was making good progress in identifying victims, filtering the exploiters from the victims when an illegal operation was detected. The police wanted to deal with modern day slavery issues as a whole and would hesitate to support the legalisation of cannabis.
- The Home Secretary had asked for additional funding. How could this impact on other police services? Inspector Pezzani advised that tackling modern day slavery

was complex and expensive, particularly when on an international scale. Local policing was fundamental to tackling modern day slavery in the area. A national modern slavery team was being set up in Exmouth to look at crime patterns and best policing practice. This small team was to be drawn from forces all over the country – all forces would be able to tap into this knowledge.

- It would be useful for all Councillors to have documents or briefing notes to increase general awareness. What signs should everyone be aware of? What can the Council do to help? Inspector Pezzani advised that Torbay Council had a draft toolkit prepared for their staff. When this document was signed off, it would be circulated to authorities across Devon – the toolkit included signs and symptoms to look out for. Gerry Moore advised that the Community Safety Partnership had run events to increase awareness and that he would circulate these slides to Councillors.
- Were the victims initially accommodated in safe houses following their rescue? Inspector Pezzani advised that he was not aware of any safe houses in the Devon and Cornwall area. Ideally, he would like to see victims accommodated outside the immediate area to get them away from those who have exploited them – so that a Devon victim was initially accommodated in Cornwall, for example.
- There appeared to be an increase in the number of people (often young) begging in Exeter and an increase in people sleeping rough. Inspector Pezzani agreed that there were instances of aggressive begging linked with modern day slavery.
- All Members should be enlightened and made more aware. If Councillors were better informed, they may be more likely to support a safe house.
- Inspector Pezzani was unable to comment on the penalties imposed due to the range of levels of crime involved but that it was usual for a custodial sentence to be given to a trafficker.
- Does trafficking into the UK mean that people are smuggled in without passports? Inspector Pezzani advised that nationally this was the case. There were concerns that now that borders controls had been tightened around the usual traffic routes that the traffickers may start to look for less obvious routes and this would make the South West coastline vulnerable.

The Chairman thanked Inspector Pezzani for his informative presentation. The Council would look into possible awareness training for all Councillors through Democratic Services.

RESOLVED that modern day slavery awareness training be arranged for all Councillors with the slides from the recent awareness session, organised by Gerry Moore, the Council's Community Safety and Anti-Social Behaviour Officer being circulated in the meantime.

***52 Report from East Devon District Council's Community Safety and Anti-Social Behaviour Officer**

The Chairman welcomed Gerry Moore, Community Safety and Anti-Social Behaviour Officer to the meeting.

Members noted the current priorities of the East and Mid Devon Community Safety Partnership for 2016/2017 and additional priorities for 2017/2018. The report outlined the Partnership projects and initiatives, in place and planned, to achieve these priorities.

Committee members were invited to attend the Partnership's Annual Conference at Broadclyst Victory Hall on 5 April – this year Alison Hernandez, the Police and Crime Commissioner would be speaking at the event.

Gerry Moore advised that there was a legal responsibility for the work of each Community Safety Partnership across the county to be subjected to a scrutiny process but the current joint arrangement with Mid Devon was proving ineffective. He suggested that as an alternative, the Community Safety Officer for each authority report direct to meetings of the Scrutiny Committee – either six-monthly or annually - with reports focusing on East Devon.

Issues raised by members of the Committee included:

- The Parishes Together Fund had supported the funding request for a hard-hitting play called Chelsea's Choice about child sexual exploitation to be performed at the eight secondary schools across the district.
- Boy-racers continued to be a problem in Exmouth. Although they were not always breaking the speed limit, the high revs and noise were generating on-going public complaints. A speed awareness group would be supported by the Police but only in daylight hours for safety reasons. Gerry Moore advised that the Council had been requested to impose specific public spaces orders to help tackle the issue as this would give the police greater powers to act. Cabinet had already supported the request; the next step was public consultation. The police had not been made aware of a greater increase in incidents of boy-racing but suggested that there could be under-reporting. He believed that a volunteer group would be helpful.

Chief Inspector Sarah Johns acknowledged the police resource issue but confirmed that a full team of officers was working across the district throughout the night. She also acknowledged the depth of feeling in respect of boy-racers and that the police would benefit from the public space restriction orders. The Chief Inspector advised that she would investigate support that could be given to a speed-watch group in Exmouth and possible training.

The Chairman thanked Gerry Moore and Chief Inspector Sarah Johns for their attendance and contribution.

RESOLVED that the Council's Community Safety and Anti-Social Behaviour Officer be invited to meetings of the Scrutiny Committee on a six-monthly basis to present his report on community safety activity within East Devon.

***53 Scrutiny Forward Plan**

The forward plan was noted. The following comments were made:

Manor Pavilion car parking arrangements – being referred to April Cabinet.

NHS Property Services – correspondence had been received – the Chairman would continue to push for representatives to address a future meeting.

New Devon Clinical Commissioning Group – useful update was needed.

Thelma Hulbert Gallery – progress – Officer advice was that this was not an appropriate item for this Committee.

Local Plan – processes – Officers had advised at a previous meeting that this was not an appropriate issue for the Scrutiny Committee; site identification had now gone through the Strategic Planning Committee. However, issues around the call for sites may need to be considered.

Sports Club rents – on-going issue. Cabinet was discussing the Playing Field Strategy – as Scrutiny was retrospective, it was unable to deal with this on-going issue. The Sports Champion was working with Officers on this matter.

Possible charging organisers for Streetscene clean-up after events had been discussed at the joint meeting of Scrutiny and Overview Committees in January. Charges needed to be fully assessed and balanced with the economic benefits from staging the events. This possible new charge would not be introduced in April this year but would be reviewed for possible inclusion in the future - it would be an Overview Committee matter until a decision was made.

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

Scrutiny Members present:

Roger Giles
Alan Dent
Dean Barrow
Maddy Chapman
Bruce de Saram
Cathy Gardner
Simon Grundy
Marcus Hartnell
Bill Nash
Cherry Nicholas
Darryl Nicholas
Val Ranger
Marianne Rixson

Other Members

Megan Armstrong
David Barratt
John Dyson
Peter Faithfull
Dawn Manley
Tom Wright

Officers present:

Jaye Lambe, Service Lead – Regeneration and Property
Anita Williams, Principal Solicitor
Diana Vernon, Democratic Services Manager

Apologies:

Jill Elson

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 9 May 2017

Attendance list at end of document

The meeting started at 6.00pm and ended at 7.54pm

***54 Public speaking**

Alderman Graham Liverton reported to the Committee the decision made to withdraw officer support for the Manor Pavilion Theatre Management Steering Committee. He felt this was because of the disagreement over the Manor Pavilion Car Park becoming a pay and display car park. He made reference to an earlier Portfolio Holder decision relating to Sidmouth and a concession to sell coffee, citing this as another example of a lack of consultation with local users and Members. He felt that the Council had acted in an arrogant fashion with poor communication, and concluded that the East Devon Alliance would agree with his view.

***55 Minutes**

The minutes of the Scrutiny Committee held on the 30 March 2017 were confirmed and signed as a true record.

***56 Manor Pavilion Car Park**

The Chairman, along with five other members of the Scrutiny Committee, had requested a call-in of the Cabinet decision of 5 April 2017 “that public pay and display parking in Sidmouth’s Manor Pavilion car park be offered”. The Chief Executive had determined that the call-in was not valid and the Chairman explained to the committee the reasons given.

The committee still had the opportunity to discuss the issue and put forward a representation to the parking places order before a formal variation to the order is made.

The Strategic Lead Housing, Health and Environmental, and the Service Lead Countryside & Leisure, outlined the process undertaken to date in reaching the proposal to make the car park pay and display. Officers were proud of the culture offer available and wanted to maintain and enhance that offer for the benefit of residents and visitors alike. As part of the Council’s agreed transformation strategy, this had to be balanced with the need to manage assets well – leaving income from the car park to go towards the costs of the Theatre. There would be a statutory consultation period on the parking places order, and comments made would be taken into account, including the debate at this meeting.

Local Ward Members for Sidmouth outlined their concerns on the proposal. Whilst most were in agreement with the principle of charging for the car park, they felt that charging after 6pm was out of line with surrounding car parks. There was also some dispute about when, and whom, were consulted on the proposal prior to the draft budget meeting of the Overview and Scrutiny Committees in January, or indeed after that. There was also some dispute about how heavily the car park was used. Concern was raised that introducing a charge would reduce the number of users, which would ultimately be counter-productive.

Officers outlined the practicalities and considerations of the car park becoming pay and display, including:

- Direct email contact with relevant Ward Members;
- Some discussion already undertaken at the draft budget meeting;
- Changing the initially proposed three hour maximum stay to four hours, following a comment about the impact on visitors to matinee performances;

- Better management of the car park to prevent local residents, shoppers and beach users using the carpark to the detriment of theatre users, for which the car park was intended;
- Better use of a council asset to provide an additional income stream to the Theatre.

Debate covered:

- Doubts by some Members that fees would be paid after 6pm when other free parking was available in relatively close proximity, both on and off street;
- Some expenditure was required initially for resurfacing, lining and the installation of a ticket machine. Calculations on the expected income had been made based on income from other car parks in the town, and the recent change to pay and display for a Beer car park – reaching a professional estimate at £1000 per space per year;
- Raising income through the car park would provide another income stream to the Theatre to be put towards the maintenance and development of the site, helping to relieve some of the subsidy by the taxpayer in running the theatre;
- Annual permit holders could use the car park for the maximum stay, but officers felt it was unlikely that the car park would be taken up entirely by such users;
- Users unable to walk from the other car parks in the area could park directly outside the venue on the single yellow line, provided they could display a blue badge or it was after 6 pm; no disabled user spaces had been designated in the redesign of the layout of the car park;
- Concern that a mixed use of the site for both public cars and delivery lorries would not be practical; the Theatre Manager outlined the proposed new layout of the car park, including two access points, to give confidence that the car park could operate effectively;
- The car park already had a sign to make clear that the car park was for theatre users only;
- Ward Members were made aware through emails in March of this year of the detail of the proposal; as well as the opportunity to comment at Cabinet on 5 April 2017;
- Look at practicalities of clamping to deter misuse of the car park;
- Some Members felt the existing Steering Group should remain as a group supported by Council Officers, despite being advised that the group could continue in its own capacity and report to the Arts and Culture Forum;
- Look again at a joint ticketing venture; this was cautioned against because of the impact that would have operationally on the Theatre Manager, having to act as a car park attendant when his role is to manage the operation of the theatre.

RECOMMENDED that

1. The Manor Pavilion Car Park fee paying charges only apply up to 6pm;
2. Endorse the maximum stay for the car park at four hours;
3. Officers are reminded that there must be early consultation with the local ward member(s) and the relevant town or parish council for any significant service change that affects a local community.

***57 Mental Health Services for East Devon**

The Chairman of the Honiton Hospital League of Friends and the Honiton Dementia Action Alliance, Heather Penwarden, spoke with the Committee on her background and current role. She asked Members to consider the current state of mental health services in the district. This request was as a result of the recent closure of 'the Haven', Honiton, run by MIND and the transfer of the East Devon Community Mental Health Team from Honiton to Exeter. Discussion on mental health was particularly relevant in Mental Health Awareness Week.

Mrs Penwarden outlined the issues brought to her attention in two separate approaches – one through an existing service user with a long term condition who was directly affected by the closure of “The Haven”; and one a service professional, on the change from local service assessment to a centralised service. Both cases highlighted the negative impact on both existing service users and those to be assessed in two clear ways: the loss of a community feel drop-in centre, leading to a lack of social contact that adversely affected the patient; and the negative impact of travelling, for some great distances, that may not be possible both financially and emotionally.

The committee discussed the importance of mental health services being easily accessible and properly funded. Discussion included:

- Links to recent decision to close local hospital inpatient beds;
- Need to ensure that Devon County Council’s Health and Wellbeing Scrutiny Committee were examining the funding and transformation decisions made on mental health services;
- Similar examples elsewhere in the District, including the removal of self-referral for ongoing treatment which impacted adversely on recovery for the patient;
- Belief that the impact of centralising service provision will only make patients unwell, because of the removal of the social and community feel of drop-in centres.

RESOLVED

1. that the Committee regrets the recent closure of “The Haven” and would have wished to see alternative local services to be established before its closure;
2. that the Chairman write to the appropriate Portfolio Holder, at Devon County Council, to advise that the Committee wished to debate the current state of mental health services in the district and ask him and officers to attend, giving him the chance to respond; and this includes a request for officers to attend from the Devon Partnership Trust to cover the two funding streams that cover mental health services;
3. that the Chairman write to the new Chairman of the Health and Wellbeing Scrutiny Committee to advise of the Committee’s intended debate on mental health service issues in the district and invite his attendance to respond in respect of the allocation of resources for health services.

The Chairman thanked Heather Penwarden for her useful insights, and pledged to continue pursuing both health and social services to attend a future meeting for further discussion, on what is an important issue for the District.

***58 New Devon CCG decision on reducing community hospital inpatient beds**

The Chairman had requested the Chief Operating Officer of the NEW Devon CCG to attend the meeting, in light of the recent decision by the CCG on bed closures. The officer was unable to attend but had agreed to update the committee at their next meeting on the 22 June 2017.

***59 Draft Scrutiny Annual Report to Council**

The draft report presented will be updated to reflect the final meeting of the civic term. A request was made to number the paragraphs; other comments made would be taken into account and the final report agreed by the Chairman and Vice Chairman.

RESOLVED that the report be finalised by the Chairman and Vice Chairman on behalf of the committee, taking into account comments made at the meeting, prior to submission to Annual Council.

***60 Scrutiny Forward Plan and suggestions to scope**

The committee's forward plan was updated at the meeting to include an update from the New Devon CCG on the 22 June 2017 meeting. Broadband (including mobile phone coverage) updates would continue.

Topics put forward for scoping were:

- review of the procurement approach agreed by the Housing Review Board at their meeting of 9 March 2017;
- How sites are put forward for the Local Plan or for future plans, such as the GESP;
- Building regulation limits of internal room sizes; in particular for houses of multiple occupation;
- Multiple consultation examples had been considered previously by the committee, but the consultation process still remained a guide and not a policy;
- The role of the District Councillor in communication with local town or parish councillor in dissemination of information from a district level (as linked to consultation on changes in service provision or charges that impact at a local level).

A request was made to make contact with the Local Government Association with a view to establishing what was expected of scrutineers. The Lead Councillor for Member Development, Councillor Maddy Chapman, offered to work with Democratic Services on future training for the committee.

