

Agenda for Council

Wednesday, 25 October 2017; 6.30pm



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

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

[View directions](#)

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

Dear Sir/Madam

Meeting of the Council of the District of East Devon on Wednesday 25 October 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.

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Agenda:

- 1 [Public speaking](#)
- 2 Minutes of the [Council meeting](#) held on 26 July and [Extra ordinary Council meeting \(1\)](#) and [Extra ordinary Council meeting \(2\)](#) held on 13 September 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	42 – 71, 72 - 93
†Scrutiny Committee	Minutes	8 – 13, 14 – 18
†Overview Committee	Minutes	1 – 7
†Housing Review Board	Minutes	16 – 31
Local Housing Company Sub Committee	Minutes	1 - 3
Development Management Committee	Minutes	9 – 14, 15 –18, 19 – 22, 23 – 24
Audit and Governance Committee	Minutes	16 – 26
Licensing and Enforcement Committee	Minutes	4 - 8
Licensing and Enforcement Sub Committee	Minutes	14 –16, 17 –19, 20 – 22, 23 – 25, 26 - 28
Standards Committee	Minutes	1 - 7
- †The recommendations of these meetings have already been referred to Cabinet for consideration
- 10 **Substitute appointment to South East Devon Habitat Regulations Executive Committee**

Members are asked to confirm the appointment of the Portfolio Holder – Environment as this Council's substitute member on the South East Devon Habitat Regulations Executive Committee.
- 11 **Licensing and Enforcement Committee – Amendment to membership**

Members are asked to confirm the replacement of Councillor Jenny Brown with Councillor Pauline Stott on the Licensing and Enforcement Committee.

12 Appointment of an additional Housing Designated Person

Designated Persons are part of the arrangements put in place under the Localism Act 2011 for dealing with complaints by social tenants against their landlord. This Council has allocated the role of 'designated persons' to councillors who do not have a current role within the Housing service.

Members are asked to confirm the appointment of Councillor Bruce de Saram as one of the Council's Housing Designated Persons. There is a current vacancy due to Cllr Ian Hall being appointed to the HRB at the Annual Council meeting in May.

13 Appointment of Tenant representative on Housing review Board

Following the resignation of one of the tenant representatives from the Housing Review Board, interviews were held on 12 October 2017 to fill the vacant tenant representative position, with two tenants expressing interest in joining. Members are asked to formally appoint Peter Sullivan to the Board.

14 Increase in membership of Audit and Governance Committee

Subject to the approval of the recommendation from the Audit and Governance Committee on 21 September (Minute 25), members are asked to confirm the appointment of Councillor Steve Hall and Councillor Rob Longhurst as the two additional members to the committee.

15 Motion – Community Infrastructure Levy Review report to Government

'That the Council write to the government urging them to take swift action to adopt the findings of the Community Infrastructure Levy Review Team recommendations as detailed in their report "A New Approach To Developer Contributions" (available at <https://www.gov.uk/government/publications/community-infrastructure-levy-review-report-to-government>). A copy to be sent to Rt.Hon.Sir Hugo Swire MP, Mel Stride MP and Neil Parish MP'.

Proposed by Cllr Jill Elson, seconded by Cllr Mike Howe and supported by Cllr Cherry Nicholas, Cllr Pauline Stott and Cllr Phil Twiss

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

[Decision making and equalities](#)

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

Meeting of the Council – 25 October 2017

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 10. Standards Committee	 25 July 2017	 92 – 94
	17 October 2017	To follow

EAST DEVON DISTRICT COUNCIL

Minutes of the Meeting of the Council held at Knowle, Sidmouth, on Wednesday, 26 July 2017

Attendance list at the end of document.

The meeting started at 6.30pm and ended at 8.43pm.

***20 Public speaking**

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

There were seven questions from the public.

Nick Hookway wanted to ask the council about the process involved in developing the Seafront Facilities on Queen's drive in Exmouth and when local people would be in a position to know about it.

Mark Myer asked a question also related to the issue of proposed developments on Queen's Drive, Exmouth. He expressed a view that the current proposals do not appear to reflect the needs of local people. As a regular user of current facilities available, he stated that there was already a range of affordable, accessible and family friendly facilities on the seafront at Exmouth and wanted reassurances that the proposals would take account of prevailing social, environmental and economic factors affecting local communities. He indicated that there was distrust locally of the proposed closure of current facilities and people wanted proper consultation.

Mrs Daphne Currier also asked a question about Queens Drive, Exmouth. She stated that Exmouth was about to lose its current Fun Park in favour of an ambitious alternative plan, and wanted to know where the Business Plan for the proposed Water Sports Centre could be found. She expressed a view that the plans of Grenadier seemed to be contrary to the plans for a mixed-use development and that local people were being misled. She asked whether the public would have free access to the new centre or have to pay for facilities in future.

The Portfolio Holder for Economy, Councillor Philip Skinner responded to these questions. As Chair of the Exmouth Regeneration Board he recognised that the discussions about the Water Sports Centre at the Regeneration Board had been going on for some time, but the Plans were due to be received soon, at which point full consultation would occur. As Chair, he had every confidence that it will be good for Exmouth and EDDC had identified funding for the car park and road which would support the new centre.

Michael Temple asked a question on behalf of Alison Kerruish who was not present at the meeting. He asked about the questionnaire which had been designed for use as part of the consultation about Port Royal, which he felt was unclear and asked for clarification from the council. For example, one question requested views on five storey developments. He wanted to know if any other funding options were being considered and who had designed the questionnaire. A response was already available on this topic in relation to questions put by Councillors under Procedure Rule 9.2, and the Deputy Chief Executive, Richard Cohen, was able to confirm that he had already responded in writing to the questions from Ms Kerruish. He further added that the EDDC and Sidmouth Town Council had jointly commissioned independent consultants to carry out a scoping study as a first step toward the renewal of Port Royal, and which would include extensive consultation locally.

J. Green put a question to the council about 'Your Future Care'. She stated that at a previous council meeting, Councillor Mike Allen had stated that Care in the Community was not working but it appeared that the Leader of East Devon District Council appeared to have voted against the wishes of the council at a meeting at Devon County Council yesterday.

Stephen Craddock asked a question relating to the same topic. As a member of several groups in Honiton working to support the retention of Hospital beds across the district, he wanted an explanation from the Leader about the vote against the motion to extend consultation and refer to the Secretary of State, against the expressed wishes of East Devon District Council. He expressed a view that councillors appeared to be taking no notice of local views.

Mrs Diana Nason stated that she had been very impressed by the standard of questioning to CCG representatives at the last meeting of the Scrutiny Committee meeting, but regardless of this, the CCG had reached the conclusion that hospitals should be closed. She asked why the Leader of the council had not taken note of the views of local people and expressed a view that the decision at Devon County was disgraceful in this respect. She stated that the CCG were likely to sell the hospital which had been supported by the unpaid work of volunteers and as such, any sale would be regarded as 'legalised theft' from local people.

The Leader of the Council, Councillor Paul Diviani, responded to these questions. He explained that he was present at the meeting held at Devon County Council in the role of representing the eight Leaders of all district Councils across Devon. He agreed with the principles already expressed at this meeting and previously when this debate was held, but Devon cannot afford to fund the hospitals and the Secretary of State has ultimate power on this issue. He stated that the difficulty was due to the fact that the system needed an overhaul and more funding, but we need to show locally how we can pay for hospitals if that is our priority. He stated that the service to local residents is of paramount importance, but it may not be provided via hospitals and alternative services were needed. Practical solutions are now required.

***21 Minutes**

The minutes of the Extra Ordinary Council meeting and Annual Council meeting of held on 17 May 2017 were confirmed and signed as a true record.

***22 Declarations of interest**

Councillor Mark Williamson – Item 11

Type of interest – Personal interest

Reason – Councillor was a former Chair of Governors and Director of Children Services, and has 4 grandchildren.

Councillor Stuart Hughes – Item 11

Type of interest – Personal interest

Reason – Councillor is a Member of Devon County Council and has separately made representations to the Secretary of State.

Councillor Jill Elson – Item 11

Type of interest – Personal interest

Reason – Councillor is Chair of Exmouth Community College.

Councillor Phil Twiss – Item 11

Type of interest – Personal interest
Reason – Councillor is a member of Devon County Council

Councillor Iain Chubb – Item 11
Type of interest – Personal interest
Reason – Councillor is a member of Devon County Council

Councillor Marcus Hartnell – Item 11
Type of interest – Personal interest
Reason – Has children at schools in Seaton and Axminster

Councillor Douglas Hull – Item 12
Type of interest – Personal interest
Reason – Governor at RD&E Hospital

Councillor Ian Hall – Item 12
Type of interest – Personal interest
Reason – Councillor is a member of Devon County Council

Councillor Cherry Nicholas – Item 12
Type of interest – Personal interest
Reason – Councillor's son is employed by the CCG

***23 Chairman/Leader notices/announcements**

The Chair wanted to bring Council's attention to the Moor Otters Trail, a new art trail designed to support conservation projects on Dartmoor. Artists from the region had been commissioned to develop 100 pieces of art in the form of painted otters constructed to a height of 5 feet, placed around Dartmoor, gateway towns and other locations. This has been supported by members of the business community. There is a competition to find as many as possible, with prizes, and concluding in an auction of the otters later in the year to raise more funds for local projects. A pamphlet was available at the meeting for those attending.