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

Scrutiny Members present:

Roger Giles
Alan Dent
Dean Barrow
Maddy Chapman
Bruce de Saram
Cathy Gardner
Simon Grundy
Cherry Nicholas
Val Ranger
Marianne Rixson

Other Members

Megan Armstrong
David Barratt
John Dyson
Peter Faithfull
Phil Twiss
Pauline Stott
Geoff Jung
Brian Bailey
Stuart Hughes
Rob Longhurst
Tom Wright

Officers present:

John Golding, Strategic Lead Housing, Health and Environmental
Charlie Plowden, Service Lead Countryside and Leisure
Graham Whitlock, Manor Pavilion Theatre Manager
Giles Salter, Solicitor
Sue Howl, Democratic Services Manager
Debbie Meakin, Democratic Services Officer

Apologies:

Marcus Hartnell
Bill Nash
Darryl Nicholas
Colin Brown
Jill Elson

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 22 June 2017

Attendance list at end of document

The meeting started at 6.02pm and ended at 8.49pm. Cllr Maddy Chapman acted as Vice Chairman for the meeting, in the absence of Cllr Alan Dent.

***1 Public speaking**

Mr Paul Arnott requested that the committee consider their capacity to consider the role of the Returning Officer in the process of all elections. He listed a number of issues in the election process and made reference to the issue of postal votes at the most recent Parliamentary election without an official mark. He made reference to media reports and a report by the Electoral Commission which he felt warranted the committee to examine the process. The Chairman agreed to consider this request under item 10 of the Scrutiny Forward Plan.

Other public speakers present requested to speak before item 8 on the agenda relating to the NEW Devon CCG decision on inpatient beds.

***2 Minutes**

The minutes of the Scrutiny Committee held on the 9 May 2017 were confirmed and signed as a true record.

***3 Declarations of interest**

Councillor Cherry Nicholas declared a personal interest for minute 5: her son works for the NEW Devon CCG.

***4 Matters of urgency**

The Acting Vice Chairman commented on the valuable training presentation that had been provided the previous evening, on modern day slavery. She raised a concern that no council officers were present at that meeting, and would discuss further under item 10 Scrutiny Forward Plan what further work needed to be undertaken.

***5 NEW Devon CCG decision on inpatient beds consolidation**

The Chairman welcomed Dr Simon Kerr, who currently chairs the Eastern Locality of the NEW Devon CCG; and John Finn, Deputy Chief Operating Officer for Planned Care and Programmes, who was attending on behalf of Rob Sainsbury.

Mr Finn briefly outlined the CCG view, following their attendance at the Health and Adult Care Scrutiny Committee of Devon County Council (HACSC), that the CCG had presented the necessary evidence in the consultation documents; and that agreement had been made at that meeting on 19 June 2017 that the CCG would work with the HACSC with a further meeting scheduled for the end of July. He reiterated the financial challenges facing the NHS and acknowledged that they had to make unpopular choices, but it was no longer possible to ring fence elements of the service; however no bed closures would be made until the new method of care was in place.

Dr Kerr briefly outlined the work currently being undertaken through reference meetings that were drawing up the implementation process, and the work of the implementation

assurance panel in assessing the impact the changes would have, along with a check on the gateway questions as set out in the business case.

Martin Shaw, Devon County Councillor for Seaton, spoke about the evidence provided for the decision made. He felt that this was inadequate, in particular in relation to the ageing population, and he circulated some data for the committee to illustrate this. There was also no clear link to estates management. Evidence from constituents indicated that implementation was already underway as hospital beds were being run down. The late change from closures at Sidmouth to Seaton also needed to be questioned, as this impacted on a wide area of the District, including Axminster who had been given assurance that their hospital bed closures would be managed by the retained beds at Seaton.

Gillian Prichett, a resident of Honiton, expressed her view that the care at home method does not work. She outlined the detail of her mother's case, and explained the impact of the use of carers and the shortage of such carers. She felt there needed to be a more robust model. She also stated that she felt implementation had already begun and was dissatisfied with how the HACSC had dealt with the issue on the 19 June.

Stephen Craddock a member of the Hospital Services Honiton Steering group, stated he felt disillusioned with the political process after witnessing the HACSC meeting on 19 June. He also commented that he felt there was inadequate evidence for the decision, and felt the impact for future years was severe. He commented on the lost battle to retain Honiton hospital beds, but asked if the CCG could consider the provision of other services in the space at Honiton that the removal of those beds had created, therefore relieving some of the pressure on RD & E.

Paul Arnott, speaking as a resident of Colyton, questioned whether the financial savings that the CCG had quoted could be made with the move to a new model of care. He recounted his own experiences in medical care and told the committee that avoiding muscle wastage required occupational and physical therapy, not care at home. He stated that local doctors vehemently opposed the decision.

The Chairman requested to hear from local ward members before opening debate for the committee. They raised the following points:

- Consultation should be undertaken at a formative stage, and as wide ranging as possible;
- Advice and guidance from a number of professional sources, including local GPs, was being ignored by the CCG;
- Evidence suggested that referrals were deliberately cut to show low occupancy of targeted hospitals for bed closure;
- No clear evidence of clinical results of the proposed new model of care;
- The proposed changes were disrespectful to the elderly; money spent on nursing agencies would be better invested into convalescent homes;
- The CCG should look to the local community to help develop solutions for future care;
- Patients actively sought community hospitals in preference to being at Exeter, particularly because of transport issues;
- The proposals presented a short term strategy and would fail in the medium to long term.

The Chairman of the Council spoke with regard to the decision to close beds at Seaton, with an Axminster perspective. He, among others, had considered carefully the data presented and believed the decision is still not supported by a balanced examination of

the inequality decision criteria, contained in JSNA profiles, that the CCG confirmed had been used.

The main weakness in the data was that some areas of population were not included in the comparison despite being close by and which were placed in Seaton Town in the Devon JSNA Community Profile 2016. Axminster was also not included. This is surprising given that on more than one occasion the CCG and NDHT declared during the consultation on the closure of the Axminster Hospital beds that Axminster had not lost these beds; they had instead been relocated to Seaton.

The Axe Valley Hub Steering Committee, of which the Chairman of the Council is a member, has been asked to lend its weight to a Judicial Review against the decision to close Seaton beds. However, in spite of the concerns about the veracity of the data used to form the decision, the Steering Committee have decided not to do so, as they believe that scarce NHS resources should not have to be used to defend this decision. Instead, the Steering Committee want to see all available resources being committed to the Axe Valley to support the introduction of the New Model of Care.

During a workshop attended by members of the Steering Group at Seaton Hospital, a number of areas of concern were identified – not least end of life care in the Axe Valley. This is particularly relevant given the ageing population of this part of Devon. An ageing population affects the whole of the County but the 2016 ONS figures for the 29 Devon Market and Coastal Towns describe Seaton as having the biggest proportion of people aged 65 and over at 40% and Axminster equal third with 31%, contrasting with a Devon town average of only 25%. In addition to the concentration of ageing people in the Axe Valley it has been acknowledged that Axminster, given its geographical location, requires additional attention as part of implementation planning for the changes.

The Steering Group believe that the Hub (more recently referred to a Health and Wellbeing Centre) is vital to the delivery of the new model of care for the community and planning has been under way for the past 18 months to make this a reality. Despite NDHT declaration of support for the Hub initiative, there has been no real progress to date. However, with the contract having passed to RD&E they are now more confident in the successful development of the Hub which could provide a dedicated comprehensive assessment facility, based in Axminster, to inform the single point of access and rapid response concept. The retention of inpatient beds in Seaton is central to this concept. The Group had a meeting recently with Angela Pedder and Neil Parish, who in particular has shown great interest in and is lending his support to the establishment of the Hub.

The committee then questioned the CCG representatives, including:

- How many additional staff would be required to deliver the new model of care? In response, Mr Finn explained that the RD&E, as provider, will present to the CCG what level of staff would be required but this figure was not known at present and he could not give the Chairman any indication of the scale of staff, other than that it would be more than the current level;
- In response to a supplementary question on this, in how costs could be accurately calculated for the new model of care if staffing levels were not known, Mr Finn responded that the model in use at North Devon provided evidence of the cost;
- Staffing was already an issue for health services with national shortages. The Chairman asked the CCG if it was confident that the necessary number of staff for the care at home package could be recruited, particularly in view of Brexit. He quoted a report that showed that the number of European Union nurses coming to work in the UK had fallen by 96% post Brexit (1,304 in July 2016; 46 in April 2017);

Dr Kerr commented that the work of their reference group and implementation assurance panel would check to ensure that enough staff were in place before implementation;

- Evidence of four cases of discharge of patients with no package of care in place was presented to the CCG representatives; Mr Finn advised he would need details of those individuals to look into why that had occurred;
- Examples of the benefits of implementing the new model were requested; in response Dr Kerr outlined the community connect telephone service that was already in operation whereby a GP or community nurse could expect a response in two hours. He explained that additional community nurses and therapists were already in place;
- In response to concerns raised about time permitted to carers per patient, from personal experience, Dr Kerr reiterated that the current system needed to change as it would only get worse and increase the risk to patients; the new model would free up resource to provide the new model of care;
- The Chairman questioned the figure quoted of 64% of community beds where patients could be looked after at home, when another published figure was 47%. In response, Dr Kerr explained that the 47% was a figure calculated by the Northern Devon Healthcare Trust; the RD&E on as the current provider had calculated 64% on their audit;
- The Chairman and others asked questions relating to the use of carers, including the percentage of patients who would be able to be cared for in the community. Members felt that the care at home model and the use of carers were inextricably linked, and that models used elsewhere would not reflect the rural issues faced by carers of travel times and costs. Despite these questions being pursued, the CCG representatives would not respond on those questions as they deemed these related to the provision of social care provided by Devon County Council (DCC) and therefore should be responded to by them, not the CCG. They did confirm that they work closely with their partners at DCC and were confident that the county had stringent checks in place for carer services provided, including those from private contractors;
- Evidence of implementation already underway had been provided by a number of constituents to their ward members, and therefore considerable indignation at the response that the representatives were not aware of deliberate actions to prevent bed usage at the hospitals set for bed closures;
- In response to a question about what happens to those hospitals once the beds are removed, Mr Finn responded that there was no list of hospital closures – if a property became surplus, it had to be signed off by the CCG as being so. In pushing this point, the Chairman sought to establish, at the point that the CCG made this determination who they informed. Mr Finn could not respond but did state that he would check and report back.

At the end of the debate, Dr Kerr reiterated that current care levels would only get worse if no action was taken, and that no beds would be closed until implementation was confirmed as safe and in place to deploy.

RESOLVED that:

1. The Committee reiterates its strongly held view that the existing level of community hospital beds in East Devon should be retained, and that there should be no further closure of community hospitals in East Devon;

2. The Committee expresses its great concern at the proposed drastically reduced level of hospital beds in East Devon, particularly in view of general population growth projections, and projected increases in the population of elderly people - already some of the highest levels in the country;
3. The Committee is greatly concerned that the NEW Devon CCG decision, if implemented, would result in no community hospital beds east of Sidmouth, which would leave residents in a huge swathe of rural East Devon remote from the nearest hospital facility and with poor public transport connections to the nearest hospital;
4. The Committee is greatly concerned that evidence of satisfactory replacement care services, and detailed financial costings, has not been provided by NEW Devon CCG, despite being requested to provide such information by the Devon County Council Health and Wellbeing Scrutiny Committee on 7 March 2017, and by East Devon District Council Scrutiny Committee on 24 November 2016;
5. the Committee is greatly concerned that NEW Devon CCG appears determined to press ahead with closure of beds and hospitals in east Devon, despite lack of evidence to justify closure and establishment of care at home services;
6. the Committee is still of the view that the comparison to Northern and Western Devon areas is unfair as the demographics are not the same in Eastern Devon;
7. the Committee agrees to write to the Devon County Council Health and Adult Care Scrutiny Committee, urging it to refer the NEW Devon CCG decision to the Secretary of State for Health, because of a lack of assurances or evidence of the practicality of the proposals;
8. the Committee agrees to write to the Devon County Council Health and Adult Care Scrutiny Committee, urging it to refer the NEW Devon CCG decision to the Secretary of State for Health, as a matter of urgency, as it is concerned that lack of early submission will result in NEW Devon CCG going ahead with its unpopular, unjustified and damaging proposals;
9. the Committee includes in that letter a reiteration of seeking from the CCG that other health services such as the Minor Injuries Unit and maternity unit in Honiton remain 'ring-fence' protected for a period of time to be determined, before review in 3 years.

The Chairman thanked Mr Finn and Dr Kerr for attending and answering questions; he also thanked the Committee for their robust debate.

***6 Quarterly monitoring of performance fourth quarter 2016/17**

The Committee considered the published report. Some council actions and performance indicators were highlighted by the Democratic Services Officer to the committee, including:

- To note the success of the first phase of the roll out of the new recycling and waste collection contract, with Exmouth recycling rate improving from 44% up to 60%; the committee would receive an update in September on the implementation of the full roll out;
- Beach Safety officer post showing as vacant would be filled from 3 July;

- Percentage of council tax collected has improved and exceeds target for the final quarter, following a slip below in target the previous quarter; the percentage of non-domestic rates collected has also improved to exceed target.
- Planning appeal decisions allowed against the authority's decision to refuse shows concern for last quarter. Work is already underway to assess what can be learnt from those and a report will go forward to the Strategic Planning Committee on this issue on 11 July, confirmed by the Chairman of Development Management who was present at the meeting. He outlined his views on why these anomalies had occurred, and assured the committee that appeal outcomes were reported back to the Development Management Committee to keep them up to date;
- Random vehicle checks have previously been flagged up as a perennial problem over the years and previously discussed at Scrutiny on a few occasions – this approach has now been revised to target specific vehicles of concern and the service is now fully staffed, leading to a dramatic improvement in performance;
- Percentage of other planning applications determined within 8 weeks – showing improvement and some notes there on improvements to the service being trialled – The Service Lead for Planning Strategy and Development Management is due to come to the committee with the improvements report;
- Red indicator for days taken to process housing/council tax benefit new claims and change events – month of March has seen high volume of calls to service, following sending out of bills and housing benefit letters, which then impacts on the team capacity to process claims. Steps are taken every year to prepare for this busy time and the Council continues to be one of the top performers in dealing with claims in the country, but this has been flagged up for Cabinet to monitor and the staffing level at predicted busy times is under review;
- To note that the Thelma Hulbert Gallery has exceeded its target of 10,000 people to see the exhibitions – they have reached 11,684.

In addition, the Committee discussed concerns in light of the recent Grenfell fire; the Portfolio Holder for Sustainable Homes and Communities outlined work undertaken by the environmental health teams on council housing and the robust checks undertaken in tendering for work to such properties. Housing Review Board had received a report on this issue at their meeting on the 15 June 2017 and a review of such materials in social housing was in immediate effect.

***7 Scrutiny Forward Plan**

In response to the request by Mr Paul Arnott, the Solicitor present advised the committee that current legal assessment is that the remit of the Scrutiny Committee does not extend to Parliamentary elections, which is the remit of the Electoral Commission. With District and Town/Parish elections being funded locally, there is scope for the committee to look at how local elections are run, but this needs to be a decision by the committee to decide:

1. if they want to scope that topic as being in the public interest to do so, and
2. what reasons there are for reviewing how they are conducted.