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

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

- a) Question 1 – In response to the question by Cllr Roger Giles about the processing of Green waste in East Devon, Cllr Roger Giles confirmed that he had no supplementary question.
- b) Question 2a – In response to the supplementary question by Cllrs Manley and Gardner about the current consultation for Port Royal, the Portfolio Holder for Strategic Developments & Partnerships advised that there is currently no development proposal for Port Royal and he would not be able to provide a more detailed response to that already provided without prejudging the consultation.
- c) Question 2b - In response to the supplementary question by Cllrs Manley and Gardner about consultation on the contents of the consultation prior to it being

presented to the public, the Portfolio Holder for Strategic Developments & Partnerships advised that after the professional advice from the consultants had been received, the reference Group and others including Sidmouth Town Council would be able to respond appropriately.

- d) Question 3a – In response to the supplementary question by Cllrs Booth and Rixson about the Port Royal Scoping Study, the Portfolio Holder for Strategic Developments & Partnerships advised that consultants and council officers from both councils had worked together collaboratively on the consultation documents.
- e) Question 3b – In response to the supplementary question by Cllrs Booth and Rixson about the Port Royal Scoping Study consultation report, the Portfolio Holder for Strategic Developments & Partnerships advised that the report will be available online and that the timing of publication will be considered by both councils depending on the decisions required.
- f) Question 3c – In response to the supplementary question by Cllrs Booth and Rixson about financial implications of flood risk designation, the Portfolio Holder for Strategic Developments & Partnerships advised that since we were still at a consultation stage he was unable to give any indication of the level of any financial contribution the LPA would be requiring towards sea defences.
- g) Question 3d – In response to the supplementary question by Cllrs Booth and Rixson about the extent of the involvement of all tenants in the scoping study, the Portfolio Holder for Strategic Developments & Partnerships advised that the Scoping Study report would reflect on opportunities and constraints and the views of local people in due course. The Deputy Chief Executive confirmed that all tenants had been consulted.
- h) Question 4a – In response to the supplementary question by Cllr Armstrong about the source of funding for the road realignment on Queen's Drive in Exmouth, the Leader advised that the funding is set out in the council's capital programme and has an approved budget of £3,120,000 which was confirmed at Full Council in December 2016.
- i) Question 4b – In response to the supplementary question by Cllr Armstrong about how Condition 6 could be discharged if no Phase 3 proposal, the Chief Executive detailed the process that was being gone through and that it would be capable of being discharged due to the sequencing and timing.

***25 Minutes of Cabinet and Committees**

RESOLVED

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

Cabinet

Minutes 215 – 235, 1 – 20, 21 – 41

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, 11 - 13

2. that the under-mentioned minutes be received.

Cabinet (minutes 222, 224, 8, 29, 32) had noted or accepted the following Overview/Scrutiny Committees' recommendations with or without amendment.

Scrutiny Committee

Minutes 47 – 53, 54 – 60, 1 – 7

Overview Committee

Minutes 20 – 25

Housing Review Board

Minutes 1 – 15

Arising from consideration of the above minutes:-

➤ **Cabinet, 14 June – Minute *4c – Letter to the Health & Adult Care Scrutiny Committee**

Cllr Val Ranger wanted to bring attention to the Leader's commitment to represent the views of this council as stated in this minute. The Leader had previously confirmed that he was sitting on the Health & Adult Care Scrutiny Committee as the District Councils' Network representative and would make sure that the views of this council would be put to the committee as well as those of other councils. At this meeting he reiterated that he was empowered only to represent the views of other Leaders and not act as a delegate, and all of the issues had to be weighed carefully before being put to a vote.

***26 Contract Standing Orders**

The Chairman invited the Audit and Governance Chairman, Councillor Mark Williamson, to introduce the report seeking approval for revised Contract Standing Orders. Cllr Williamson stated that the Orders were part of this council's constitution and it was a requirement to review and update them to ensure they are kept up to date and relevant. He referred members to the Brief Guide on pages 8 and 9 of the report to indicate that the Orders need to be followed to the letter. The S151 Officer had got training for staff in hand.

RESOLVED: that the revised Contract Standing Orders be adopted.

***27 Motion – National Funding for Schools Consortium**

The following motion was proposed by Councillor Matt Booth, seconded by Councillor Cathy Gardner and supported by Councillors Ben Ingham, Marianne Rixson, Susie Bond and Dawn Manley.

'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.'

The proposer of the motion, Councillor Matt Booth, spoke about the fact that schools on Devon were among the lowest funded in the country with each pupil receiving far less than the national average, demonstrating the disparity between funding for rural areas compared to schools in urban areas.

The seconder of the motion, Councillor Ben Ingham, listed the seventeen schools across East Devon who would receive less funding in future due to the proposed funding formula and how it would impact on future generations.

Councillor Mark Williamson proposed an amendment to the motion in order to strengthen it and bring it up to date by referring to the announcement by the Secretary of State on 17th July. He pointed out that this issue was one which should be taken out of politics and having an Independent Commission who could consider a new formula would be likely to do this.

Councillor Jill Elson seconded the amendment and declared her interest as Chairman of Exmouth Community College. She confirmed that Devon has the fifth lowest funding per pupil across the UK. She stressed that school funding needed an overhaul because the running costs remained the same regardless of fluctuating pupil numbers. Young people with special needs require more staff time but due to a shortfall in the Education Health Care Plan, Devon County Council top sliced all schools with the result that these young people are less likely to receive the support they require. There are many demands on schools which do not receive the funding for different support needs, such as to help young people with mental health problems.

The Chairman put the amendment to the motion to the vote and it was carried. It then became the substantive motion.

The amended motion was then put to the vote and agreed.

RESOLVED: that this Council thanks our MPs and County Council colleagues on their campaign for fairer funding for Devon's schools, and welcomes the Secretary of State for Education's announcement for a further £1.3bn for schools.

The Council calls on the Secretary of State to establish an Independent Commission on a National Formula which ensures that school funding is needs led, objective and transparent.

***28 Motion – NHS NEW Devon CCG**

The following motion was proposed by Councillor Ben Ingham, seconded by Councillor Cathy Gardner and supported by Councillors Marianne Rixson, Val Ranger, Megan Armstrong and Geoff Jung.

'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.'

The proposer of the motion, Councillor Ben Ingham, spoke about the impact of CCG decisions on the residents of east Devon, which did not seem to take

account of a higher than average ageing population and the future care needs in this area.

The seconder of the motion, Councillor Marianne Rixson, referred to specific situations where local people had been let down by the health system and the worsening effect on such situations if the CCG decision goes ahead with the closure of hospital beds.

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

- That the CCG was not a body made up of people who were elected to represent local communities and despite representations from many Councillors and local people, the CCG was able to take decisions without any appropriate form of accountability to the communities they served
- That ultimately the Secretary of State for Health would make the decisions affecting East Devon
- That practical solutions about the future of local services were required

Councillor Geoff Pook proposed an amendment to the motion to extend and strengthen it.

Councillor Eileen Wragg seconded the amendment.

The Chairman put the amendment to the motion to the vote and it was carried. It then became the substantive motion.

The amended motion was then put to the vote and agreed.

RESOLVED:

- 1. 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.**
- 2 The Council calls on Devon County Council and will itself seek to ensure the CCG fully and enthusiastically engages with community groups to develop viable solutions.**
- 3. The council requests that our MPs lobby the Secretary of State to force the CCG to engage positively with community groups.**

Attendance list

Councillors present:

Andrew Moulding (Chairman)

David Key (Vice Chairman)

Megan Armstrong

Brian Bailey

David Barratt

Susie Bond
Matt Booth
Colin Brown
Jenny Brown
Peter Burrows
Paul Carter
Maddy Chapman
Iain Chubb
Paul Diviani
John Dyson
Jill Elson
Mark Evans-Martin
Peter Faithfull
Steve Gazzard
Roger Giles
Graham Godbeer
Pat Graham
Simon Grundy
Ian Hall
Steve Hall
Marcus Hartnell
Stuart Hughes
Douglas Hull
John Humphreys
Ben Ingham
Jim Knight
Rob Longhurst
Dawn Manley
Bill Nash
Cherry Nicholas
John O'Leary
Helen Parr
Christopher Pepper
Geoff Pook
Val Ranger
Marianne Rixson
Eleanor Rylance
Phil Skinner
Pauline Stott
Brenda Taylor
Phil Twiss
Mark Williamson
Eileen Wragg
Tom Wright

Honorary Aldermen:

Frances Newth
Ann Liverton

Officers:

Richard Cohen, Deputy Chief Executive

Simon Davey, Strategic Lead - Finance
Henry Gordon Lennox, Strategic Lead – Governance and Licensing
Mark Williams, Chief Executive
Susan Howl, Democratic Services Manager
Debbie Meakin, Democratic Services Officer

Councillor apologies:

Mike Allen
Darryl Nicholas
Dean Barrow
Alan Dent
Bruce de Saram
Cathy Gardner
Geoff Jung
Ian Thomas
Mike Howe

Honorary Aldermen apologies:

Trevor Cope
Stephanie Jones
Bob Peachey
Ken Potter
Tim Wood
Graham Liverton
David Atkins

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of the Extra Ordinary Meeting of the Council held at Knowle, Sidmouth, on Wednesday, 13 September 2017

Attendance list at the end of document.

The meeting started at 6.00 pm and ended at 7.30 pm

***29. Public speaking**

The Chairman welcomed those present and invited members of the public to address the Council. There were six public speakers.

Bob Sturtivant expressed his view that the actions of Councillor Paul Diviani at the Devon County Council Health & Adult Social Care Scrutiny Committee on 25th July 2017 did not represent his views or those of local residents who would have wanted to lobby the Secretary of State for Health about changes to local hospital provision.

Di Smith expressed her view that there was a lack of confidence in politicians as a result of Councillor Diviani not supporting a vote to lobby the secretary of State.

Tony Smith expressed his view that he was disappointed by the actions of Councillor Diviani in not voting to lobby the Secretary of State.

John Ramsay expressed his view that politicians had ignored the views of local residents and had not consulted with other districts.

Jane Ashton expressed her view about the need for respect for democracy.

Jack Rowland expressed his view that that there is no evidence that rapid response services are yet working as intended, and the CCG have not provided evidence about why hospital bed closures are necessary.

***30. Declarations of interest**

Councillor Stuart Hughes

Type of interest – Personal interest

Reason – Councillor is a Member of Devon County Council

Councillor Darryl Nicholas

Type of interest – Personal interest

Reason – Councillor works for the CCG

Councillor Jill Elson

Type of interest – Personal interest

Reason – Councillor's sister is manager at Seaton Hospice Care.

Councillor Phil Twiss

Type of interest – Personal interest

Reason – Councillor is a member of Devon County Council

Councillor Iain Chubb

Type of interest – Personal interest

Reason – Councillor is a member of Devon County Council

Councillor Douglas Hull

Type of interest – Personal interest

Reason – Councillor is a Governor at RD&E Hospital

Councillor Ian Hall

Type of interest – Personal interest

Reason – Councillor is a member of Devon County Council

Councillor Peter Faithfull

Type of interest – Personal interest

Reason – Councillor is on Ottery St Mary Hospital League of friends

Councillor Tom Wright

Type of interest – Personal interest

Reason – Councillor is on Budleigh Hospital League of friends

Councillor Andrew Moulding

Type of interest – Personal interest

Reason – Councillor is on Axminster Hospital League of friends

Councillor Dawn Manley

Type of interest – Personal interest

Reason – Councillor is a Member of Sidmouth Care Forum

Councillor Geoff Pook

Type of interest – Personal interest

Reason – Councillor is a Member of Seaton Hospital Health Hub Steering Committee

***31. Motion – Motion of no confidence in the Leader**

The following motion was proposed by Councillor Ben Ingham, seconded by Councillor Val Ranger and supported by Councillors Cathy Gardner, Matt Coppel, Marianne Rixson, Rob Longhurst, Dawn Manley, Geoff Jung, Peter Faithfull, Susie Bond, Roger Giles, Matt Booth, Peter Burrows, Steve Gazzard, Megan Armstrong and Douglas Hull.

‘On Tuesday 25th July 2017, Cllr Diviani chose not to represent the opinions of this Council or the people we represent at the DCC Health and Adult Care Scrutiny Committee meeting when he was clearly expected to do so. This Council no longer has confidence in Cllr Diviani’s commitment to represent our collective interests nor lead our East Devon communities as the figurehead for local government. We call for his resignation.’

The Chairman called on the proposer, Councillor Ben Ingham to speak.

The proposer of the motion, Councillor Ben Ingham, spoke about the issue of 71 hospital beds being slashed by Devon CCG in favour of alternative provision. He went on to say that at the meeting of the Devon County Council Health & Adult Social Care Scrutiny Committee on 25 July, Councillor Diviani did not represent the views of East Devon District Council (EDDC), despite having stated previously that he would.

The Chairman then called on the seconder of the motion, Councillor Val Ranger, to speak.

The seconder of the motion, Councillor Val Ranger made reference to previous meetings on the topic of the need for hospital beds in the light of there being no alternative provision. She went on to state that the role of health scrutiny was to use the democratic process to voice the issues of concern of local residents and that EDDC had relied upon Councillor Diviani to do so. She had expected him to seek evidence of alternative provision to replace the potential loss of hospital beds.

The Chairman called on the supporters of the motion to speak.

Councillors Cathy Gardner, Matt Coppel, Marianne Rixson and Dawn Manley commented on the need to vote at this meeting with one's conscience and to represent the views of local residents.

Councillor Geoff Jung stated that he was supporting the motion on the basis that EDDC had previously agreed a principle on this issue but Councillor Diviani had voted otherwise, and did not consult with other districts. He expressed his view that the vote was likely to affect local residents for many years.

Councillor Susie Bond stated that Honiton had been excluded from the CCG consultation process, which was sufficiently significant to warrant an approach to the Secretary of State.

Councillor Roger Giles stated that in his 26 years on the Council, he could not recall a Leader previously going against the wishes of the council, and that the vote on 25th July prevented an approach to the Secretary of State and would have the effect of accelerating the closure of hospital beds.

Councillor Peter Burrows expressed his view that Councillors should always put the views of the community first.

Councillor Steve Gazzard expressed his view that on this occasion Councillor Diviani did not put EDDC views to Devon County Council or represent the districts of Devon.

Councillor Megan Armstrong and Douglas Hull made similar comments.

The Chairman moved that the vote be a recorded vote. This was put to the vote and was unanimously agreed.

The Chairman invited Councillor Paul Diviani to make a statement.

Councillor Diviani made a number of points. That the NHS has severe funding problems and that there is a Sustainable Transformation Plan to assist the NHS adapt to such pressures. He was elected unanimously by District Council Leaders of Devon to represent them on Devon County Council Health & Adult Social Care Committee and retains their support in exercising his own judgement when required. He had abstained from the vote at The EDDC annual meeting on 17 May to maintain an open mind on behalf of the districts and to assess any further information from the CCG or RD&E NHS trust on 25th July. No alternative proposals were presented to the committee which could be presented to the Secretary of State. He referred to the potential deficit of £557 million by 2020/21 relating to local health and social care services if changes to current inefficiencies are not resolved. Reviews from other areas (14) to the Secretary of State had all been rejected, no local alternative measures had been proposed and he had concluded that a referral would delay necessary change and jeopardise current care. He commented that in East Devon local hospitals are well provisioned and all existing towns have access to good services but flexibility was key and change was necessary since costs continue to increase. Flexibility is required and he

would prefer to request that the Secretary of state rural proof the local situation before allowing any reductions in service than attack government policy without an alternative.

The Chairman invited other members of the Council to speak.

Councillor Ian Thomas reminded those present that the motion was not about the provision of health care, but about confidence in the Leader. The responsibility for health care lies with the CCG and Devon County Council (DCC) and not EDDC.

Councillor Geoff Pook expressed his view that there is a need to be pragmatic about what is possible in health provision. The proposals of the CCG were inevitable but it is still a well provisioned area. There is a need to re-model provision to include home care. The decision at DCC was necessary.

Councillor Ian Hall referred to the good leadership demonstrated by Councillor Diviani on many occasions including the initiative to develop a Housing Company, the successful regeneration of areas, the recycling scheme, amongst others. The issue of alternative health provision is still to be put in place.

Councillor John Dyson expressed his concern that the Leader of EDDC had not represented previously agreed views.

Councillor Phil Twiss stated that he sat on the DCC scrutiny committee as a Councillor on behalf of Feniton and Honiton. He commented that he could understand why Councillor Diviani had voted as he had, since the issues were very complex.

Councillor Eileen Wragg stated that she had formerly been a member of the DCC scrutiny committee and agreed that the health services are in dire straits and facing an enormous deficit if change does not take place. She commented that Councillor Diviani had been consistent in his view.

Councillor Jim Knight expressed his concern that the Leader of EDDC had not represented previously agreed views.

Councillor Mark Williamson commented that the meeting was addressing the issue of health care rather than the topic of the motion which was about leadership and trust. He supported Councillor Diviani's view that one size does not fit all and that flexibility was required.

Councillor Tom Wright stated that Councillor Diviani had attended the DCC scrutiny meeting on 25th July, had heard evidence provided and decided that a referral to the Secretary of State would be a wasted gesture. He expressed his view that this single action did not call into question his leadership or the quality of his leadership and instead provided a reminder of the need to challenge and re-model health services.

Councillor Wright then proposed that the motion now be put.

The Chairman requested that a vote take place on the proposal that the motion be now put. The proposal was put and agreed by a show of hands.

The Chairman invited Councillor Ben Ingham to make his right to reply. Councillor Ingham spoke in support of the motion.

The Chief Executive, Mark Williams, read out the names of all councillors present to record who voted for or against the motion, or abstained from voting.