The Chief Executive has already indicated that there are two priority areas he is addressing following the Parliamentary Elections – firstly to ensure that the elections team get back to a full staffing level; and secondly to review the delineation of the polling places and provide clear guidance on where campaigning can and cannot take place on the day of poll. He will report to Cabinet on this in due course, so there is an opportunity for the Scrutiny Committee to look at any decision made by Cabinet on that review.

In discussions the Committee made reference to some examples of the process that they had experienced and felt that it was right to put the subject to scope for the local elections, particularly because there had been complaints about the postal vote issue on two elections. The Democratic Services Officer asked for committee members to provide her with evidence to support the examples given, which would be considered in the scoping process.

Members also felt that a follow up report on modern day slavery, in terms of how officers of the council may discover such slavery, and how they should report it, should go to their next meeting in July.

Broadband and mobile phone coverage would be added and remain as a standing item, scheduled in as and when progress had occurred to report.

The Chairman reminded members that the next meeting in July would cover the East Devon Citizens Advice work.

Other topics suggested at the previous meeting were still to be scoped and a report will be made back to the committee on what topics could proceed.

RECOMMENDED to Cabinet that the Chief Executive's pending report to Cabinet on his two priority areas after the Parliamentary Election includes explanation of the postal vote issue of 25 May 2017 that did not have an official security mark visible on the front of the ballot paper.

RESOLVED to scope a review of the election process for local elections; add a follow up report on Modern Day Slavery to the July meeting; and retain Broadband and mobile phone coverage as a standing item on the Scrutiny Forward Plan.

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

Scrutiny Members present:

Roger Giles
Dean Barrow
Maddy Chapman
Bruce de Saram
Simon Grundy
Cherry Nicholas
Val Ranger
Marianne Rixson
Eleanor Rylance

Other Members

Megan Armstrong
David Barratt
John Dyson
Peter Faithfull
Geoff Jung
Brian Bailey
Mike Howe
Iain Chubb
Andrew Moulding
Paul Carter
Mark Evans-Martin

Dawn Manley
Helen Parr
Mike Allen
Ben Ingham
Susie Bond

Officers present:

Giles Salter, Solicitor
Debbie Meakin, Democratic Services Officer

Apologies:

Alan Dent
Bill Nash
Cathy Gardner
John O'Leary
Tom Wright
Stuart Hughes
Phil Twiss

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Overview Committee held at Knowle, Sidmouth on 28 March 2017

Attendance list at end of document

The meeting started at 6.00pm and ended at 8.06pm.

***20 Public speaking**

There were no public speakers at the meeting.

***21 Minute confirmation**

The minutes of the Overview Committee held on the 29 November 2016, were confirmed as a true record.

***22 Declarations of interest**

Councillor Peter Faithfull

Minute 23

Personal Interest – Member of the Arts and Culture Forum

Councillor Ian Hall

Minute 23

Personal Interest – Chairman of Cloakham Lawns Sports Club

Minute 24

Personal Interest – Employed by Pritchard Patent Product Co Ltd

***23 Culture Plan 2017 - 2022**

The Service Lead, Countryside & Leisure presented the report that set out the purpose of the Cultural Plan and the cultural activities, which East Devon DC was both promoting and supporting across the district. The report illustrated how cultural activities play an important role in helping to deliver the Council's health and wellbeing agenda, the promotion of its outstanding natural environment and how culture can help support the local economy. The report and Cultural Plan clearly demonstrated how cultural activities could make a difference to the way people lead their lives, engage with the environment and develop civic pride. Income generation was very important as well as the capacity to deliver new cultural programmes once long term financial planning was secured.

During discussions, the following points and questions were raised:

- Should libraries be included within the Plan?
- Industrial culture needed to be highlighted e.g. Honiton Lace and Axminster Carpets
- Culture could bring in additional income. The Arts Council would fund heritage projects
- Provide cultural opportunities for young people so they could engage
- More information on the coast and its capacity to provide culturally
- The outdoor environment was to be used within the school curriculum –presently very topical and relevant
- The need for a decent website/webpage to promote this properly
- Not just about culture, the health and wellbeing agenda should not be underestimated
- Encourage Town Apps – would be useful for visitors to access information

Charlie Plowden and his team were thanked for their hard work in promoting culture and tourism alike.

RESOLVED:

that the Overview Committee endorses the cultural activities within the Cultural Plan which sets the vision and ambitions for the Council's future engagement with culture within the district.

***24 East Devon Local Economy**

The Deputy Chief Executive updated Members with an overview on the development of a new economic intelligence report called All Business Great and Small, The East Devon Economy Report. The document gave an update on the district's local economy, recent key achievements, progress of current projects and provided a forward look to what projects were in the pipeline.

During discussions, the following points and questions were raised:

- Productivity nationally was the lowest in Europe but key to future prosperity
- Broadband in rural areas was essential for productivity
- The need to encourage creative businesses not just service industry jobs
- Small businesses need to be aware of the support that was available to them
- Two thirds of the businesses were in rural areas, could analysis be gathered to cover this?
- EDDC should offer advice and guidance within schools – to support its future residents
- The need to promote the right industrial premises in the right areas
- Productivity means increasing the wealth for future generations
- How to measure productivity where the dominant sector was the service industry. It was important to ensure that the correct measures were being used.

The Portfolio Holder Economy welcomed a further economy report in order for discussion and debate to be taken forward.

Members consider the content of this report and Appendix 1 and **RECOMMENDED** to Cabinet:

- a. the report formed the basis of an Action Plan and further work to confirm the priorities, projects and financing arrangement for a future pipeline of Local Economic Development activity,
- b. a report be submitted to Cabinet to agree the direction and detail of the Council's Local Economic Development activity to include rural economic development,
- c. a report was presented in Autumn 2017 as part of the preparation of a future Economic Development Investment Plan for the Council within the overall budget planning for 2018/19 onwards.

***25 Housing Delivery Task and Finish Forum final report**

Members considered the final report presented by the Chairman of the Forum, Councillor Ian Hall. A national shortage of housing had been recognised for some time, but more recently brought to the forefront following the publication of the Housing White Paper on 7 February 2017. This set out how to reform the housing market and boost the supply of new homes in England.

Whilst this district had seen houses built, of most significance in scale in the new town of Cranbrook, demand still outstripped supply. Of particular concern was the proportion of affordable units that had dropped against the total number of house completions. The cost of getting onto the property ladder in the district continued to rise. This impacted on the demographics of the district further, with young people being unable to secure a home in the area of their choice.

During discussions, the following points and questions were raised:

- EDDC officers should be responsible for inspecting new developments of its own houses to ensure high standards
- Lead by example in building quality
- Little support from developers during the TAFF process

The Chairman of the Forum wished to thank John Golding, Ed Freeman and Debbie Meakin for their valuable support.

RECOMMENDED to Cabinet:

The Forum had recommended the following, based on the interviews, findings and consultation.

- (1) that Overview welcomed the Cabinet decision to support the proposal for establishing a Local Housing Company for the Council, as a means of delivering more housing;
- (2) that Council continue to maintain as a priority the delivery of affordable homes in its Council Plan;
- (3) that Cabinet ask relevant officers to undertake further research into the financial model of affordability, considering new practices emerging in other local authorities, to report back to the Overview Committee;
- (4) that Cabinet ask relevant officers to look at means of attracting other registered providers to the District in order to have a wider choice of providers than the dominant Devon and Cornwall Homes (DCH);
- (5) that Council explore how it could better support existing Community Land Trusts, and help bring forward new Trusts, through using partner organisations such as the Wessex Community Housing Project, and regular promotion of successful projects;
- (6) that Cabinet explore investment into property as a means of better financial return on reserves;
- (7) that the forthcoming District Design Guide (under the adopted Local Plan) was developed not only to improve the quality of new buildings, but to be innovative in seeking high quality of design, sustainability, and build, in order to drive a higher quality of planning applications submitted;
- (8) that consideration be given to encouraging the use of off-site manufacture for both developers in the area and for those interested in self-build;
- (9) That Council ensures a robust response to the government on the Housing White Paper including a request for a more coherent national housing policy; a return to a grant providing scheme of funding to stimulate growth; and practical solutions to deliver more diversity in the housing market.

Attendance list

Councillors Present:

Graham Godbeer (Chairman)

Ian Hall (acting Vice Chairman)

Peter Faithfull

Matt Booth
Rob Longhurst
John Humphreys
Mike Allen

Councillors Also Present:

Pauline Stott
Paul Diviani
John O’Leary
Brian Bailey
David Barratt
Phil Twiss
Andrew Moulding
Phil Skinner
Douglas Hull
Tom Wright
Jill Elson

Officers

Mark William, Chief Executive
Richard Cohen, Deputy Chief Executive
Henry Gordon Lennox, Strategic Lead – Governance and Licensing
Charlie Plowden, Service Lead – Countryside & Leisure
Ed Freeman, Service Lead - Planning Strategy and Development Management
Jay Lambe, Service Lead – Regeneration and Property
Alison Hayward, Senior Manager – Regeneration and Economic Development
Drew Aspinwall, Economic Development Manager
Lynsey Lawrence, Funding and Research Officer
Amanda Coombes, Democratic Services Officer

Councillor Apologies:

Pat Graham
Alan Dent
Geoff Pook

Officer Apologies:

John Golding, Strategic Lead - Housing, Health and Environment

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Housing Review Board held at Knowle, Sidmouth on 15 June 2017

Attendance list at end of document

The meeting started at 2.30pm and ended at 4.10pm.

***1 Public speaking**

There were no questions raised by members of the public.

***2 Appointment of vice-chairman**

The Chairman welcomed all those present to the meeting and invited everyone to introduce themselves. The Chairman congratulated Amy Gilbert, Property and Asset Manager on the birth of her baby boy.

Nominations for Vice Chairman were received for co-opted tenant member Pat Rous.

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

***3 Minutes**

The minutes of the Housing Review Board meeting held on 9 March 2017 were confirmed and signed as a true record.

***4 Declarations of Interest**

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

Joyce Ebborn: Personal interest – housing tenant.

Pat Rous: Personal interest - housing tenant.

***5 Urgent item – fire precautions**

Following the terrible Grenfell tower block fire in London, the Strategic Lead - Housing, Health and Environment reported that all responsible landlords would be double checking their fire safety procedures and practices. Compliance with all safety requirements was a priority for EDDC as a landlord, including fire safety, and there were Fire Risk Assessments (FRA) and procedures in place to keep tenants safe. There was the need to be constantly vigilant when it came to fire risk and never become complacent. He reassured the Board that premises and fire evacuation procedures were constantly checked.

There was a programme of undertaking FRAs, identifying any works needed and undertaking those, as well as ensuring tenants knew what to do in the event of a fire. Although there were no tower blocks in the housing portfolio, the Council did have flats, community centres and communal stairs that required proper protection, signage, emergency lighting and fire alarms. There was a zero tolerance approach to possessions and obstructions in communal areas, which was sometimes controversial with tenants, but recent events showed that this element of fire precaution work needed to be rigorously enforced. This advice had been reinforced the previous day in a Devon and Somerset press release following the London fire.

The Housing Review Board last received a fire safety update in September 2015. Following current assurance checks, these would be reported back at the next Board meeting.

The Portfolio Holder – Sustainable Homes and Communities suggested that a letter be sent to residents of the Grenfell tower block, on behalf of the Housing Review Board, expressing their sympathy and hopes that they got all the help they needed as soon as possible.

***6 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.

***7 Procurement of the housing responsive repairs and works to void properties contract**

In January 2017 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 Strategic Lead – Housing, Health and Environment's report updated the Board on the progress with work on preparations to renew the housing responsive repairs contract. A project team, consisting of officers, two councillors and a tenant had been working with the appointed consultants echelon to scope the market and assess the current approach to procuring a repairs service for tenants, and work to bring void properties up to a lettable standard. The echelon report was valuable and comprehensive. It usefully identified the strengths in the existing contractual arrangements and service delivery, and areas where service to tenants could be improved.

The echelon report listed several delivery options for consideration, but recommended two specific options for attention, and outlined the advantages and disadvantages of each:

- Option A – outsourcing to a single provider (outsourced).
- Option B – a wholly owned subsidiary model (WOS).

Both solutions would have the capacity to deliver the desired service. The key difference was that the WOS model would drive a different culture in the delivery of the service through the development of an entity with no traditional client/contractor function. The report proposed that going forward there was an 'EDDC core repairs' offer.

The three key drivers for taking the service forward were:

- Greater control over the service
- Cost savings and efficiencies
- Incentives for service improvement

Echelon also proposed the 'price per property' (PPP) and 'price per void' (PPV) model, which built on a fixed price per property for repairs/voids (with a list of what was and wasn't included within this). There would also be a budget for excluded works and a 'risk pot'. In addition, there was the prospect of a 'complete property service' (CPS) by which the service provider undertook an annual physical check of all 'working component parts' and the structure of the property for defects and carried out any required repairs to prevent the need for repairs to be reported by the tenant over the next 12 months.

The Strategic Lead – Health, Housing and Environment's report recommended that the outsourcing option be pursued, primarily because the WOS model did not offer the benefits to justify the additional work required to establish a new company. The financial benefits projected did not justify the risks and energy needed to establish a WOS. Some had used this model to take advantage of VAT savings, but this was not relevant to a local authority organisation. Employing the workforce would bring additional risks and demands on the service to ensure that it was running efficiently. A WOS was likely to be more beneficial where there were large stock numbers and the prospect of expanding business such as programmed works.

The Board discussed the pros and cons of appointing one or two contractors and the Strategic Lead – Housing, Health and Environment outlined the next steps in terms of developing a service specification, designing a new contract and the EU procurement process. He also advised the Board that he would regularly report back to them on the various stages of the procurement journey.

RECOMMENDED:

1. that Cabinet note the final options report from echelon and consider the models proposed for the renewal of the responsive repairs and work to void properties contract
2. that Cabinet adopt the outsourcing option as the preferred approach to procuring a new contract and securing service improvements.

***8 Stock condition survey**

The report of the interim Property and Asset Manager informed the Board of the purpose and benefits of stock condition surveys. It also requested authorisation to carry out a new stock condition survey on East Devon's housing stock as the last comprehensive survey was carried out in 2011, on 25% of the stock. This work would inform the financing requirements of future repair and maintenance programmes to be reflected in the Housing Revenue Account Business Plan for the next 30 years. 100% of the stock would be surveyed and the up to date information would be used to base maintenance and improvement programmes on.

Stock condition surveys collated intelligence about the structure and components of the assets of a business. They also provided robust data on the lifecycle and condition of the components in the housing stock, which would deteriorate at different rates. The data would support a planned works approach, obtaining efficiency savings and procuring works over a 3-5 year programme or longer. Information from a stock condition survey could be used in almost every area of work.

RESOLVED:

1. that the stock condition survey is started at the earliest opportunity, to be completed within the 22017/18 financial year,
2. that the additional budget required to undertake the survey in one financial year is financed from the Housing Revenue Account surplus,
3. that an in-house survey approach is undertaken, for the reasons set out in the report.

***9 Housing strategy update**

The draft housing strategy was presented to the Board for adoption. It was a shorter and more concise document, under which other key housing policies and plans could sit. The three key themes were:

- providing homes
- improving homes
- improving communities

The strategy was broken into the following sections:

- a) context
- b) the key challenges ahead
- c) meeting priorities to 2020 (providing homes, improving homes and improving communities)
- d) ways forward

RECOMMENDED: that Cabinet approve the Housing Strategy 2017-2020.

***10 Decommissioning of sheltered housing update**

The Board considered the report of the Landlord Services Manager, which sought approval to cease decommissioning sheltered properties and to re-commission suitable properties already decommissioned as they become void.

The process of decommissioning sheltered properties was started in 2009 when the sheltered housing task and finish forum drew up criteria for decommissioning that was designed to ensure that sheltered housing was 'fit for purpose' at that time. Following changes to the way in which sheltered housing is funded there was no longer a requirement that tenants must be over a certain age to access sheltered housing. The criteria was now based on the needs of the tenant for support. Because of this there was now an increased demand for supported housing from younger, vulnerable tenants. It had also been felt that some of the sheltered properties were unsuitable for older tenants due to, for example lack of lifts and access problems. However, with a younger clientele with fewer mobility issues these properties could now be used again as supported housing.

A further, more detailed report on the decommissioning/recommissioning process would be brought back to the Board.

RECOMMENDED:

1. that Cabinet approve the decision to cease the process of decommissioning certain sheltered properties,
2. that those properties already decommissioned are re-commissioned when they become void (unless there are exceptional circumstances).

***11 Communal cleaning**

The Landlord Services Manager's report updated the Housing Review Board on the current position and future plans for the cleaning of communal areas in housing buildings, community centres and district offices. It also requested approval for the appointment of two additional members of cleaning staff.

The tenancy agreement states that the primary responsibility for the cleaning of communal areas in blocks of flats lay with the tenants in those blocks. However, it was recognised that this would not always be fulfilled and therefore a 'top up' cleaning services in communal areas is provided. Tenants paid for this 'top up' service in their rent and leaseholders paid in the annual service charge.

The cleaning service was provided by StreetScene, with two members of staff employed solely for the service, with Housing paying the costs incurred. There was no contract or service level agreement between Housing and StreetScene. The current specification needed to be reviewed, with a proper specification/service level agreement drawn up.

Tenants had been recently consulted and as a result the following issues needed to be addressed:

- monitoring and management
- standards
- window cleaning
- community centres
- guest bedrooms
- travelling time
- tenant awareness

- decoration

Various options had been considered and officers acknowledged that in order to improve the service in the short term the number of cleaning staff needed to be increased from two to four employees; two for the west side and two for the east side of the district. Two cleaners would travel together and work on different blocks on the same sites, at the same time, so there would be no additional travelling or vehicle costs. The Board agreed the need for an enhanced service specification and service provision and the issue and potential problem of the availability of hot water for the cleaners was discussed.

RECOMMENDED:

1. that Cabinet note the current position and future plans for the cleaning of communal housing areas,
2. that Cabinet approve the appointment of two further members of cleaning staff.

***12 Spending Right to Buy receipts -**

The Board was presented with a report which provided an update on property acquired using Right to Buy (RTB) and Commuted Sums. It also set out a proposal for future spending.

In January 2017 the Housing Review Board agreed to match fund the £1.5m RTB receipts with £3.5m of Housing Revenue Account (HRA) funding per year over the next three years, which would provide approximately 25 properties per year. This now formed part of the HRA Business Plan. This would ensure RTB receipts were spent and also stabilise cash flow and provide an income to replace lost income through RTB sales. It was noted that 18 properties were under offer.

In addition, in terms of RTB sales, officers had been working on counter fraud initiatives and a plan to introduce a new form as part of the application process. This supplementary form had been adapted specifically to prevent fraud, in particular money laundering and vulnerability issues such as families or companies placing pressure on vulnerable people to buy their homes.

RECOMMENDED:

1. that Cabinet note the update report on the use of Right to Buy receipts and Housing Revenue Account funding to secure suitable property to add to the Council's housing stock.
2. that Cabinet give delegated authority to the Strategic Lead – Housing, Health and Environment, Portfolio Holder for Sustainable Homes and Communities, and Chair of the Housing Review Board to approve further purchases to meet 2017/18 and 2018/19 Right to Buy spending deadlines using the Housing Revenue Account funding, or other such funding, as match funding.
3. that Cabinet approve a new form for Right to Buy applications designed to counter fraudulent claims.

***13 Housing Revenue Account outturn report 2016/17**

The Strategic Lead – Finance presented the final Housing Revenue Account (HRA) position for the year end and compared this outturn position against the budgets set for 2016/17. During 2016/17 monthly budget monitoring reports had informed members of the anticipated year end position.

The outturn position showed an underspend of £1.722m against the budget. The main variants were set out in the report and included good rent collection performance, storm damage insurance claim and underspend on the capital programme.

The HRA had a significant balance of £7.070m. The adopted minimum level for the HRA balance was £2.1m, based on £490 per property and this was considered to be the minimum fund balance that should be held for unexpected/emergency situations. It was sensible to introduce a maximum sum to hold thereby creating an adopted range the Council was comfortable holding the HRA Balance between before members need to make a decision; whether above or below the range. The report proposed to add headroom of £1m to the minimum level to give an adopted range for the HRA balance of between £2.1m and £3.1m. This was in line with the principles agreed with the General Fund Balance.

The HRA balance was therefore significantly above the proposed adopted range by £3.970m and it was proposed that this was transferred into a new fund – ‘Future Housing Development Fund’. This would be used to provide additional dwellings within the HRA and to match fund the one to one replacement capital receipts (Right to Buy) required to be spent within set deadlines or required to be returned to Government with an interest payment.

The HRA also has a HRA Business Plan Volatility Reserve which was created in 2012/13 to provide a cushion for repaying the self-financing loans should adverse fluctuations in spending and/or rent income occur. The balance in the reserve was currently £4.4m. This Reserve has not been required and the HRA continued to meet loan repayments and make annual surpluses. It was therefore questionable whether this Reserve was still required at this level, or at all. This would best be evidenced with a refresh of the HRA Business Plan along with an updated of the stock condition survey. Therefore it was proposed to transfer £2.8m from the HRA Business Plan Volatility Fund into Future Housing Development Fund, funding the next two years of proposed development, thereby still leaving £1.6m to help meet loan repayments should it be required.

RECOMMENDED:

1. that Cabinet agree the Housing Revenue Account outturn position for 2016/17.
2. that an adopted range between £2.1m and £3.1m is determined for the HRA balance, and £3.977m held above this level is transferred to a new reserve called ‘future housing development fund’, as detailed in the report.
3. that £2.8m is transferred from the HRA business plan volatility fund into the future housing development fund, as detailed in the report.

***14 Housing Revenue Account Business Plan review 2016-17 – SWAP report**

The Board was presented with the South West Audit Partnership (SWAP) audit report on the Business Plan review 2016-17. The audit report made a few recommendations, in particular, that the risks detailed in the Business Plan should be aligned with the corporate risk register. Also missing from the current Business Plan was information from the forthcoming stock condition survey and identification of a future pattern of spending.

It was noted that an update of the Business Plan would be brought to the next meeting of the Housing Review Board.

RESOLVED: that the SWAP report be noted by the Board.

***15 Dates of the forthcoming Housing Review Board meetings**

The Board noted the dates of the HRB meetings for the forthcoming civic year:

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

Attendance list

Present:

Cllr Pauline Stott (Chairman)
Cllr Megan Armstrong
Cllr Brenda Taylor

Co-opted tenant members:

Pat Rous (Vice Chairman)
Mike Berridge
Joyce Ebborn

Officers:

Graham Baker, Senior Technical Officer
Sue Bewes, Landlord Services Manager
Natalie Brown, Information and Analysis Officer
Emma Charlton, Housing Projects Officer
Tina Cureton, Senior Housing Support Officer
Mark Dale, Senior Technical Officer
Simon Davey, Strategic Lead - Finance
Danielle Furzey, Housing Options Manager
Amy Gilbert, Property and Asset Manager
John Golding, Strategic Lead - Housing, Health and Environment
Sue Howl, Democratic Services Manager
Andi Loosemoore, Rental Manager
Andrew Mitchell, Housing Needs and Strategy Manager
Mike Purcell, Interim Property and Asset Manager
Jane Reading, Tenant & Communities Section Leader
Alethea Thompson, Democratic Services Officer
Melissa Wall, Housing Projects Officer

Also present:

Cllr Jill Elson, Portfolio Holder – Sustainable Homes and Communities
Cllr David Barrett
Cllr Simon Grundy
Harry Roberts, tenant

Apologies:

Cllr Jenny Brown
Cllr Ian Hall
Angela Bea, tenant
Victor Kemp, tenant
Julie Bingham, independent community representative
Christine Drew, independent community representative
Giles Salter, Solicitor

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 8 May 2017

Attendance list at end of document

The meeting started at 10.45am and ended at 12.10pm.

***47 Minutes**

The minutes of the Development Management Committee meeting held on 11 April 2017 were confirmed and signed as a true record, subject to Cllr Graham Godbeer being included in the attendance list.

***48 Declarations of interest**

Committee Members

Cllr Brian Bailey; 17/0340/FUL; Personal Interest; Exmouth Town Councillor
Cllr Steve Gazzard; 17/0340/FUL; Personal Interest; Exmouth Town Councillor
Cllr Mark Williamson; 17/0340/FUL; Personal Interest; Exmouth Town Councillor
Cllr Matt Coppel; 17/0649/FUL; Personal Interest; Close relative of the applicant
Cllr Paul Carter; 17/0514/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, Cllr Steve Gazzard advised in respect of application 17/0340/FUL that he had spoken with the future tenant of the property.

***49 Appeal statistics**

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

The Development Manager drew the Members' attention to the split decision for the construction of two dormers and canopy over the entrance of Waggoners, Court Barton Hill, Beer. The Inspector had dismissed the appeal in respect of the dormer windows on the east facing elevation and allowed the appeal in respect of the canopy. This was in line with the Council's view; however, the Council, unlike the Planning Inspectorate, was unable to issue a split decision.

In response to a question, the Development Manager confirmed that the appeal decision relating to Rolle Playing Fields in Exmouth would be reported at the next meeting.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 12 – 2016/2017.

At the end of the meeting, the Cllr David Key, who was standing down as Chairman, thanked the Committee Members for all their hard work and their support of him over the past two years. Cllr Mark Williamson, on behalf of the Committee, thanked Cllr Key for being a fair and effective Chairman.

Attendance list

Present:

Committee Members

Councillors

David Key (Chairman)

Mike Howe (Vice Chairman)

Brian Bailey

David Barratt

Susie Bond (did not partake in the discussion or vote on application 16/2946/FUL as had not attend the site visit)

Peter Burrows (did not partake in the discussion or vote on application 16/2946/FUL as had not attend the site visit)

Colin Brown

Paul Carter

Matt Coppel (did not partake in the discussion or vote on application 16/2946/FUL as had not attend the site visit and left the Chamber during consideration of application 17/0649/FUL)

Alan Dent

Steve Gazzard

Simon Grundy

Ben Ingham

Chris Pepper (did not partake in the discussion or vote on application 16/2946/FUL as had not attend the site visit)

Mark Williamson

Officers

Ed Freeman, Service Lead – Strategic Planning and Development Management

Henry Gordon Lennox, Strategic Lead – Governance and Licensing

Chris Rose, Development Manager

Hannah Whitfield, Democratic Services Officer

Also present for all or part of the meeting

Councillors:

Jenny Brown

Bruce de Saram

Geoff Pook

Apologies:

Committee Members

Councillor Helen Parr

Non-committee Members

Councillor Andrew Moulding

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 12 June 2017

Attendance list at end of document

The meeting started at 10.30am and ended at 3.25pm (the Committee adjourned for training and lunch at 12.15pm and reconvened at 2pm)

***1 Minutes**

The minutes of the Development Management Committee meeting held on 8 May 2017 were confirmed and signed as a true record.

***2 Declarations of interest**

Committee Members

Cllr Steve Gazzard; 12/1016/MFUL & 17/0782/FUL; Personal Interest; Exmouth Town Councillor

Cllr Bruce de Saram; 12/1016/MFUL & 17/0782/FUL; Personal Interest; Exmouth Town Councillor

Cllr Brian Bailey; 12/1016/MFUL & 17/0782/FUL; Personal Interest; Exmouth Town Councillor

Cllr Mark Williamson; 12/1016/MFUL & 17/0782/FUL; Personal Interest; Exmouth Town Councillor

Cllr David Barratt; 17/0524/OUT, 17/0542/FUL and 17/0638/LBC; Personal Interest; Sidmouth Town Councillor

Cllr Paul Carter; 16/0845/MFUL; Personal Interest; Distant family connection to the applicant (left the Chamber when the application was considered)

Cllr Paul Carter; 17/0523/OUT; Personal Interest; Applicant was 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, Cllr Susie Bond advised she had been lobbied in respect of application 17/0524/OUT and Cllr David Barratt advised that he had been lobbied on applications 17/0524/OUT, 17/0542/FUL and 17/0638/LBC.

***3 Appeal statistics**

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

The Development Manager drew the Members' attention to the appeal allowed for a variation to condition on application 16/2227/VAR (Rolle College Playing Fields, Exmouth) regarding overage. The Inspector had agreed that the Council was within its rights to require an overage clause, however that the applicant had provided sufficient information from their lender to show that the development would not proceed with that clause imposed, and therefore a delayed overage clause was acceptable.

In response to a query about whether there was sufficient detail in Strategy 34 of the Council's Local Plan in relation to overage, the Strategic Lead – Governance and Licensing advised that the detail would be addressed through the Planning Obligations Supplementary Planning Document, which would be going to Cabinet for approval later that week.

Member's attention was also drawn to the split decision on an appeal against the serving of an enforcement notice in respect of unauthorised works to a listed building at Spoken, Exmouth. The Inspector had considered that the harm from the removal of plaster from the internal pillars was not substantial, however upheld the appeal in respect of the installation of fascia signs and a projecting sign to exterior frontage as this was considered to be detrimental to the listed building.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 1 – 2017/2018.

Attendance list

Present:

Committee Members

Councillors

Mike Howe (Chairman)

Colin Brown (Vice Chairman)

Brian Bailey

David Barratt

Susie Bond

Peter Burrows

Paul Carter

Alan Dent

Bruce de Saram

Steve Gazzard

Ben Ingham (AM session only)

David Key

Helen Parr

Mark Williamson

Officers

Henry Gordon Lennox, Strategic Lead – Governance and Licensing

Chris Rose, Development Manager

Hannah Whitfield, Democratic Services Officer

Also present for all or part of the meeting

Councillors:

Geoff Jung

Marianne Rixson

Apologies:

Committee Members

Councillors

Mike Allen

Matt Coppel

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 4 July 2017

Attendance list at end of document

The meeting started at 10.00am and ended at 12.25pm.