The Councillors in support of the motion comprised; Megan Armstrong, Susie Bond, Peter Burrows, Matt Coppel, John Dyson, Peter Faithfull, Cathy Gardner,

Steve Gazzard, Roger Giles, Douglas Hull, Ben Ingham, Geoff Jung, Jim Knight, Dawn Manley, Val Ranger, Marianne Rixson, Eleanor Rylance, Brenda Taylor

The Councillors against the motion comprised; Andrew Moulding, David Key, Paul Diviani, Brian Bailey, Dean Barrow, Colin Brown, Jenny Brown, Maddy Chapman, Iain Chubb, Bruce De Saram, Jill Elson, Mark Evans-Martin, Graham Godbeer, Pat Graham, Simon Grundy, Ian Hall, Steve Hall, Mike Howe, Stuart Hughes, John Humphreys, Cherry Nicholas, John O'Leary, Helen Parr, Christopher Pepper, Geoff Pook, Pauline Stott, Ian Thomas, Phil Twiss, Mark Williamson, Eileen Wragg, Tom Wright.

The names of those abstaining from the vote included the following councillor; Darryl Nicholas.

The Chairman stated the outcome of the recorded vote as being 31 votes against and 18 in favour, and one abstention

RESOLVED:

'that following a recorded vote, the motion proposed by Councillor Ben Ingham and seconded by Councillor Val Ranger was rejected'.

Attendance list

Councillors present

Megan Armstrong
Brian Bailey
Dean Barrow
Susie Bond
Colin Brown
Jenny Brown
Peter Burrows
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
Pat Graham
Graham Godbeer
Simon Grundy
Ian Hall
Steve Hall
Mike Howe
Stuart Hughes

Douglas Hull
John Humphreys
Ben Ingham
Geoff Jung
David Key
Jim Knight
Dawn Manley
Andrew Moulding
Cherry Nicholas
Darryl Nicholas
John O'Leary
Helen Parr
Christopher Pepper
Geoff Pook
Val Ranger
Marianne Rixson
Eleanor Rylance
Pauline Stott
Brenda Taylor
Ian Thomas
Phil Twiss
Mark Williamson
Eileen Wragg
Tom Wright

Honorary Aldermen:

Stephanie Jones
Ann Liverton
David Scott
Tim Wood
Frances Newth

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Henry Gordon Lennox, Strategic Lead – Governance and Licensing
Susan Howl, Democratic Services Manager

Councillor apologies:

Mike Allen
David Barratt
Matthew Booth
Paul Carter
Marcus Hartnell
Rob Longhurst
Bill Nash
Philip Skinner

Honorary Aldermen apologies:

David Atkins
Ken Potter

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of the Extra Ordinary Meeting of the Council held at Knowle, Sidmouth, on Wednesday, 13 September 2017

Attendance list at the end of document.

The meeting started at 7.35 pm and ended at 8.39 pm

***32. Public speaking**

The Chairman welcomed those present and invited members of the public to address the Council. There were seven public speakers.

Mark Myer expressed his view that the outcome of the closure of the Fun Park would be increased anti-social behaviour, dereliction and the loss of a well used amenity in Exmouth.

Honorary Alderman David Scott commented that there was a need to maintain all successful local businesses.

Nick Hookway commented that there had been no suitable developer coming forward for the site of the fun Park in four years of marketing. He expressed his view that EDDC was held in disregard and made decisions in secret. He stated that the closure of the Fun Park was an outrage and supported the motion to keep it open.

Sally Galsworthy commented that EDDC has reprieved one business and not another, and queried why the same terms could not be offered to the Fun Park as had been offered to the Harbour View café.

Lyn Alexander queried why the Fun Park was to be replaced with temporary facilities until a permanent replacement had been identified. She commented that the Fun Park should be allowed to re-open for a year.

Chris Greenway queried why pop up attractions are to be used until long term plans are in place, particularly when a family have been running a business wanted by local people.

Daphne Currier commented that the site of the Fun Park had been broken into four times already. There were no alternative affordable arrangements locally which were suitable for all age groups, and the Fun Park was wanted by all residents.

***33. Declarations of interest**

No declarations of interest were given.

***34. Motion – Closure of businesses as part of the Queen's Drive redevelopment**

The following motion was proposed by Councillor Megan Armstrong, seconded by Councillor Geoff Jung and supported by Councillors Cathy Gardner, Matt Booth, Dawn Manley and Marianne Rixson.

‘that in order to prevent further unnecessary dereliction, and to save the current community and visitor offer, this motion proposes that the closures of the Fun Park and Harbour View Café are postponed and that:

- a) these two remaining businesses are offered licence agreements on either an ongoing or periodic basis until such time as there is a developer and planning applications for both sites in place, and**
b) the timing for site works has been confirmed.'

The Chairman called on the proposer, Councillor Megan Armstrong to speak.

Councillor Armstrong commented that half of the motion had been agreed by Cabinet at a meeting on 6 September and she was delighted that the Harbour View café was to be offered a further one year licence but could see no reason for the Fun Park not be made a similar offer. Doing so could be done on favourable terms to EDDC with a willingness to vacate when required by the business concerned. If closed the Fun Park would result in a loss of 18 local jobs. There was an experienced tenant willing to pay rent so temporary arrangements should be unnecessary.

As a result of the Cabinet meeting resolution she proposed an amendment to the motion in the form it was in the papers for this council meeting as follows;

'that in order to prevent further unnecessary dereliction, and to save the current community and visitor offer, this motion proposes that the closure of the Fun Park is postponed and that:

- a) this remaining business is offered a licence agreement under the same terms as the Harbour View café on either an ongoing or periodic basis until such time as there is a developer and planning application for the site in place, and b) the timing for site works has been confirmed.'**

She pointed out that this was a public confidence issue in terms of being seen to treat all tenants fairly. This was a sensible solution to a long term problem and she proposed the amended motion.

The Chairman then called on the seconder of the amended motion, Councillor Geoff Jung, to speak.

Councillor Jung agreed the amendment and commented that there was no need to close an established business with an experienced tenant and staff. It could be open to legal challenge and seemed unethical. Exmouth is growing and an important part of the seaside offer, close to Exeter. He pointed out that the Fun Park needed to be upgraded but that it was the wrong time to close it.

The Chairman called on the supporters of the motion to speak.

Councillor Cathy Gardner expressed concern about the decision made at the Cabinet meeting. It would not make sense for EDDC to try to run the Fun Park itself, and was economically sensible to continue to support an existing business, which had a nostalgic element to it in contrast to the big theme parks.

Councillor Dawn Manley wanted to know when discussions had taken place about the use of temporary arrangements.

Councillor Marianne Rixson commented that extending a café licence was not a risk to EDDC but having a derelict site was.

The Chairman called on other members of the council to speak.

Councillor David Key wanted to know when there was a prospect of plans being implemented.

The Deputy Chief Executive, Richard Cohen, stated that the future phases of development of the site would be the subject of continued consultation involving local people. For Phase 2, a third party, Grenadier, had signed a development agreement to deliver a water sports centre and would be revealing their plans in public consultation shortly. Planning approval for Grenadier would enable the council to move forward with Phase 1, the building of a new road and car park. For Phase 3, the last phase of development, the council would carry out a fresh visioning exercise. In the meantime, the council would be preparing the former fun park site for new temporary attractions from Easter next year onwards.

Councillor Pauline Stott outlined some of the issues relating to tenants on the site that the council as landlord had faced, including court proceedings to challenge the ending of their tenancies and vacation of the site needed prior to redevelopment.

Councillor Tom Wright stated that Exmouth Town Council had been given weeks to comment on proposals for a big wheel on the seafront contrary to the views expressed earlier by some members of the public. He also expressed the view that there was an unwillingness on the part of some people to accept that redevelopment is necessary in Exmouth and that the former Fun Park was not a 21st Century attraction.

Councillor Ben Ingham agreed with public views expressed. He said that he had spoken to the tenant of the Fun Park prior to this meeting, who had confirmed that he would be happy to have his licence extended prior to a developer coming in at some point.

Councillor Bruce De Saram expressed his view that all seaside resorts need to change to attract all year round trade and have modern attractions.

Councillor Steve Gazzard stated that people like what Exmouth offers. To close the Fun Park without another plan in place does not make sense.

Councillor Darryl Nicholas stated that the reason there was no developer in place for the later phase of development (Phase 3) is because councillors have been clear that they wanted proper consultation and subsequent plans before a developer was on board to take forward Phase 3. In the meantime it was important to progress Phase 1 and 2. The broader economy of the town and involvement of local people was important.

Councillor Brian Bailey commented that the Harbour View café is not in the way of the new road whereas the Fun Park could be. It also closes down for the winter whereas the café stays open.

Councillor Jill Elson stated that the Fun Park closes for the winter while the Harbour View café is open 364 days per year. Grenadier will be consulting over a six week period and the Water sports Centre will be a facility for everyone. Independent consultants will also be brought in for Phase 3 to reflect the wishes of the public for consultation. Visitors do not spend enough in Exmouth as the tourism survey discovered.

Councillor John Humphreys commented that the redevelopment of Exmouth has taken longer than anticipated but good plans are now in place. EDDC needs to have opportunities to clear, clean and make safe the site for the public. Flexibility is required in order to negotiate a good deal for the town. He went on to say that bar one, none of the councillors who had put forward the motion were from Exmouth. Keeping the café for a while longer is good news and the Coast watch service will also benefit.