***5 Minutes**

The minutes of the Development Management Committee meeting held on 12 June 2017 were confirmed and signed as a true record.

***6 Declarations of interest**

Committee Members

Cllr Peter Burrows; 17/0536/FUL & 17/0537/LBC; Pecuniary Interest; wife and daughter were employed by the applicant (left the Chamber when the application was considered)

Cllr Steve Gazzard; 17/0762/MFUL; Personal Interest; Exmouth Town Councillor

Cllr Bruce de Saram; 17/0762/MFUL; Personal Interest; Exmouth Town Councillor and sits on planning committee

Cllr Brain Bailey; 17/0762/MFUL; Personal Interest; Exmouth Town Councillor

Cllr Mark Williamson; 17/0762/MFUL; Personal Interest; Exmouth Town Councillor

Cllr Paul Carter; 17/0561/MFUL; Personal Interest; applicant was a relative (left the Chamber when the application was considered)

Cllr Paul Carter; 17/0190/OUT; Personal Interest; Ward Member

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution, Cllr Bond, Cllr Key and Cllr Howe advised they had been lobbied in respect of application 17/0502/FUL.

***7 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 – five had been dismissed and two had been allowed.

The Development Manager drew Members' attention to the Council Offices, Knowle planning appeal, although not yet registered, it had been submitted to the Planning Inspectorate.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 2 – 2017/2018.

Attendance list

Present:

Committee Members

Councillors

Mike Howe (Chairman)

Colin Brown (Vice Chairman)

Brian Bailey
David Barratt
Susie Bond
Peter Burrows
Paul Carter
Alan Dent
Bruce de Saram
Steve Gazzard
Ben Ingham
David Key
Mark Williamson

Officers

Henry Gordon Lennox, Strategic Lead – Governance and Licensing
Chris Rose, Development Manager
Amanda Coombes, Democratic Services Officer

Also present for all or part of the meeting

Councillors
Roger Giles
Geoff Jung

Apologies:

Committee Members

Councillors
Mike Allen
Helen Parr

Non-committee Members

Cllr Jim Knight

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Audit & Governance Committee held in the Council Chamber at Knowle, Sidmouth on 29 June 2017

Attendance list at end of document

The meeting started at 2.30pm and ended at 4.09pm

***1 Chairman's welcome**

The Chairman welcomed everyone to the meeting. In particular, he welcomed Councillor Cherry Nicholas a new member to the committee.

***2 Public Speaking**

There were no members of the public present.

***3 Minutes**

The minutes of the Audit and Governance Committee meeting held on 2 March 2017 were confirmed and signed as a true record.

***4 Declarations**

Councillor: Mark Williamson

Interest: Shareholder representative of South West Audit Partnership (SWAP)

Reason: Personal

Officer: Simon Davey

Interest: Director of South West Audit Partnership (SWAP)

Reason: Personal

***5 Review of Internal Audit Charter**

Moya Moore, Assistant director from SWAP presented the report on the Internal Audit service for EDDC. SWAP had adopted and worked to the Standards of the Institute of Internal Auditors, and further guided by interpretation provided by the Public Sector Internal Audit Standards (PSIAS). The internal audit service, provided by SWAP, worked to a charter that defined its roles and responsibilities and the roles and responsibilities of the District Council's managers. Best Practice in corporate governance required that the charter be reviewed and approved annually by the Audit and Governance Committee. The Audit Committee last reviewed the Charter on 30 June 2016. An Engagement Profile that outlined how SWAP intended to improve the audit experience between EDDC and SWAP was detailed.

RESOLVED:

that the Internal Audit Charter and Engagement Profile be approved.

***6 Annual Report inc. Quarter 4 2016/17 and Quarter 1 2017/18**

The Audit and Governance Committee agreed the 2017-18 Internal Audit plan at its March 2017 meeting. The report provided an update on the 2016/17 Internal Audit Plan Quarter 4 and to update with progress made on the 2017/18 Internal Audit Plan Quarter 1.

RESOLVED:

that the report be noted.

***7 Internal Audit Plan – Review of 2016/17**

The report provided the outturn position for the Internal Audit Plan at the end of 2016/17 as well as Internal Audits overall opinion on the systems of internal control at East Devon District Council. The Committee agreed the 2016/17 Internal Audit Plan at its March 2016 meeting. An update was provided for Quarters 1 and 2 in September 2016 and Quarter 3 in January 2017. This report was the final outturn position at the end of Quarter 4.

RESOLVED:

that the report be noted.

***8 Healthy Organisation report 2016/17**

The Healthy Organisation review looked at eight key corporate areas and mapped areas of good practice against areas for improvement. EDDC had overall High Assurance, with only three areas obtaining Medium Assurance. Six Healthy Organisation reviews across the Partnership had been completed with EDDC being the only partner to receive High Assurance, this was a very positive result. This would be a live document in order to keep a map of the assurance environment within the key corporate areas. The results would feed into the coming years' work. The report would be reviewed after two years.

The Chairman thanked Moya and her colleagues at SWAP for producing the report.

RESOLVED:

that the report be noted.

9 Revenue and Capital Outturn Report 2016/17

This final outturn report had been discussed recently at Cabinet; the Audit and Governance committee would finally agree these accounts in September 2017. Cabinet had agreed various recommendations and it was hoped that this committee would do the same.

RECOMMENDED:

1. that the outturn position for 2016/17 be agreed,
2. the level of Reserves detailed in the report and the transfers/use as recommended; namely
 - a) the transfer of £0.606m from the General Fund as one off savings in 2016/17 to the Capital Reserve to help fund future capital programme commitments,
 - b) the transfer of £0.294m from the Business Rates Volatility Fund into the General Fund to meet the shortfall on business rates income against budget in 2016/17,
 - c) that an adopted range was determined for the HRA Balance to be held of between £2.1m and £3.1m, and that £3.970m held above this level was transferred to a new Reserve "Future Housing Development Fund",
 - d) that £2.8m was transferred from the HRA Business Plan Volatility Fund into the Future Housing Development Fund,
 - e) the Transfers to other earmarked reserves for specific projects where funding contributions had been made in advance of spend and monies were held at year

end to fund this work in future years. The Outturn Book contained full details of the transfers in 2016/17, all be agreed.

***10 Draft annual governance statement – year ended 31 March 2017**

The Strategic Lead, Finance reported that a final governance statement would be reported back to the committee in September once members had made comments to the draft statement. The Strategic Lead, Finance went through the scope of responsibility and explained the annual review would check the effectiveness of the governance framework.

RESOLVED:

that the draft statement be noted.

***11 Audit Committee update**

Darren Gilbert, Director of KMPG provided the committee with an overview on progress in delivering their responsibilities as EDDC's external auditors. The report also highlighted the main technical issues, which were currently having an impact in local government. Darren reported that all was on track.

RESOLVED:

that the report be noted.

***12 Risk Management Review**

Risk information for the start of the 2017/18 financial year was supplied to allow the Audit and Governance Committee to monitor the risk status of Strategic and Operational Risks. This followed the full review of risks by responsible officers during May 2017. The Strategic Lead, Finance informed members that strategic risks which included items such as the Recycling and Waste contract, any major disruption in IT and telephony, office relocation and the delivery of Growth Point would be reported in the next review.

Discussions included the following:

- fire safety was on the risk register and fire assessments were carried out in flats with communal stairways
- protection from IT and cyber-attacks – STRATA were teamed up with three authorities which therefore provided more resilience with two firewalls as well as areas such as email monitoring.

RESOLVED:

that the report be noted.

***13 S106 Payments Methodology update**

The Service Lead, Planning Strategy and Development Management advised Members of how the findings of the auditors in 2016 in relation to the monitoring of S.106 Agreements had been addressed.

Discussions included the following:

- Cranbrook was still waiting for S106 funds to be spent
- triggers inform when funds needed to be invoiced
- Councillors need to see what money was being spent in their areas
- S106 funding was indexed linked.
- the Council retained bank interest earned from S106 funds

- SWAP had an audit planned for S106 and Community Infrastructure Levy (CIL) in Quarter 2
- KPMG were committed to follow up on this issue.

RESOLVED:

that the report and how the new system operated be noted.

***14 Contract Standing Orders**

The Strategic Lead, Finance stated the requirement to review and update the Orders to ensure they were kept up to date and relevant. The document had been redrafted significantly but the main areas of amendments to note were:

- Competition requirements (including financial thresholds) had been amended in the main to tie in with Devon County Council Contract Standing Orders in order to facilitate aligned procurement processes. Procurement advice was now delivered by Devon Procurement Services as part of two year service level agreement.
- The Contract Standing Orders now stipulated the use of the electronic procurement portal for all contracts over £10,000. This would aid transparency and clear process, and would link to the Council's Contract Register and meet the requirement to publish contracts on the national database - Contract Finder.
- They had been redrafted to make them easier to use and apply by officers.
- The procedures around exemptions to Contract Standing Orders had been revised to make the process easier to administer.

RESOLVED:

1. that the key principles detailed in the revised Contract Standing Orders be endorsed,
2. that delegated authority to the Strategic Lead Finance and Strategic Lead Governance & Licensing to make further minor amendments and tidying up changes to the revised Contract Standing Orders prior to their presentation to Council for adoption be given.

***15 Audit and Governance Forward Plan**

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

Items to be considered at the September committee included:

- Internal Audit Activity – Quarter 1 & 2 2017/18
- Statement of Accounts 2016/17 including Governance Statement
- Report to those charged with Governance
- Analysis of consultants fees 2016/17
- Partnership Register
- RIPA Policy

RESOLVED:

that the Forward Plan be noted.

Attendance list

Councillors:

Mark Williamson (Chairman)
Dean Barrow (Vice Chairman)
Steve Gazzard
John Dyson
John Humphreys
Cherry Nicholas

Also present (for some or all of the meeting)

Councillors:

Brian Bailey
Rob Longhurst

Apologies:

Ben Ingham
Bill Nash
Steve Hall

Officers present:

Simon Davey, Strategic Lead – Finance
Henry Gordon Lennox, Strategic Lead – Governance and Licensing
Ed Freeman, Service Lead Planning Strategy and Development Management
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 Committee held at East Devon Business Centre, Honiton on Wednesday, 17 May 2017

Attendance list at the end of the document

The meeting started at 9.30am and ended at 11.00 am

***16 Minutes**

The minutes of the meeting of the Licensing & Enforcement Committee held on 15 February 2017, were confirmed and signed as a true record.

***17 Declarations of interest**

Councillor Steve Hall

Minute 6

Disclosable Pecuniary Interest – Private Hire Licence Holder

Councillor John O’Leary

Minute 6

Disclosable Pecuniary Interest – Designated Premises Supervisor

Councillor Geoff Jung

Minute 6

Disclosable Pecuniary Interest – Designated Personal Licence Holder

***18 Committee update – Licensing Act 2003, Gambling Act 2005 and General Licensing**

The Licensing Manager presented his report - the following issues were highlighted and discussed.

1. Licensing Act 2003

Following a request for licensing statistics from the Home Office (DCMS) an annual mandatory return was provided giving data for all alcohol and late night licences up to 31 March 2017. The data showed the following licences were administered by the licensing team over the previous financial year.

- 621 Premises Licences (compared with 610 in 2015/16).
- 51 Club Premises (compared with 55 2015/16).
- 2197 Personal Alcohol Licences (compared with 2087 in 2015/16).
- 837 Temporary Event Notices (compared with 824 in 2015/16).

On 10 January 2017 a pre application meeting for the Sidmouth Folk Festival was held at Knowle, Sidmouth involving officers from various teams of the council and police. On 14 March 2017 a further planning meeting was held for the Sidmouth Folk Festival chaired by the Licensing Manager and attended by various authorities. The Licensing Manager reported that he was investigating the possibility of charging for pre application advice for premises licences after the first free half an hour.

Part of the work undertaken by the licensing team involved compliance inspections through visiting licensed premises within East Devon to ensure that licensing laws were adhered to by licence holders and their staff. In order to achieve this work, the Overview Committee has previously set performance indicators for the number of

compliance visits to be achieved by the team each financial year. For the year 2016/17 the team completed 191 compliance visits achieving the required number set at 185. The team also identified and visited those licenced premises assessed as 'high risk' and have also achieved these inspections except for one club premises which has been included in this years scheduled visits.

Gambling Act 2005

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

Figures taken on 5 May 2017 showed that the licensing authority currently administered 2 Bingo Premises Licences, 4 Adult Gaming Centre Premises Licences, 9 Family Entertainment Centre Gaming Centre Machine Permits, 10 Betting Premises Licences, 16 Club Machine Permits, 1 Prize Gaming Permit, 10 Alcohol Licensed Premises Gaming Machine Permits and 154 Small Society Lotteries.

The forthcoming year of 2017/18 would see a number of gaming permits for premises that were licensed 10 years ago coming to the end of their maximum term and requiring newly submitted permits from the licensees or operators. The licensing team would continue to work in conjunction with the Gambling Commission to ensure that legally required standards are maintained for all permit renewals.

2. Taxis

Figures taken on 5 May 2017 showed that the licensing authority currently administered 206 hackney carriage driver licences, 170 hackney carriage vehicle licences, 15 private hire operator licences, 18 private hire vehicle licences and 28 private hire driver licences. For the majority of licensed drivers being required to renew their driver licences (Hackney and Private Hire) it would be necessary to conduct individual meetings to confirm the right to work in the UK through examining original documents (passports or birth certificates). This would create an increase in working procedures later this year for the officers.

The Licensing team had continued to carry out checks of hackney carriage vehicles parked on the taxi ranks within the East Devon area to ensure that all vehicles complied with the legislation and met the required standards for both licensed drivers and vehicles. During the first quarter of the year compliance inspections for vehicles had been undertaken at ranks in Exmouth, Sidmouth, Axminster and Honiton.

The licensing team continued to receive reports from members of the taxi trade concerning hackney carriages licensed by East Devon operating whilst not displaying the East Devon taxi roof sign. Officers welcomed this and treated each report independently on a case by case basis. The licensing team had also been made aware that a number of East Devon licensed vehicles appeared to be routinely operating in Exeter whilst not displaying their East Devon roof sign. Officers had undertaken a number of compliance visits to Exeter to evidence these breaches and have worked in partnership with Exeter City Council licensing officers to identify such vehicles.

Members of the Committee discussed possible requests from the taxi trade for assistance with a permit for the Exeter bus and taxi lanes and the possible affect this may have on East Devon vehicles working in Exeter City.

Since the start of the year there have been two taxi licensing matters referred to the Licensing & Enforcement Sub Committee. One relating to a private hire vehicle over four years old which was granted and one matter relating to a new hackney carriage drivers licence which currently stood adjourned pending submission of further information by the applicant.

3. General Licensing

The current policy concerning Street Trading Consents was subject of an additional report being prepared following a period of public consultation in 2016 and more recently in 2017. The proposal to change the designation of street trading across the district from prohibited to consent to consent locations would be the subject of a further detailed report to the Committee. The proposed change in policy required additional work concerning the draft street trading policy, fee structure and staffing arrangements before being reported to a special meeting on the Licensing & Enforcement Committee on 28 June 2017.

4. Consultations

The bi-annual taxi liaison meeting took place on Thursday 6 April 2017, this meeting was normally attended by the Chairman and Vice Chairman, but other members were welcome to attend.

5. Licensing Team update

Since the staffing changes to the licensing team reported in February 2017, the structure of the team was now one manager, three licensing officers and two licensing support officers, with three members of the team working varied reduced hours. The separate report concerning Street Trading consents offered a proposal for one further staff member to be recruited in the future should the option to designate the district for street trading be approved.

6. Member Training

Following requests from committee members it was recognised that a training session was considered necessary to support newer members and to refresh knowledge regarding recently introduced legislation and procedures. It had been arranged for Wednesday 14 June 2017. The training would be provided by a nationally respected firm of solicitors based around Licensing Hearings for the members. Upon completion of the planned training event it is proposed that training updates will be considered and delivered at the end of the Committees quarterly meetings in the future for the different subjects of licensing that are relevant.

RESOLVED:

1. that the report be noted;
2. that the Licensing Manager be requested to contact Exeter City and Teignbridge Councils to discuss the fees and criteria for Exeter City bus and taxi lane permits and report back to a future meeting of the committee.

19 Hackney Carriage and Private Hire Drivers, Vehicles and Operators – To seek approval to adopt a new Taxi Licensing Policy

Members received the report of the Licensing Manager on the results of public consultation on the proposed new Taxi Licensing Policy. Members noted that

although the policy had been widely circulated there had been few written responses. The Licensing Manager confirmed that he was looking to provide a policy booklet that would be made available to all East Devon taxi drivers.

In response to a question from Councillor Steve Hall, Chairman, the Licensing Manager reported that he would investigate whether Budleigh Salterton still had two authorised taxi ranks in the town.

Steve Saunders, Licensing Manager and Emily Westlake, Licensing Officer were thanked for their well presented and informative report.

RESOLVED: that the results of the public consultation on the Council's draft Hackney Carriage and Private Hire Policy be noted.

RECOMMENDED that the [East Devon Hackney Carriage and Private Hire Taxi Policy as attached at Appendix A](#) be adopted by the Council from 26 July 2017.

Attendance list

Councillors present

Steve Hall (Chairman)
Jim Knight (Vice Chairman)
Megan Armstrong
Brian Bailey
Dean Barrow
Colin Brown
Bruce de Saram
Steve Gazzard
Geoff Jung
John O'Leary

Officers present

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

Apologies

Councillors:
Jenny Brown
Maddy Chapman
Cherry Nicholas

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Committee held at Knowle, Sidmouth on Wednesday, 28 June 2017

Attendance list at the end of the document

The meeting started at 9.30am and ended at 10.45am

***1 Minutes**

The minutes of the meeting of the Licensing & Enforcement Committee held on 17 May 2017, were confirmed and signed as a true record.

***2 Declarations of interest**

Councillor John Dyson

Minute 6

Disclosable Personal Interest – Member of Sidmouth Town Council and Sidmouth Folk Festival Trustee

Councillor Cherry Nicholas

Minute 6

Disclosable Personal Interest – Chairman of Exmouth Festival

3 Street Trading- Designation of Streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982

Members received the report of the Licensing Manager which set out the method and results of the public consultations undertaken in respect of changing the current Street Trading designation in East Devon from prohibited to consent streets. This was to retain control on the issue of Street Trading Consents and also sought approval to undertake the change in designation of specified locations as consent streets for street trading and to adopt a policy to administer the regime. The report also showed the current fee structure in respect of Street Trading Consents and sought authority to set and to increase fees to allow the Council to recover the cost for carrying out its regulatory responsibilities.

Members noted that if the proposal to change the current Street Trading designation in East Devon from prohibited to consent streets was not accepted then EDDC would have to enforce the current street trading prohibitions more stringently than at present. There was concern expressed from Exmouth Members about the possible effect the introduction of fees for Street Trading licences would have on traders on Exmouth Festival, and that these would be in addition to charges currently levied by the Street Scene service. This highlighted the need for discussions with the Estates and Street Scene services over events on Council owned land when the new Street Trading regime came into operation.

During discussions the following comments were made:

- A document providing a clear and easy to read guidance document on organising events on Council land and the new Street Trading regime would be welcomed;
- Importance of improving quality of stalls and the produce they sell;
- Potential to have a corporate style street trading pitch throughout the district;

Steve Saunders, Licensing Manager and the Licensing Team were thanked for the well-presented and informative report.

- RESOLVED:**
1. that the results of the public consultation undertaken in respect of the proposed changes to the street trading regime and the resource implication of introducing a new regime be noted;
 2. that agreement be given to:
 - a) Rescind all of the Council's previous resolutions to designate streets a 'Prohibited Streets' and 'Consent Streets' within the district, and
 - b) Resolve to designate all 'streets' in East Devon as being 'Consent Streets' as defined in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 save for certain streets in Sidmouth which shall be 'Prohibited Streets' (identified in [Appendix F](#)).
 3. that approval be given to the Street Trading Policy and Standard Conditions ([Appendix I](#)) to be used to administer the street trading regime.

- RECOMMENDED**
1. that the [proposed fees set out in Appendix K](#) which will apply to all applications for street trading consent, be agreed;
 2. that approval be given for a temporary appointment of a Grade 5 officer for 18 months to ensure sufficient resources to administer the new regime.

Attendance list

Councillors present

Steve Hall (Chairman)
John O'Leary (Vice Chairman)
Megan Armstrong
Brian Bailey
Dean Barrow
Colin Brown
Bruce de Saram
John Dyson
Steve Gazzard
Jim Knight
Geoff Jung
Cherry Nicholas

Officers present

Henry Gordon Lennox, Strategic Lead – Governance & Licensing
Steve Saunders, Licensing Manager
Sue Howl, Democratic Services Manager
Chris Lane, Democratic Services Officer

Apologies

Councillors:

Matt Booth
Jenny Brown
Maddy Chapman

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Licensing &
Enforcement Sub-Committee held at Knowle, Sidmouth on
Wednesday, 12 April 2017

Attendance list at the end of the document

The meeting started at 9.30am and ended at 12.10pm

***24 Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 29 March 2017, were confirmed and signed as a true record.

***25 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 three 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 applications be granted as below, subject to the agreed positions set out in the schedules 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:

Devon Cliffs, Holiday Park, Beach Shack, Sandy Bay, Exmouth, Devon, EX8 5BT.

Agreed position reached by the parties:

Following mediation the applicant and the Devon and Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.

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

1. One member of door staff to be employed from 1200 until 1800 which will then increase to two SIA door staff from 1800 until the premises close.
2. Staff will carry out litter duty every 30 minutes throughout the hours the premises are open to the public.

3. There will be no sale of alcohol off the premises after 1800.
4. CCTV cameras will be installed to cover the patio area and shop.
5. The CCTV will be monitored by staff in the Shop and South Beach Bar at all times the premises are open to the public.
6. Signs will be placed throughout the premises warning patrons of the dangers of entering the sea after consumption of alcohol.
7. A warden will be employed at the Shack to monitor the area for underage proxy purchases of alcohol and will liaise at all times with the SIA door staff at the Beach premises.

Schedule:

Type of application:

Application for the grant of a premises licence

Name of premises and address:

Livestock Festival 2017, Froginwell Vineyard, Sidmouth Road Woodbury Salterton, Devon, EX5 1EP.

Agreed position reached by the parties:

Following mediation the applicant and the Devon and Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.

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

The event will be managed by an Event Management Plan the final draft of which will be presented to the Licensing Authority and the Police by 15 June 2017.

1. No more than 1000 tickets will be sold.
2. SIA Door staff will be employed at the event as follows:
10.00hrs to 14.00 hrs a minimum of 4 SIA Door staff
14.00 hrs to 17.00 hrs a minimum of 7 SIA Door staff 17.00hrs to Close a minimum of 10 SIA Door staff
Overnight a minimum of 2 SIA Door staff to patrol the campsite.
3. The premises will adopt a Challenge 25 proof of age policy. The only acceptable form of ID will be Passport photo driving licence and government approved PASS card.
4. Alcohol will be dispensed into plastic or toughened glass. All bottles will be decanted.

Name of premises and address:

Lympstone Manor, Courtlands Lane, Exmouth, Devon, EX8 3NZ.

Agreed position reached by the parties:

Following mediation the applicant and the Devon and Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.

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

1. Add to the offered CCTV condition – CCTV will be installed operated and maintained to the satisfaction of the Licensing authority and Chief Officer of Police.
2. The premises will adopt a challenge 21 Policy. The acceptable forms of ID to purchase alcohol will be Passport, Photo Driving License or Government approved PASS card.
3. Remove condition offered for free drinking water (this is a mandatory condition).
4. Remove condition offered of 'no one carrying open or sealed bottles or glasses will be admitted to the premises at any time'.

- *26 Application for the grant of a premises licence to allow live and recorded music, performance of dance, late night refreshment and the sale of alcohol on the premises at Sidmouth Harbour Hotel, Manor road, Sidmouth, EX10 8RU
The Sub Committee gave consideration to an application for the grant of a Premises Licence to allow live and recorded music, performance of dance, late night refreshment and the sale of alcohol on the premises at Sidmouth Manor Hotel, Manor Road, Sidmouth, EX10 8RU.

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 and its physical relationship with other residential 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 nuisance and crime and disorder. 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, Mr Simon Maguire – Operations Manager case on paper, was that Sidmouth Harbour Hotel was currently licensed under the name of Westcliff Hotel, the licence having been converted and varied in 2005 from the old licensing regime

under the local magistrates into the new format of the Licensing Act 2003. The hotel had been subject of recent structural alterations and upgrade and the old licensed area on the ground floor had been altered and extended to such an extent that a new premises licence was required. An application for a new premises licence was originally submitted on 22 December 2016 but failed due to an error by the applicants in advertising the application in a local paper within ten working days as required under the Act.

At the hearing he added that the application for a new licence was being made because of significant changes to the structure of the building. The premises had a good record in terms of issues with the previous licence.

The applicant understood the fears of the local residents and was sensitive to those matters raised in their representations, and would continue to take them seriously. He stated that he wished to work with the Sub Committee to ensure that the premises that would not reflect poorly on the hotel's reputation.

When questioned by the Sub Committee the applicant made a number of concessions concerning conditions for operation around management of noise, curtailing of hours for sale of alcohol and closure of the premises to the general public.

The interested parties case on paper was that in relation to the prevention of crime and disorder, late night drinking so often was the cause of crime and disorder and they did not want Sidmouth to become one of those towns. Regarding the prevention of public nuisance, there would be noise from the extended outside terraces with doors opening from the dining room and drinking areas.

Mr & Mrs Page explained the proximity of their property (Clifton Cottage) to the applicant's premises. The new facility changed the nature and operation of the premises. The property was being heavily promoted as a wedding event venue. His very recent experience was that there was considerable noise from lunchtime onwards coming from the open terrace. This impinged upon the quiet enjoyment of his own property. Mr Page had reason to complain about a recent event to the management but he was unsure whether the noise issue had been dealt with. He stated that he had measured noise volume from his property and stated that sound levels on a Saturday evening were 70 dB, this was from a disco that had ended at midnight.

Mr Page hoped that management would take control of sound levels but he doubted that however large notices displayed within the premises were, he feared that wedding guests would not respect the disruption to the amenity and effect of noise for the local residents. He stated that noise should not be audible beyond the boundary of the premises.

Ms Anthea Millett stated that the purpose of the Licensing Act was to strike a balance between what was reasonable to operate in the location and consideration of the effect that the premises might have on crime and disorder and public nuisance. She could not understand why the applicant was requesting the sale of alcohol and operation of the premises for much longer than that which they stated they were actually going to operate.

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.

The Sub Committee did not accept that there was evidence of a significant public nuisance, risk to crime and disorder, 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 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 A.
- c) Monday to Thursday and Sunday Sale of alcohol from 11.00am to 12.00 (midnight) Premises closed to the public (Terminal Hour) '12.30am.
- d) The conditions in the operating schedule as set out in the Appendix F will also apply.
- e) The Sub Committee imposes the following new conditions:
 - 33 No non-residents to be served after 12.00 (midnight)
 - 34 A designated telephone number for the Duty Manager is to be made available to local residents in the vicinity of the premises.
 - 35 All doors and windows, except for access and egress, to be closed from 11.00pm, with the outside areas supervised to ensure that residents and non-residents at the premises do not disturb the local residents in the vicinity so as to cause a noise nuisance.
- f) The mandatory conditions of sections 19 & 21 of the Licensing Act will be imposed.

2.

the designated Premises Supervisor will be Kenneth Cumming of Sidmouth Manor Hotel, Manor Road, Sidmouth, EX10 8RU.

Attendance list

Councillors present:

Steve Hall (Chairman)
Jim Knight
John O'Leary

Councillor also present:

John Dyson

Officers present:

Giles Salter, Solicitor
Neil McDonald, Licensing Officer
Chris Lane, Democratic Services Officer

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Wednesday, 24 May 2017

Present: Councillors:
Steve Hall (Chairman)
Geoff Jung
John O'Leary

Also present: Bruce de Saram

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

The meeting started at 9.30 am and ended at 1.45 pm.

*1 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.

*2 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.

*3 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:

Barrington Villa, Salcombe Road, Sidmouth, EX10 8PU.

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. An incident book must be maintained within which full details of all occurrences of disorder and refused alcohol sales at the premises must be recorded. The incident book must be kept on the premises at all times and must be made available for inspection by officers of both the Licensing Authority and the police.
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.
4. The licence holder must ensure that all staff receive appropriate training regarding emergency and general safety precautions and procedures.
5. The licence holder must ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.
6. The premises will operate a Challenge 21 policy. The only acceptable forms of ID will be Passport, Photo Driving Licence and Government approved PASS card.

Schedule:

Type of application:

Application for the grant of a premises licence

Name of premises and address:

Sidmouth Garden Centre, Stowford Rise, Stowford, Sidmouth, EX10 0NA.

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. CCTV shall be installed, operated and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police. Images shall be retained for a minimum of 28 days copies of which will be made available to the Licensing Authority and the Police upon request.
2. The CCTV shall include camera coverage of the alcohol display area as well as the entrances and exits.

3. A suitably worded sign of sufficient size and clarity shall be displayed at the entrance to the premises and in the alcohol display area, advising patrons that CCTV is operating within the premises.

*4 Application for the grant of a premises licence to allow the sale of alcohol on and off the premises at Tea Pots Café, Withycombe Village Road, Exmouth, EX10 3AN

The Sub Committee gave consideration to an application for the grant of a Premises Licence to allow the sale of alcohol on the premises at Tea Pots, Withycombe Village road, Exmouth, EX10 3AN.

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 village/town centre and its physical relationship with other residential and commercial properties in the vicinity.