Councillor Eileen Wragg asked the Chief Executive if there were any legal reasons why the tenancy could not be extended and where the budget was coming from for Phase 1, the road and car park relocation. He responded by explaining that council could grant a new tenancy but that a court decision is in place which means that the council is acting appropriately in its decision to repossess the site. He also reminded members that they had approved the money for the road in the council's capital programme.

The Chairman moved that the motion now be put and invited Councillor Megan Armstrong to make her right to reply.

Councillor Armstrong spoke in support of the motion and referred to the number of people who travel from a distance to Exmouth. She wanted to query some of the comments made by Councillor Stott earlier in relation to the tenant taking the council to court.

The Chairman gave Councillor Stott the right to reply, and she confirmed that a court case had already cost the council a considerable amount of money.

The Chairman asked Councillor Armstrong to continue.

The Chairman then requested that a vote take place on the motion.

The vote was taken by a show of hands.

The Chairman stated the outcome of the vote as being 26 votes against and 21 in favour, and declared the motion as not passed.

RESOLVED:

'that following a vote, the motion proposed by Councillor Armstrong and seconded by Councillor Jung was rejected'.

Attendance list

Councillors present

Megan Armstrong
Brian Bailey
Dean Barrow
Susie Bond
Colin Brown
Jenny Brown
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

Pat Graham
Graham Godbeer
Simon Grundy
Ian Hall
Steve Hall
Mike Howe
Stuart Hughes
Douglas Hull
John Humphreys
Ben Ingham
Geoff Jung
David Key
Jim Knight
Dawn Manley
Andrew Moulding
Cherry Nicholas
Darryl Nicholas
John O'Leary
Helen Parr
Christopher Pepper
Geoff Pook
Val Ranger
Marianne Rixson
Eleanor Rylance
Pauline Stott
Brenda Taylor
Ian Thomas
Phil Twiss
Mark Williamson
Eileen Wragg
Tom Wright

Honorary Aldermen:

Stephanie Jones
Ann Liverton
David Scott
Tim Wood
Frances Newth

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Henry Gordon Lennox, Strategic Lead – Governance and Licensing
Susan Howl, Democratic Services Manager

Councillor apologies:

Mike Allen
David Barratt
Matthew Booth
Peter Burrows
Paul Carter
Marcus Hartnell

Rob Longhurst
Bill Nash
Philip Skinner

Honorary Aldermen apologies:

David Atkins
Ken Potter

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Knowle, Sidmouth on 6 September 2017

Attendance list at end of document

The meeting started at 5.30pm and ended at 7.21pm

***42 Public Speaking**

Nick Hookway spoke on agenda item 5, Queen's Drive, Exmouth Update and Action. Mr Hookway felt that there was no strategy vision for Exmouth. He stated that Exmouth thrives because of its seafront and that nowhere else compared to it. He thought that the facilities on the seafront were inappropriate and felt the Council was not considering the needs and wishes of the residents; whom he said did not support the Council's plans.

Mrs Daphne Currier spoke on agenda item 5, Queen's Drive, Exmouth Update and Action. Mrs Currier asked if the funding for moving the road was being paid for through the selling of the Parkland site. She had concerns over the development plans to include the height of buildings and overdevelopment. She felt residents' concerns had been dismissed and that the Council had not been democratic in its engagement with the public; to whom she stated had tried very hard to get their points of views across.

Lyn Alexander spoke on agenda item 5, Queen's Drive, Exmouth Update and Action. Ms Alexander said that Exmouth would benefit from town centre regeneration rather than a watersports centre. She asked if LED was meeting all the residents' needs and was concerned that once tourism was lost it may never be regained. She claimed Exeter University were looking at the effect that natural spaces had in connection with good health. She questioned whether coastal erosion might affect developments on the seafront.

***43 Minutes**

The minutes of the Cabinet meeting held on 13 July 2017 were confirmed and signed as a true record.

***44 Declarations**

Cllr Roger Giles, Minute 71. Personal interest – knows the father of the leaseholder

***45 Matters of urgency**

A confidential report on Queen's Drive, Exmouth advised members on progress regarding Queen's Drive regeneration and sought urgent approval for a change to terms offered on a site tenancy.

***46 Matters referred to the Cabinet**

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

***47 Exclusion of the public**

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

***48 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 October 2017 to 31 January 2018.

***49 Notes from the Exmouth Regeneration Board held on 13 July 2017**

Members received the Notes from the Exmouth Regeneration Board held on 13 July 2017.

***50 Notes of the New Homes Bonus Panel held on 19 July 2017**

Members received the Minutes of the New Homes Bonus Panel held on 19 July 2017.

RESOLVED (1) that the following recommendations be approved:
Minute 5 Kilmington Parish Council Drainage project £766.70

***53 Minutes of the Scrutiny Committee held on 20 July 2017**

Members received the Minutes of the Scrutiny Committee held on 20 July 2017.

RESOLVED (1) that the following recommendation approved:
Minute 11 Citizens Advice East Devon

1. Cabinet request an investigation into a longer term arrangement for grant funding, in order to give more security to the CAED, such as a three year agreement with the inflation increase as per previous grant awards; and
2. the Council was kept informed of the progress of review of the CAED, and actively involved as a stakeholder.

***54 Minutes of the Overview committee held on 25 July 2017**

Members received the Minutes of the Overview committee held on 25 July 2017.

RESOLVED (1) that the following recommendation be agreed:
Minute 24 Local Government Boundary Committee for England Electoral Review

1. A clear map showing boundary overlays be accessible from the Council's website;
2. The Council will endeavour to provide an application on the East Devon App that showed information on address entry on the change of boundary;
3. There should be a press release to town and parish clerks on the boundaries for both County and District in early 2019; and
4. The Council will endeavor to ensure information on the responsibilities of each level of local government is provided in a clear and easily accessible format on the Council website.

***55 Minutes of the South East Devon Habitat Regulations Executive Committee held on 27 July 2017**

Members received and noted the Minutes of the South East Devon Habitat Regulations Executive Committee held on 27 July 2017.

***56 Notes of the Community Fund Panel held on 8 August 2017**

Members received the Notes of the Community Fund Panel held on 8 August 2017.

RESOLVED (1) that the following recommendation approved:
Minute 5 Consideration of applications received

1. Brampford Speke Village Hall – new entrance gates to the village hall grounds, new fencing and a handrail. £1,772
2. Newton Poppleford Pavilion – replace kitchen and make bigger. £5,000.
The Panel were concerned that the application was incomplete and further information was required. They deferred the application for demonstration of match funding, receipt of the correct number of quotes and demonstration that the scheme met the correct criteria for the scheme and gave delegated authority to the Chairman in consultation with the Engagement and Funding Officer to approve, subject to other members being notified by email.

***57 Notes of the Asset Management Forum held on 10 August 2017**

Members received the Notes of the Asset Management Forum held on 10 August 2017.

***58 Monthly Performance reports – June and July 2017**

The report set out performance information for the 2017/18 financial year for June and July 2017. This allowed Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

June

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 - Seven appeal decisions were received during June, five of which were dismissed. This equates to 28.6% appeals allowed over the month which has resulted in an improvement to the cumulative figure for the year.

July

There was one indicator showing excellent performance:

- Percentage of Non-domestic Rates Collected

There was one performance indicator showing as concern.

- Percentage of planning appeal decisions allowed against the authority's decision to refuse - One appeal decision received this month, which was dismissed.

The Portfolio Holder Finance congratulated Simon Davey and his team for being the top authority in Devon, Somerset and Cornwall for council tax collection and low arrears.

The Portfolio Holder Environment highlighted the hard work of the CSC team during the new recycling scheme across the District.

RESOLVED:

that the progress and proposed improvement action for performance measures for the 2017/18 financial year for June and July 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.

***59 Chardstock and Yarcombe and Marsh Neighbourhood Plans to be 'made'**

The Chardstock Neighbourhood Plan and the Yarcombe and Marsh Neighbourhood Plan had now passed referendum and must be formally 'made' by East Devon District Council in order to form part of the development plan.

RESOLVED:

1. that the Chardstock Neighbourhood Plan was 'made' so it formed part of the development plan,
2. that the Yarcombe and Marsh Neighbourhood Plan was 'made' so it formed part of the development plan; and
3. that the Neighbourhood Plan groups be congratulated for their hard work and advised that once 'made' the Neighbourhood Plans would carry full weight in the planning decision making process.

REASON:

the Chardstock Neighbourhood Plan and the Yarcombe and Marsh Neighbourhood Plan received a majority 'yes' vote in their respective referendums as required by the regulations and there was no substantive reason not to 'make' the two Plans.

***60 Dunkeswell Neighbourhood Plan Examiners Report**

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

RESOLVED:

1. that the examiners recommendations on the Dunkeswell 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; 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, in most part, were accepted by the Parish Council.

***61 Uplyme Neighbourhood Plan Examiners Report**

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

RESOLVED:

1. that the examiners recommendations on the Uplyme 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; 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, in most part, were accepted by the Parish Council.

***62 Acquisition of former Reservoir, Holyford Woods, Colyton**

The Service Lead, Countryside and Leisure stated that the report set out whether to accept the offer of a reservoir known locally as 'Top Pool' or 'Lambs Pool' as part of the Holyford Wood Local Nature Reserve. He reiterated that the uncertainties and expense made this acquisition high risk.