Members noted that the applicant had reduced the hours originally asked for. The applicant, Mr Anthony King's case was that the café was popular with shift workers and local care home workers and that the applicant had received requests for the premises to open in the evenings to serve meals, consequently there was a desire to serve alcohol with meals.

When questioned by the Sub Committee and interested parties the applicant offered to close the outside area when the local community school pupils were potentially able to view patrons consuming alcohol. He was willing to accept that the premises could accommodate 21 covers at any one time. That patrons would be seated to consume alcohol with a meal. There were currently three members of staff employed. There were no long term plans to turn the premises into a pub. In the paper application CCTV would be installed to monitor the premises.

The police case was at the meeting there was concern expressed about the premises becoming a vertical drinking establishment. There was no objection to the premises being licensed if it was tightly conditioned to the current use as a cafe, so that alcohol could only be served with a meal where patrons were seated at tables to provide the necessary checks and balances so that the premises could be properly managed. There was some concern about the potential for unruly behaviour but appropriate conditions could deal with these concerns.

The interested parties case was on paper, in relation to the prevention of crime and disorder was in relation to lack of CCTV and door staff use of the outside area and no smoking area. Regarding public safety – the premises opened onto the pavement with minimal space for pedestrians to pass, With regard to the prevention of public nuisance – the proximity to residential premises including sheltered accommodation. One interested party was separated from the premises by a 3 in partition wall. Regarding protection of children from harm – concerns over children using shops either side of the premises.

At the hearing, Mr Jackson, who lived directly opposite the premises, main concerns with the application were the hours applied for. He would accept the alcohol sales with a meal but did not want to see the premises becoming a pub. He wished the outside area to be restricted.

Mr Hook, representing the families of residents in the vicinity, was concerned with noise levels because he was resident close to and above the property. He expressed his concerns about the outside area, its proximity to the road and other businesses, potential for crime and disorder linked to a premises that had applied for excessive hours for what was currently a café. He expressed his fear about the supervision of the outside area particularly relating to the area being the designated smoking area, and patrons spilling into the nearby alley way.

Cllr Brian Bailey was extremely concerned that the children from the local school would be exposed to the consumption of alcohol if the premises was licensed. Hundreds of children passed the premises to and from school every day. He also feared issues of crime where people maybe sitting outside consuming alcohol whilst people were queuing at the fish and chip shop.

The Sub Committee had carefully considered the operating schedule put forward by the applicant and the likely impact of the application. In relation to the evidence they had heard regarding the history of the premises, it was considered that the establishment was unsuitable to be fully licensed under the act without the necessary and appropriate conditions to operate in its close proximity to residents, schools and businesses.

Whilst the Sub Committee acknowledged the concerns expressed by the interested parties before us today, they believed the concerns expressed in representations had been addressed by the hours of operation for the licensable activities and the conditions they imposed which had been tailored to the size, characteristics and activities on the premises, and which were necessary and proportionate.

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 for the licensable activities will be restricted to the internal area only. The outside area is to be used for a designated smoking area restricted to no more than six persons at any one time. Food can be served in the outside area but no alcohol is to be sold or consumed outside. The plan of the premises to be amended to remove the applied for licensable activity, sale of alcohol, b)
- b) Permitted hours for the various licensable activities will be
Supply of alcohol on the premises
Monday to Sunday including Bank Holidays, Christmas and New Year.
8.00am to 11.00pm as set out in the new Appendix B.
Permitted hours for the licensable activities will be:
Supply of alcohol on the premises :
Monday to Sunday including Bank Holidays, Christmas and New Year 8.00am to 11.00pm as set out in the new Appendix B.

The conditions will now be as shown in Appendix E
Conditions 1-7

Additional Conditions

8. A challenge 21 policy must be employed where those individuals who appear to be under the age of 21 attempting to purchase alcohol must be asked for identification. The only type of identification that will be accepted is PASS accredited ID, passport or photo driving licence.
- 9 CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police in accordance with the requirements set out in the EDDC Licensing Policy.
- 10 CCTV images must be retained for a minimum of 14 days and to be produced on the request of the Police or a Licensing Officer of East Devon District Council. Recording media must be set to 25 frames per second.
- 11 The CCTV system must be operational at all times whilst the premises are trading. If the system is faulty or not working then the Police and East Devon Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book.

- 12 A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors. All signs must comply with the requirements of the Data Protection Act 2002.
- 13 All alcohol sales will be ancillary to food sales by table waiting only.
- 14 There will be no more than 21 patrons inside the premises at any one time.
- 15 Signage requesting patrons leaving the premises to respect the local residents quiet enjoyment by leaving quickly and quietly when the premises closes.
- 16 No persons carrying open vessels containing alcohol will be admitted to enter or to leave the premises at any time.

2. the designated Premises Supervisor will be Mr Anthony King, 11 Evett Close, Exmouth, EX8 4RY.

*5 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.

- *6 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 I issues, the overriding duty of the Sub Committee was protection of the public. The applicant was thanked for his frankness and openness in setting out the history of offences that had been placed before the Sub Committee.

RESOLVED

that, Mr S B's Hackney Carriage Drivers application for a licence be refused as he was not considered to be a 'fit and proper' person who we have trust in to deal with the public safely and honestly and in particular ensure the safety and protection of children and vulnerable adults that are placed in his care, for example vulnerable adults late at night..

The Council's duty and policy is clear, we have a duty to protect the public. We cannot license the applicant to convey the public in a hackney carriage.

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Wednesday, 7 June 2017

Present: Councillors:
Jim Knight (Chairman)
Dean Barrow
John O'Leary

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

The meeting started at 9.30 am and ended at 10.00 am.

*7 Minutes

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 24 May 2017, were confirmed and signed as a true record.

*8 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.

*9 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.

*10 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. This application had been initially considered at a meeting on 29 March 2017 and adjourned to enable the applicant to provide further medical information in support of his application.

RESOLVED that, Mr MP's Hackney Carriage Drivers application for a licence be granted as it was considered that he was now a fit and proper person to hold a Hackney Carriage Drivers Licence. The Sub Committee asked that Mr Plume notify the Licensing Authority if his health deteriorated.

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Wednesday, 12 July 2017

Present: Councillors:
Steve Hall (Chairman)
John O'Leary

Officers: Neil McDonald – Licensing Officer
Chris Lane – Democratic Services Officer

The meeting started at 9.30 am and ended at 9.40 am.

- *11 Minutes
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 7 June 2017, were confirmed and signed as a true record.
- *12 Declaration of interest
Councillor John 'Leary
Minute *13
Disclosable Pecuniary Interest – Personal Licence Holder
- *13 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 three 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:

Poppys Coffee, 1 Broad Street, Ottery St Mary, EX11 1BR.

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. Alcohol will only be served to persons taking table meals at the premises by waiter or waitress service.
2. Staff training shall be recorded and training records shall be made available for inspection upon reasonable request by an authorised officer of a responsible authority.
3. No person carrying open vessels containing alcohol will be admitted to the premises at any time.
4. No customers will be permitted to take open vessels containing alcohol from the premises.
5. The premises will operate a Challenge 25 policy. The only acceptable forms of ID will be Passport, Photo Driving Licence and Government approved PASS card.

Schedule:

Type of application:

Application for the grant of a premises licence

Name of premises and address:

Cherryhayes Farm, Smeatharpe, Honiton, EX14 9RD.

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. There will be no more than 2000 persons on site at any one time.

Schedule:

Type of application:

Application for the grant of a premises licence

Name of premises and address:

Darkplace Brewery, Unit 6A, Colyton Business Park, Wheelers Yard, Colyton, EX24 6DT.

Agreed position reached by the parties:

Following mediation the applicant and the Colyton Parish Council 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. Reduce the hours on a Friday and Saturday nights for the sale of alcohol on and off the premises from 10am to 11pm to 10am to 9pm closing time reduced to 9.30pm.

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Knowle, Sidmouth on 13 July 2017

Attendance list at end of document

The meeting started at 5.30pm and ended at 6.04pm.

***21 Public Speaking**

Mr Roger Sherriff and Councillor Chris Kitson wished to speak on agenda item 18 relating to Budleigh Salterton Neighbourhood Plan Examiner's report.

***22 Minutes**

The minutes of the Cabinet meeting held on 14 June 2017 were confirmed and signed as a true record.

***23 Declarations**

None

***24 Matters of urgency**

None

***25 Matters referred to the Cabinet**

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

***26 Exclusion of the public**

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

***27 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 August 2017 to 30 November 2017.

***28 Minutes of the Recycling and Waste Partnership Board held on 25 May 2017**

Members received the Minutes of the Recycling and Waste Partnership Board held on 25 May 2017. The prospect of future green waste collections for the district was discussed.

***29 Minutes of Housing Review Board held on 15 June 2017**

Members received the Minutes of Housing Review Board held on 15 June 2017.

RESOLVED (1) that the following recommendations be noted:

Minute 7 Procurement of the housing responsive repairs and works to void properties contract

1. the final options report from echelon and consider the models proposed for the renewal of the responsive repairs and work to void properties contract.

Minute 11 Communal cleaning

1. the current position and future plans for the cleaning of communal housing areas.

Minute 12 Spending Right to Buy receipts

1. the update report on the use of Right to Buy receipts and Housing Revenue Account funding to secure suitable property to add to the Council's housing stock.

RESOLVED (2) that the following recommendations be agreed:

Minute 7 Procurement of the housing responsive repairs and works to void properties contract

2. the outsourcing option as the preferred approach to procuring a new contract and securing service improvements.

Minute 9 Housing strategy update

Minute 10 Decommissioning of sheltered housing update

1. the decision to cease the process of decommissioning certain sheltered properties,
2. those properties already decommissioned were re-commissioned.

Minute 11 Communal cleaning

2. the appointment of two further members of cleaning staff.

Minute 12 Spending Right to Buy receipts

2. delegated authority to the Strategic Lead – Housing, Health and Environment, Portfolio Holder for Sustainable Homes and Communities, and Chair of the Housing Review Board to approve further purchases to meet 2017/18 and 2018/19 Right to Buy spending deadlines using the Housing Revenue Account funding, or other such funding, as match funding.
3. a new form for Right to Buy applications designed to counter fraudulent claims.

Minute 13 Housing Revenue Account outturn report 2016/17

1. the Housing Revenue Account outturn position for 2016/17.
2. an adopted range between £2.1m and £3.1m was determined for the HRA balance, and £3.977m held above this level was transferred to a new reserve called 'future housing development fund',
3. £2.8m was transferred from the HRA business plan volatility fund into the future housing development fund.

***30 Minutes of the STRATA Joint Scrutiny Committee held on 15 June 2017**

Members noted the Minutes of the STRATA Joint Scrutiny Committee held on 15 June 2017

***31 Minutes of the STRATA Joint Executive Committee held on 20 June 2017**

Members noted the Minutes of the STRATA Joint Executive Committee held on 20 June 2017.

RESOLVED (1) that the following recommendation be agreed:

Minute 21 Strata Budget Monitoring Out-Turn Report 2016/17

3. the three Councils approved the appointment of two Project Managers and one Supplier Engagement Manager on fixed term contracts for two years. The cost was estimated at £132,000 a year, with the balance of funding coming from anticipated additional savings generated by the Supplier Engagement Manager.

***32 Minutes of the Scrutiny Committee held on 22 June 2017**

Members received the Minutes of the Scrutiny Committee held on 22 June 2017.

RESOLVED (1) that the following recommendation be noted:

Minute 7 Scrutiny Forward Plan

the Chief Executive's report to Cabinet on his two priority areas after the Parliamentary Election included explanation of the postal vote issue of 25 May 2017 that did not have an official security mark visible on the front of the ballot paper.

33 Electoral Review of East Devon – Final Recommendations

Members noted the Local Government Boundary Commission for England had now published its final recommendations for the new electoral arrangements for East Devon.

***34 Monthly Performance reports – May 2017**

The report set out performance information for the 2017/18 financial year for May 2017. This allows Cabinet to monitor progress with selected performance measures and identify any service areas where improvement is necessary.

There were three indicators that showed excellent performance:

- 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 was one performance indicator showing as concern:

- Percentage of planning appeal decisions allowed against the authority's decision to refuse - Two appeal decisions were received during May, one appeal was allowed and one was a split decision. Seven decisions had now been received which was only a small sample of the total number of appeals received over the year. The decisions were being monitored, although it was anticipated that as the number of appeal decisions increase, the performance figure would stabilise.

RESOLVED:

that the progress and proposed improvement action for performance measures for the 2017/18 financial year for May 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 Management, Housing and Revenues and Benefits.

***35 Corporate Counter Fraud and Compliance Strategy – 2017-2020**

The Strategic Lead - Finance presented the report, which asked Members to approve the new strategy relating to the Council's Corporate Counter Fraud and Compliance work. Not adopting this strategy would mean there would be no clear corporate direction of travel for this area of work. This would risk the aims of the Anti-Fraud, Theft and Corruption Policy and also Regulatory Enforcement and Prosecution Policy not being met.

RESOLVED:

that the Corporate Counter Fraud and Compliance Strategy for 2017-2020 be agreed.

REASON:

Adopting the strategy would give assurance to the Audit and Governance Committee and give a robust approach to fraud and error within East Devon.

***36 Annual Treasury Management Review 2016/17 – 1 April 2016 to 31 March 2017**

The Strategic Lead - Finance highlighted the report, which detailed the overall position and performance of the Council's Treasury Management Strategy during 2016/17.

RESOLVED:

that the investment values and performance for the year to 31 March 2017 be reviewed and noted.

REASON:

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

***37 Broadclyst Neighbourhood Area – redesignation**

The report proposed that the Broadclyst Neighbourhood Area should be redesignated to cover the whole Parish.

RESOLVED:

that the designation of the whole Parish of Broadclyst as a Neighbourhood Area be agreed.

REASON:

In October 2013 Members agreed to designate part of the parish of Broadclyst as a Neighbourhood Area. The agreed area was smaller than that originally proposed by the Parish Council as Members felt that strategic planning areas should be excluded. Since then, a new Parish boundary had been agreed through a boundary review and the legislation had changed so that the District Council could not object to the designation of neighbourhood areas which followed parish boundaries.

***38 Budleigh Salterton Neighbourhood Plan Examiners Report**

Mr Roger Sheriff Chairman of Budleigh Salterton Neighbourhood Plan Steering Group, thanked EDDC for all the help and support they had received, especially Tim Spurway and Claire Rodway who responded to their requests of support quickly and professionally.

Councillor Chris Kitson said he was not mandated to speak on behalf of the Town Council although there were no adverse comments from the Town Council on the Examiner's report. He repeated the Plan's aims to support housing and business development as well as improve medical services.

Councillor Steve Hall, Ward Member stated this was a well-executed document. Although the Steering Group would have liked control of 100% of the hospital gardens, they were happy to work with the 50% set by the Examiner.

Councillor Tom Wright, Ward Member congratulated Roger Sherriff and his team for getting the Plan to this stage.

The Budleigh Salterton Neighbourhood Plan referendum would be held in September 2017 to avoid the August holidays where participation could be affected.