RESOLVED:

that the offer of the reservoir be declined.

REASON:

the recommendation to decline the offer was due to the ongoing management and maintenance liabilities of the reservoir.

***63 Disclosure and Barring Service Checks**

The Strategic Lead, Governance and Licensing and Monitoring Officer presented this report informing Members to consider whether it was necessary and appropriate for all Councillors to be subject to a Disclosure and Barring Service check in respect of the performance of their duties.

Discussions included the following:

- CBS checks did not necessarily protect individuals – training in safeguarding issues was more important
- It was most likely a public expectation and/or perception that councillors would be CBS checked
- Councillors should volunteer for scrutiny and safeguarding purposes
- The Council should lead by example
- This would give the public confidence in their elected Members
- The Council owed it to the public

RESOLVED:

1. that the Council does not require councillors to have a basic criminal records check for the reasons detailed in the report but encourages them to do so voluntarily in the context of safeguarding vulnerable adults and children,
2. that all Council Members receive or attend appropriate training in respect of our responsibilities in relation to protecting and safeguarding as detailed in related policies, and
3. that delegated authority to implement a mandatory approach to checking newly elected councillors on their election declaration through a basic criminal records check be given to the Monitoring Officer if such an approach is determined to be lawful.

REASON:

given the nature of Member's roles and other safeguards that exist and with the potential risks in terms of data protection and human rights, there was no basis to be applying a blanket approach to requiring and then disclosing any sort of DBS checks in relation to the Council's safeguarding and protecting role. However, given that there were responsibilities there was a basis for requiring Members to have training. There appears to be a justifiable rationale for having a check for Members following election in light of the declarations given as part of the election process.

***64 Temporary Accommodation Policy**

The report set out to ensure a policy to how temporary accommodation be procured and responsibilities would be met, in order to provide temporary accommodation to eligible people who were homeless or threatened with homelessness.

RESOLVED:

that the policy be agreed.

REASON:

it was good practice to have a temporary accommodation policy in place.

***65 Driving at Work Policy**

The Service Lead, Environment Health and Car Parks presented the report. The Council's policy for staff and Members who drive on council business, providing controls and guidance for people driving as part of council duties required consideration and approval. There were 59 Members and 186 staff all of whom drive over 1000 business miles a year and another 69 who cover fewer business miles but were still driving on Council business. The policy made explicit the systems and procedures expected to ensure driver safety was considered as part of the work throughout the organisation.

RESOLVED:

that the policy be agreed.

REASON:

more than a quarter of all road traffic incidents involve somebody who was driving as part of their work according to the Department of Transport. In 2015 there were 186,000 people killed and injured on the road, and accidents would often require significant time and resource to deal with afterwards.

The Council was a major employer and was legally required to comply with the Health and Safety at Work etc. Act 1974. There was an expectation that work-related road safety was integrated into the arrangements for managing occupational safety and health. It should be clear what arrangements had been made for complying with the law and specify who was responsible for implementing these arrangements.

***66 Financial Monitoring report; Month 4, July 2017**

The Strategic Lead, Finance presented a summary of the Council's overall financial position for 2017/18 at the end of month four (31 July 2017). Current monitoring indicated that the General Fund Balance was being maintained at or above the adopted level. The Housing Revenue Account Balance would be maintained at or above the adopted level.

RESOLVED:

that the variances identified as part of the Revenue and Capital Monitoring process up to month four be acknowledged and agreed.

REASON:

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

***67 Footprint Ecology - Exemption from Standing Orders**

Exemption to standing orders had been applied to enable the appointment of Footprint Ecology to undertake a Habitat Regulations Assessment of the Greater Exeter Strategic Plan.

RESOLVED:

that the use of the exemption to contract standing orders be noted.

REASON:

to enable the appointment of Footprint Ecology on behalf of the five local authorities collaborating in production of the Greater Exeter Strategic Plan.

***68 Manor Pavilion Car Park**

To report the outcome of the public consultation exercise carried out alongside the statutory consultation relating to the proposed arrangements for managing 21 spaces as a public pay and display car park.

RESOLVED:

1. that the outcome of the public consultation exercise be noted, and
2. that the earlier decision made by Cabinet on 5 April 2017 Cabinet resolving that “public pay and display parking in Sidmouth’s Manor Pavilion car park be offered”, be confirmed and agreed.

REASON:

section 122 of the Road Traffic Regulation Act 1984 sets out the duties of all local authorities in respect of a range of traffic related functions including the provision of off-streetparking. The needs of the community as a whole based on responses to the public consultation exercise had been reconsidered and were reflected in the recommendations.

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

***69 Ombudsman complaints 2016/17**

The report provided information on complaints referred to the Local Government Ombudsman during 2016/17.

RESOLVED:

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

REASON:

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

70 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).

***71 Queen's Drive, Exmouth Update and Action**

A report from the Deputy Chief Executive updated on progress regarding Queen's Drive regeneration and sought urgent approval to offer an extended tenancy agreement to one site.

RESOLVED:

1. it was noted that the council had re-acquired the former fun park site and the extended license arrangement of the former tenant had been completed, and
2. that the Council offer a further extended lease arrangement to the tenant of the Harbour View café pending future re-acquisition to enable redevelopment of the site, incorporating the terms detailed in the report but with delegated authority given to the Deputy Chief Executive to negotiate and agree Heads of Terms and complete the relevant documentation.

REASON:

The former fun park site had returned to council ownership in line with both legal and planning expectations. The council had been deriving no rent from the site by agreement with the former tenant for over a year. The offer of an extended arrangement to enable the café to continue trading is a reflection of council, especially local Exmouth members' willingness to allow continued trading and a further opportunity for the café business to plan for its future.

Attendance list**Present:**

Paul Diviani Leader

Portfolio Holders:

Phil Twiss	Deputy Leader/Strategic Planning and Developments
Ian Thomas	Finance
Tom Wright	Environment
Marcus Hartnell	Deputy Portfolio Holder Environment
Iain Chubb	Corporate Services
Jill Elson	Sustainable Homes and Communities
Phil Skinner	Economy

Cabinet Members without Portfolio:

Geoff Pook
Eileen Wragg

Non-Cabinet apologies:

Simon Grundy
Alan Dent
David Barratt
Ian Hall

John O'Leary
Stuart Hughes
Steve Gazzard
Geoff Jung

Officer apologies:

Karen Jenkins, Strategic Lead – Organisational Development and Transformation

Also present (for some or all of the meeting)

Councillors:

Megan Armstrong
Brian Bailey
Bruce de Saram
Dean Barrow
Steve Hall
Mike Howe
John Humphreys
Graham Godbeer
Douglas Hull
Ben Ingham
Cherry Nicholas
Mark Williamson
Roger Giles
John Dyson
Colin Brown
Brenda Taylor
Maddy Chapman
Cathy Gardner
Eleanor Rylance

Also present:

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Simon Davey, Strategic Lead – Finance
John Golding, Strategic Lead – Housing, Health and Environment
Henry Gordon Lennox, Strategic Lead – Governance and Licensing and Monitoring Officer
Anita Williams, Principal Solicitor (& Deputy Monitoring Officer)
Andrew Ennis, Service Lead - Environmental Health and Car Parks
Charlie Plowden, Service Lead – Countryside and Leisure
Amanda Coombes, Democratic Services Officer

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Knowle, Sidmouth on 4 October 2017

Attendance list at end of document

The meeting started at 5.30pm and ended at 7pm.

***72 Public Speaking**

There were no questions from the public.

***73 Minutes**

The minutes of the Cabinet meeting held on 6 September 2017 were confirmed and signed as a true record.

***74 Declarations**

Councillor Tom Wright: Minute 91; personal interest as Member of Budleigh Salterton Town Council.

***75 Matters of urgency**

None

***76 Matters referred to the Cabinet**

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

***77 Exclusion of the public**

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

***78 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 November 2017 to 28 February 2018.

***79 Minutes from the Recycling and Waste Partnership Board held on 23 August 2017**

Members received the Minutes from the Recycling and Waste Partnership Board held on 23 August 2017.

RESOLVED (1) that the following recommendation be approved:

Minute 25 Garden waste collections – outline options

1. that officers write to Otter Rotters Ltd to inform them that alternative options for the provision of a green waste collection service in East Devon would be pursued and therefore the expired contract with Otter Rotters Ltd not be renewed;
2. that officers be invited to work up a detailed business case, in partnership with SUEZ, for a new district wide garden/green waste collection service with a preference for a chargeable, fortnightly, all year round service, modelling options for charging and likely service demand; and
3. that Devon County Council be requested to undertake any necessary procurement exercise for the disposal of green/garden waste in East Devon.

***80 Minutes of the STRATA Joint Scrutiny Committee held on 6 September 2017**

Members noted the Minutes of the STRATA Joint Scrutiny Committee held on 6 September 2017.

***81 Minutes of the Housing Review Board held on 7 September 2017**

Members received the Minutes of the Housing Review Board held on 7 September 2017.