The report provided feedback and set out proposed changes following the examination of the Budleigh Salterton Neighbourhood Plan.

RESOLVED:

1. that the examiners recommendations on the Budleigh Salterton Neighbourhood Plan, be endorsed,
2. that a 'referendum version' of the Neighbourhood Plan (incorporating the examiners modifications) should proceed to referendum and a decision notice to this effect be published, be agreed,
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, in most part, were accepted by the Town Council. One modification was not accepted by the Town Council and Members were asked to consider whether there were grounds to disregard the Examiners recommendation in this respect.

***39 East Budleigh with Bicton Neighbourhood Plan to be formally 'made'**

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

RESOLVED:

1. that the East Budleigh with Bicton Neighbourhood Plan was 'made' so it forms part of the development plan,
2. that the Neighbourhood plan group be congratulated on all their hard work and advised that once 'made' the East Budleigh with Bicton Plan would carry its full weight in the planning decision making process.

REASON:

The East Budleigh with Bicton 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.

***40 Additional capital budget for new recycling and waste collection service mobilisation**

The Strategic Lead – Housing, Health and Environment requested an additional capital budget of £152,116 in order to complete the capital mobilisation of the new recycling and waste collection contract. Originally a capital budget of £6m was set for the capital elements of the new service roll out. It looked like the original spend was going to be under £5m for all the capital elements, so a portion of the original budget was offered as a saving.

The report showed why the request for an amount of this saving back to complete the capital parts of this large project was being asked for. This was mostly because of additional recycling sacks required for the mobilisation due to high levels of participation and for an improved electricity supply at the Greendale depot to power larger scale bailing equipment. This would cope with the higher than predicted amounts of recycle being collected under the new scheme (25% higher than modelled).

RESOLVED:

that the additional capital spend of £152,116 for the new recycling & waste service roll out be agreed.

REASON:

To allow the successful capital mobilisation of the new collection service, giving the best chance of it succeeding and collection partner Suez being able to keep on top of processing the recyclate being collected.

***41 Corporate Health and Safety Policy**

The Service Lead - Environmental Health and Car Parks asked Members to consider and approve the Council's revised policy, which set out how a culture of safe workplaces and safe systems of working throughout the organisation would be promoted.

RESOLVED:

that the revised policy be approved.

REASON:

The Council was a major employer and was legally required to comply with the Health and Safety at Work etc. Act 1974. Alongside general duties to protect the health, safety and welfare of employees and anyone else affected by its activities, there was an express legal requirement to produce a written policy. This should set out what arrangements were made for complying with the law and specify who was responsible for implementing these arrangements.

Attendance list

Present:

Paul Diviani Leader

Portfolio Holders:

Ian Thomas	Finance
Tom Wright	Environment
Marcus Hartnell	Deputy Portfolio Holder Environment
Iain Chubb	Corporate Services
Phil Twiss	Deputy Leader/Strategic Planning and Developments

Cabinet Members without Portfolio:

Geoff Pook
Eileen Wragg

Cabinet apologies:

Jill Elson	Sustainable Homes and Communities
Phil Skinner	Economy

Non-Cabinet apologies:

Rob Longhurst
Mark Williamson
Roger Giles
Simon Grundy
Alan Dent
John Dyson

Steve Gazzard
Colin Brown
Jenny Brown
Brenda Taylor

Also present (for some or all of the meeting)

Councillors:

Brian Bailey
Bruce de Saram
Steve Hall
Geoff Jung
Pauline Stott
Mike Howe
Cherry Nicholas
Ian Hall
Maddy Chapman
John O’Leary
Cathy Gardner
Marianne Rixson
Helen Parr
David Barratt
Andrew Moulding
Eleanor Rylance

Also present:

Officers:

Mark Williams, Chief Executive
Simon Davey, Strategic Lead – Finance
John Golding, Strategic Lead – Housing, Health and Environment
Karen Jenkins, Strategic Lead – Organisational Development and Transformation
Andrew Ennis, Service Lead - Environmental Health and Car Parks
Ed Freeman, Service Lead - Planning Strategy and Development Management
Anita Williams, Principal Solicitor (& Deputy Monitoring Officer)
Amanda Coombes, Democratic Services Officer

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Strategic Planning Committee held at Knowle, Sidmouth on 11 July 2017

Attendance list at end of document

The meeting started at 10.00am and ended at 11.32 pm.

***1 Public speaking**

The Chairman welcomed everyone present to the meeting. There were no members of the public that wished to speak.

***2 Minutes**

The minutes of the Strategic Planning Committee meeting held on 29 March 2017 were confirmed and signed as a true record.

***3 Declarations of interest**

Cllr Jill Elson; Minute 7 – Community Infrastructure Levy – Payment in kind policy
Interest - Personal
Reason: Chair of Governor's, Exmouth Community College

Cllr Phil Twiss; Minute 7 – Community Infrastructure Levy – Payment in kind policy
Interest - Personal
Reason: School Governor

Cllr Phil Twiss; Minute 8 – Employment land review report
Interest - Personal
Reason: Brother is a Partner at Clarke Willmott Solicitors (Taunton)

Cllr Philip Skinner; Minute 8 – Employment land review report
Interest - Personal
Reason: Shareholder representative – Exeter Science Park and close friends with the owners of Greendale Business Park

4 East Devon Local Development Scheme – July 2017

The Committee considered the Service Lead's – Strategic Planning and Development Management report detailing an updated Local Development Scheme and setting out the timetable for future planning policy production in East Devon.

Members noted the following:

- The Villages Plans had now been submitted to the planning inspector for examination. It was hoped that the Plan would formally be adopted later in the year/early next year.
- The Greater Exeter Strategic Plan was progressing with a team now established – this included two members of the Planning Policy Team who had been seconded. A draft Strategic Plan was anticipated before the end of the year.
- There were currently 30 Neighbourhood Plans in production. This was a large piece of work, which required a lot of resource to support and enable those producing the Plans.

- A consultant had now been appointed to carry out work on a revised Charging Schedule. The same consultants were also undertaking viability work for Cranbrook.

Points raised during discussion on the Local Development Scheme included:

- The importance of progressing the Greater Exeter Strategic Plan to ensure economic prosperity for the district. Some concern was raised that planning applications would be received in advance of the Strategic Plan being adopted due to slow progress with Plan production. In response the Chief Executive advised that the Council was currently in a strong position having an up to date Local Plan and five year land supply and therefore any applications would be assessed against the Council's adopted policies;
- Concerns raised about delays in the production of the Gypsy and Traveller Plan. In response the Service Lead advised that unfortunately a 'call for sites' had been unsuccessful and Officers were now trying to secure sites on the open market – if this was successful there would not be a need for a Gypsy and Traveller Plan. If and when a suitable site(s) was found a report would be presented to Members for their approval. If land could not be secured on the open market, the next stage would be to look at sites that had come through the HELAA process. A site would need to have strong policy support in order for the Council to pursue a compulsory purchase order to secure the land. Members were advised that sites would be allocated in Cranbrook through the Cranbrook Plan.
- The membership of the CIL Working Party had now been agreed and the first meeting was due to take place at the end of the summer. Officers were currently working on a mechanism for assessing bids against the CIL funding pot.
- It was felt that Strategy 36 in the Local Plan, relating to accessible homes, was not being adhered to in the planning process and it was suggested that a supplementary planning document be introduced to provide the necessary detail. In response, the Service Lead advised that he would look into the matter and update at the next meeting.
- Disappointment that parishes were losing out on significant sums of CIL money due to self-build properties being exempt from making a contribution. In response, the Service Lead acknowledged the frustration, however advised that the exemption had been written into the legislation and therefore was not something that the Council could amend. An announcement on the review of CIL was anticipated with the autumn statement.

RECOMMENDATION: that Council adopts the East Devon Local Development Scheme, appended to the committee report, from 27 July 2017.

***5 Local Development Orders within Enterprise Zone**

The Enterprise Zone Programme Manager presented a report updating the Committee on the proposed work programme for the delivery of Local Development Orders (LDOs) within the Enterprise Zone. The LDOs were intended to provide a more simplified planning process, which would enable development to progress more quickly; LDOs were frequently used on employment sites. Members noted that there were a number of examples of Council's that had adopted LDOs which ranged from requiring no planning permission to requiring prior notification. The Council would

need to follow a statutory process in order to adopt the LDO – this would include consultation and engagement with Members, key stakeholders and landowners. A timetable for this work, which would take approximately nine months, was set out in the committee report.

Responses to comments made during discussion included:

- Any development would still be subject to building control conditions and checks;
- A briefing note, including map, on the Enterprise Zone would be circulated to Members;
- A consultant would be appointed by the Officer Working Group to advise on developing and adopting an Order;
- Members would receive a report in December 2017 on recommendations on the type of LDO the Council should adopt and then a final report in April 2018 on the proposed LDO for adoption;
- Devon County Council were aware and were being kept informed of progress of the LDO;
- The LDO process did not prevent any business from re-locating to the Enterprise Zone area whilst it was in production;
- Regular enquiries were being received from businesses wishing to locate/re-locate into the Enterprise Zone area, which was encouraging.

RESOLVED:

1. that the proposed Officer Working Group for delivery of the Local Development Orders with Development Management, Major Projects, Planning Policy and Enterprise Zone Officers be endorsed;
2. that the commencement of work on the Local Development Order for the Exeter Science Park site be approved;
3. that the Enterprise Zone Programme Manager circulate a briefing note, including map, on the Enterprise Zone to the Committee.

***6 Planning appeals status report**

The Service Lead – Strategic Planning and Development Management presented the report providing an update on the current situation regarding planning appeal decisions and an overview of the results of planning appeals from 1 April 2016 to March 2017. Members noted that although the Council had achieved an appeal success rate close to the national average, the figures for the last twelve months represented a considerable drop in the number of appeals dismissed when compared to the Council's performance over the past three years, where the success rate had been consistently above the national average.

The Service Lead advised that there had been no significant change in policy over the past twelve months which could be attributed to the drop in the Council's success rate. However, there had appeared to be a change in the decisions of the Inspectorate being more positive and pro-development unless there was significant harm and where there was economic benefit. He also advised that there had been a high proportion of officer overturns at Development Management Committee, which had impacted on performance. Members also noted that the Council could not make split-decisions on applications, which the Inspectorate were able to do. Importantly, no costs had been awarded against the Council, which suggested that none of the Council's decisions had been considered unreasonable. Appeal decisions would continue to be monitored and learnt from.

Discussion on the report included:

- Officer reports were there to guide the Development Management Committee, however Members were entitled to come to a different view having listened to all parties – this was the purpose of the Committee;
- Planning was largely down to interpretation;
- Queried whether the figures had been broken down to show the number of retrospective overturns – it was noted that the Committee often struggled to set the fact that it was retrospective aside. The Service Lead advised that he would look into this;
- Unfortunate that the Council could not make split decisions. The Service Lead advised that this would require a change to the legislation;
- Officers needed to be clearer in their reports on the weight given to policies;
- The Council was still on target with the national average and therefore there was no concern, particularly as there no costs had been made against the Council for being unreasonable;
- The Development Management Committee received regular training to improve their planning knowledge;
- Would be helpful for the report to be presented to the Development Management Committee as the decision makers on applications.

RESOLVED: that the planning appeals status report for the year from 1 April 2016 to 31 March 2017 be noted.

7 Community Infrastructure Levy – Payment in kind policy

The Service Lead – Strategic Planning and Development Management presented a report outlining a draft policy which had been produced to enable Community Infrastructure Levy to be paid ‘in kind’ by land and/or infrastructure, rather than cash. Members noted that it was not envisaged that the policy would be used very often; however, there would situations where it was beneficial.

During discussion Members supported the principle of the policy and recognised that it provided another option, however considered that further work was required, particularly in respect of how payments were made to parish and town councils.

RECOMMENDATION: that Council approves the Community Infrastructure Levy payment in kind policy with effect from 27 July 2017.

***8 Employment Land Monitoring Review report**

The Service Lead – Strategic Planning and Development Management presented a report summarising the employment land review undertaken for 2015-16 and 2016-17. The Council was required to undertake this monitoring exercise in order to understand the provision and delivery of employment land in the district and thereby ensure that plan policies were based upon adequate, up to date and relevant evidence. The detailed monitoring report was appended to the Committee report.

Members noted that the information gathered would be used to inform a strategy for the future delivery of employment land in the district and the resources to assist this. A further report would be prepared with the Economic Development Team to provide an action plan for supporting delivery of employment land in the district for the Committee’s consideration.

Members were also asked to note the Cushman and Wakefield report, produced by consultants on behalf of the Science Park Company and appended to the committee report, which highlighted a significant issue affecting delivery at the Exeter Science Park. The report detailed proposals for a land swap between land currently forming the north eastern corner of the Science Park and land to the south west, which lies outside the Science Park designation. The proposal was for land currently within the Science Park to be brought forward for housing and the Science Park boundary to be extended to include land to the south west to compensate for the loss. Correspondence with officers, which detailed the issues and implications, were also appended to the committee report for information. Ultimately, any application would need go through the Development Management Committee for decision as the application would result in a departure from the Local Plan.

Discussion on the employment land review and proposed land swap included:

- Employment land review report was welcomed;
- There was a need to understand the type of employment buildings required;
- Employment land should be being monitored against the Council's objective of one job:one home provision;
- The proposed land swap was critical to enable delivery at the Science Park to move forward;
- Understanding that there was an economic benefit from the land swap, however concern that 3.5 hectares of employment land was being lost;
- Some concern raised about 25% affordable housing being proposed as part of the land swap (should be 50%) – justification for the reduction was not clear. Some Members felt 25% affordable housing was preferable to none. In response it was advised that this would be a matter Development Management Committee would need to consider when determining any application;
- The economic and viability case for the land swap/housing provision needed to be made clear in the Development Management Committee report.

The Chairman of the Development Management Committee made clear that Development Management Committee Members would need to approach the application with an open mind and determine any application based on the facts presented to them.

RESOLVED:

1. that the Employment Land Monitoring Review report for 2015-16 and 2016-17 be noted;
2. that the appendix to the committee report from Cushman and Wakefield detailing a proposed land swap at Exeter Science Park and the implications of this proposal be noted;
3. that a further report detailing an action plan for the delivery of employment land in the district be presented at a future meeting.

Attendance list

Committee Members:

Councillors

Phil Twiss - Chairman

Graham Godbeer – Vice Chairman

Mike Allen

Susie Bond

Colin Brown

Jill Elson

Mike Howe

Geoff Jung

Rob Longhurst

Philip Skinner

Brenda Taylor

Mark Williamson

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

Councillors

Peter Faithfull

Andrew Moulding

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

Mark Williams, Chief Executive

Ed Freeman, Service Lead – Strategic Planning and Development Management

Naomi Harnett, Enterprise Zone Programme Manager

Shirley Shaw, Planning Barrister

Hannah Whitfield, Democratic Services Officer

Apologies

Committee Members:

Ian Hall

Geoff Pook

Non-committee Members:

Paul Diviani

David Key

Chairman Date.....