RESOLVED (1) that the following recommendations be noted:

Minute 20 Housing Revenue Account Business Plan update

the contents of the draft Housing Revenue Account Business Plan 2017-2022.

Minute 22 Responsive repairs and works to void properties contract procurement process

1. the progress being made on the renewal of the responsive repairs and work to void properties contract;

RESOLVED (2) that the following recommendations be approved:

Minute 20 Housing Revenue Account Business Plan update

the Housing Revenue Account Business Plan 2017-2022.

Minute 22 Responsive repairs and works to void properties contract procurement process

2. the direction of travel and the terms of reference for the project group formed to discuss the procurement;
3. the brief for the appointment of procurement consultants.

Minute 23 Fire safety and policy update

1. the Fire Safety Policy and endorse the approach towards fire safety in Council owned housing;
2. the inclusion of an article on fire safety in the next Housing Matters magazine.

Minute 24 Compliance review

the recommendations outlined in the compliance review (as outlined in section three of the Housing Review Board report).

Minute 25 Sewage treatment works progress

1. applications for First Time Sewerage should be submitted at up to 10 locations; and
2. applications for sewer requisitions should be submitted at 3 locations at a cost of £2,500 per location;
3. further consideration be given to options for transfer of sites which are not eligible for the above.

Minute 26 Tenancy succession policy

1. the Tenancy Succession Policy,
2. the inclusion of an article raising tenants' awareness of the Succession Policy in the Housing Matters magazine.

Minute 28 Annual report to tenants

the content of the annual report to tenants, subject to the information being graphically designed for reproduction in the December Housing Matters magazine.

***82 Notes of the Sidmouth Beach Management Plan Steering Group held on 13 September 2017**

Members received the Minutes of the Sidmouth Beach Management Plan Steering Group held on 13 September 2017.

***83 Minutes of the Budget Working Party held on 13 September 2017**

Members received and noted the Minutes of the Budget Working Party held on 13 September 2017.

***84 Minutes of the Capital Strategy and Allocation Group held on 13 September 2017**

Members received the Minutes of the Capital Strategy and Allocation Group held on 13 September 2017.

RESOLVED that the following recommendations be approved:

Report 5 Guide to Project Management

the Terms of Reference of the Capital Strategy and Allocation group be amended so that the group meets on a quarterly basis to undertake more regular monitoring, in line with the guide.

***85 Minutes of the Scrutiny Committee held on 21 September 2017**

Members received the Minutes of the Scrutiny Committee held on 21 September 2017.

***86 Discretionary Rate Relief - 2017 Revaluation Support**

The 2017 Spring Budget included a fund to local authorities to help provide support to businesses who have had an increase in their rates bill due to the 2017 Revaluation. It is for billing authorities to determine a local scheme.

The local scheme developed covers two parts:

- Part A – Formula based for financial years 2017/18 and 2018/19 only;
- Part B – Case by case for four years from 2017/18 until 2020/2021.

Debate centred around:

- Means of contacting businesses proactively about the support;
- Support related to those businesses with a rateable value of £18K and above;
- Local scheme had been devised to administer a relatively small fund of money available as efficiently as possible.

RESOLVED: that the Discretionary Rate Relief Scheme be approved, and delegated authority be given to the Section 151 Officer in consultation with the Finance Portfolio Holder to review the scheme, and if necessary, increase the thresholds to ensure that Government funding is being fully directed to businesses in East Devon.

REASON:

Members are required to approve a local discretionary scheme in order to ensure that funding made available by the Government to support businesses impacted by the 2017 Revaluation can be directed to ratepayers based on the approved local scheme.

87 **Financial Plan and Transformation Strategy**

This updated Financial Plan and Transformation Strategy extends to cover the period 2018 – 2028. The Budget Working Party have considered the General Fund position and given a clear steer on the direction that the Plan and Strategy should take.

The Medium Term Financial Plan (MTFP) calculates a projected deficit for the General Fund in 2018/19 of £0.735m and a further £0.529m in 2019/20; an annual budget shortfall is projected through the term of the Plan up to 2027/28, equating to a cumulative budget deficit of £5.4m. Some mitigation of this position has been identified in the Transformation Strategy, but there is still more work to do in generating savings. Immediate work identified is to bridge the gap by driving the self-sufficiency of the Council.

The Portfolio Holder for Finance outlined the importance on delivering new premises that provide business rates, as well as the need for clear ambition in the transformation savings to provide the additional income needed.

The Chairman of the Overview Committee Councillor Godbeer, announced his desire to engage his committee in researching income generation and help give direction on change required to deliver future balanced budgets.

RECOMMENDED: that the Financial Plan and transformation Strategy be approved.

REASON: Good practice in managing the finances of the Council is to produce a Financial Plan looking at the future direction of the Council's budgets. A plan in place allows a view of the Council's finances over a longer period and identified where action needs to be taken to influence the direction and shape of future service delivery, within a balanced budget. The Transformation Strategy identified key strategic themes that underpin the transformational activity to help the Council achieve savings and efficiencies, and continue to protect front line services.

*88 **Homelessness Reduction Act 2017**

The Homelessness Reduction Act 2017 is expected to come into effect from April 2018, with the biggest changes to homelessness legislation for 40 years. The purpose of the Act is to give people the help they need to avoid becoming homeless in the first place, and to give those already experiencing homelessness access to help regardless of whether or not they had a priority need, or if they were considered as intentionally homeless. Everyone would receive assistance, and Local Authorities would be expected to intervene at earlier stages.

Implications for the Council were:

- applicants will be regarded as "homeless" within 56 days, rather than the current 28 days, leading to a rise in homeless applications and subsequent rise in demand;
- the "5 tests" criteria of homelessness will be replaced by a more complex system with additional opportunities than previously existed to request a review of decisions;
- training for staff and limited staff resource;
- need for new case management system to be compliant with the new legislation

The Portfolio Holder for Sustainable Homes and Communities reminded the Cabinet of the strong track record of the housing service in prevention of homelessness, but acknowledged that there would be an impact on the service. She outlined her concerns on the effect of delays in benefit payments under the universal credit scheme.

In discussion, comments included:

- dialogue had been held with local MPs on the impact of the changes. Work was underway with officers on the viability of a loan scheme for benefits until universal credit had been awarded, as well as with other agencies in signposting where to get help;
- referral arrangements were in place with other authorities to place a homelessness case in the correct authority;
- urgent cases of homelessness were dealt with by means of temporary accommodation (such as bed and breakfast or hostel) until more permanent accommodation was arranged;
- the report recognises the resource issue the change in legislation makes, and an estimate of £100K in additional budget for the first two years has been planned for, par of which being £15K in the current year for staff costs.

RESOLVED:

1. that the challenges and implications of the Act be noted;
2. that a supplementary estimate of £15k in the current budget be assigned for the associated staff costs in preparing for the legislation coming into force from April 2018.

REASON:

To meet with good practice and provide information on the change in legislation; and to cover the cost of associated staff resource in preparing for the new Act.

***89 Monthly Performance reports – August 2017**

The report set out performance information for the 2017/18 financial year for August 2017.

There was one indicator showing excellent performance:

- Percentage of Non-domestic Rates Collected

There was one performance indicator showing as concern.

- Percentage of planning appeal decisions allowed against the authority's decision to refuse - Three appeal decisions received this month, all of which were dismissed.

RESOLVED:

that the progress and proposed improvement action for performance measures for the 2017/18 financial year for August 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.

***90 Guide to Project Management**

A key finding of the audit review of the "Achievement of Major Capital Projects" was that the Council did not have a corporate framework in place for major capital projects. Financial approval and monitoring was found to be sound. The Audit and Governance Committee debated the audit review in March 2017 and endorsed the recommendations made by the South West Audit Partnership (SWAP). Since then a guide has been produced, reviewed by SWAP and the final version was before Cabinet to agree.

The terms of reference for the Capital Strategy and Allocations Group (CSAG) would need to be agreed to be amended, to reflect the role of monitoring Council projects as set out in the guide.

The Portfolio Holder for Finance endorsed the guide, which was echoed by the Chairman of Audit and Governance Committee. The CSAG was decided as the best fit, under the terms of the Council's constitution, to undertake the monitoring role. The guide would come into immediate effect for all new projects.

CSAG was confirmed as an existing group established by Cabinet, with current terms of reference to "approve a method of allocation and bid prioritisation" with a view to bids being reviewed against available resources using an agreed allocation framework. Members were reminded that meetings were open for any Member to attend.

A request was made to ensure that the required staff resource in the project process was clearly stipulated.

RESOLVED:

1. the Guide to Project Management be approved;
2. the Terms of Reference of the Capital Strategy and Allocations Group to include the monitoring of Council projects.

REASON: Having a guide in place provides a framework for the oversight and monitoring of capital projects, ensuring a consistent approach for the management of Council projects.

***91 Budleigh Salterton Neighbourhood Plan to be formally 'made'**

The Budleigh Salterton Neighbourhood Plan had now passed referendum and must be formally 'made' by East Devon District Council in order to form part of the development plan.

In response to a question, the Chairman of Development Management Committee, Councillor Howe, confirmed that the committee had a requirement to take any neighbourhood plan into account in the determination of planning applications.

RESOLVED:

1. that the Budleigh Salterton Neighbourhood Plan was 'made' so it formed part of the development plan; and
2. that the Neighbourhood Plan group be congratulated on their hard work and advised that once 'made' the Neighbourhood Plan would carry full weight in the planning decision making process.

REASON:

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

***92 Safety Advisory Group**

The report considered the public safety risks from organisers holding large public events without consultation with public safety authorities; and recommended adoption of a Safety Advisory Group (SAG) that would:

- promote high standards of public safety at large public events in the area;
- provide organisers with sensible, practical health and safety information to allow them to comply with their legal responsibilities without undue expense;
- as far as practical, reduce any inconvenience to residents, businesses and the general public arising from events;

- provide organisers with an approach that would be consistent with other Local Authorities across Devon.

In discussion, some Members argued for a widening of the group to encompass other issues, such as the impact of litter from events, and in monitoring the events to ensure that guidance has been followed.

In response, the Deputy Chief Executive made clear that there were already reporting mechanisms in place for advising Streetscene and other services of pending events to prepare for additional clean up. Members were also advised that monitoring already took place with officers on the ground at events, including Licensing and Environmental Health officers.

In clarifying the role, the group was explained as a means of bringing together all the required bodies (such as Police, Fire and others) for an event organiser to obtain advice. This doesn't preclude the responsibilities of each of those bodies to act within their role in terms of liability; and training will be in place for the SAG so that it does not transgress into areas of liability.

A suggestion was made to have information available online for event organisers in making use of the SAG once established and supported by many Members.

RESOLVED:

1. that a Safety Advisory Group be established, to meet on a quarterly basis, to provide event organisers with a single point of contact to obtain relevant advice on managing public safety at large events. After two years, a formal review be conducted to assess the effectiveness of the Group and the costs and benefits to the Council, event organisers and the general public;
2. that once established, information is made available on the services of the group by means of webpage and/or other means of communication.

REASON:

At present there is no formal mechanism in East Devon for event organisers to easily arrange contact with all the regulators who had a role in advising them on public safety matters. It is possible for an organiser to devote considerable resource to developing an event without adequately considering public safety or nuisance issues which could have a significant impact on the viability of the event. Having a well publicised Safety Advisory Group (SAG) would provide businesses with a single point of contact for the provision of that information.

***93 Seaton Tramway new Terminus**

The report advised members that the new lease agreement with Seaton Tramway had now been entered into. Through the granting of this new, longer lease, which incorporated additional land, the council had enabled Seaton Tramway to invest in the redevelopment of its terminus site in Seaton to provide a modern facility that completed the regeneration of this area of land to the east of the Underfleet.

Councillor Marcus Hartnell thanked the officers and Members for their help, both in the recent negotiations, and the past regeneration work over the past ten years that had led to a real change for the town. A regeneration forum had been established locally to continue the work of progress in the town.

The Cabinet agreed that the positive work should be widely publicised.

RESOLVED:

1. that the report be noted;
2. that the positive development of Seaton be publicised.

REASON:

To provide a summary of the enabling and investment activities that the council had undertaken over the last 10 or more years in the town of Seaton.

Attendance list

Present:

Paul Diviani Leader

Portfolio Holders:

Phil Twiss	Deputy Leader/Strategic Planning and Developments
Ian Thomas	Finance
Tom Wright	Environment
Marcus Hartnell	Deputy Portfolio Holder Environment
Iain Chubb	Corporate Services
Jill Elson	Sustainable Homes and Communities
Phil Skinner	Economy

Cabinet Members without Portfolio:

Geoff Pook

Cabinet apologies:

Eileen Wragg

Non-Cabinet apologies:

Simon Grundy
Alan Dent
David Barratt
Ian Hall
John O'Leary
Roger Giles
Ben Ingham
Matt Booth
Steve Hall
Jenny Brown
Val Ranger

Officer apologies:

Mark Williams, Chief Executive

Also present (for some or all of the meeting)

Councillors:

Megan Armstrong
Brian Bailey
Bruce de Saram
Dean Barrow
Mike Howe
Graham Godbeer

Cherry Nicholas
Mark Williamson
John Dyson
Colin Brown
Brenda Taylor
Maddy Chapman
Eleanor Rylance
Colin Brown
Rob Longhurst
Helen Parr
Steve Gazzard
Pauline Stott
Mike Allen
Geoff Jung
Peter Faithfull
Dawn Manley
Andrew Moulding

Also present:

Officers:

Richard Cohen, Deputy Chief Executive
Simon Davey, Strategic Lead – Finance
John Golding, Strategic Lead – Housing, Health and Environment
Henry Gordon Lennox, Strategic Lead – Governance and Licensing, and Monitoring Officer
Karen Jenkins, Strategic Lead – Organisational Development and Transformation
Libby Jarrett, Service Lead Revenues and Benefits
Debbie Meakin, Democratic Services Officer

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 20 July 2017

Attendance list at end of document

The meeting started at 6.00pm and ended at 7.27pm.

***8 Public speaking**

There were no questions from the public.

***9 Minutes**

The minutes of the Scrutiny Committee held on the 22 June 2017 were confirmed and signed as a true record.

***10 Declarations of interest**

Cllr Bruce De Saram; minute 11; personal interest as member of the Exeter Citizens Advice.

***11 Citizens Advice East Devon**

The Chairman welcomed Hilary Nelson, Chief Executive Officer for Strategy and Development of Citizens Advice East Devon (CAED); alongside Edwina Bradshaw, Chairman of the CAED; and Nevil Sailsburyrood, CEO handling operations of the CAED. The committee had been provided with the report that set out the context of the working of the CAED.

The CAED receives no central government funding, operating as a local charity that is funded by the Council, as well as Devon County Council, an element from Town and Parish Councils, and received funding through fundraising and project specific grants. The Council provided just over 35% of the income the CAED receive. This figure had remained relatively constant over the past five years with an inflation increase of 1% for the coming year.

The CAED aims to provide free, confidential and impartial help to anyone who needs it. The report touched on the range of issues raised and the number of client contacts over the past year, which has seen a significant increase in complex cases. CAED is currently undertaking a review of its services, to produce a new service development plan.

Questions and discussion from the committee covered:

- Clarification of numbers of salaried staff, and work already carried out to cut back overheads to try to retain a balanced budget;
- Good value for money in terms of the cost of dealing with an issue averaging out at £13.32, discounting income for specific projects; this has reduced from previous years where that figure was approximately £18;
- Positive view of the work undertaken by the CAED and the difference it made both for those individuals helped and the wider community;
- Expanding the excellent service could be considered if additional funding was available, but the CAED were not prepared to undertake any funding risk presently;
- Concern of the impact of Universal Credit, including the impact on a number of individuals who current receive credits automatically but under the new system would need to undertake an application. The DWP had not given any predicted figures to the CAED and there was concern about how the requirement for their service would

increase dramatically, once the system had been introduced in Exmouth from November, and in Honiton from April 2018;

- CAED are looking to explore how they can use the extensive expertise of the volunteers and staff for training others as an income opportunity; however their primary concern was the core work and dedicating time to undertaking that;
- CAED had a different client base to Age Concern; they also had the national principal of not charging and could only accept donations that are given freely;
- Exmouth Town Council operated a three year service level agreement; it was not clear that the Council operated any commitment to the grant given over one year. The committee felt that it might give more stability to the CAED if a three year commitment of grant was in place with the inclusion of the standard 1% increase, as had been applied in previous years;
- Comparisons with other branches of Citizens Advice had been made – grant levels varied, with Exeter granting more than double the grant of East Devon; the cost per issue was the cheapest in comparison with comparable rural district authorities;
- Success rates for appeals under the new personal independence payment system were between 90% and 95% which highlighted the problem with this new process that replaced the disability allowance.

The Committee were in agreement that the service provided by the CAED was invaluable, and all Ward Members could have a part to play in encouraging as much contribution from town and parish councils as possible for the charity. Raising awareness of the work of the CAED could also be included in the regular newsletter produced by the Council.

RESOLVED that a press release be issued, covering the incredible work undertaken by the CAED with EDDC as its largest contributor and to encourage more funding to the CAED

RECOMMENDED

1. That Cabinet request an investigation into a longer term arrangement for grant funding, in order to give more security to the CAED, such as a three year agreement with the inflation increase as per previous grant awards;
2. that the Council is kept informed of the progress of review of the CAED, and actively involved as a stakeholder.

The Chairman thanked the CAED representatives for attending and affirmed that as a committee, they would do what they could to assist the service.

***12 Modern Day Slavery awareness update**

The committee received an update report on how Council employees were made aware of modern day slavery. This formed part of the work across the council in safeguarding vulnerable adults and children, where clear procedures are in place for reporting any concerns, as set out in the adopted safeguarding policy. A further training session for staff is in place for September as part of the continued development of staff.

RESOLVED To investigate if the recording of any cases logged could be included in the performance monitoring reporting.

***13 Scrutiny Forward Plan**

Two topics previously put forward for scoping were set out with a preliminary view in the report to the committee:

- The review of the procurement approach agreed by the Housing Review Board will fall under the remit of the Board as an overview and scrutiny committee in its own right, and therefore does not fall under the remit of this committee;
- Building regulations relating to internal room sizes only relate to buildings of student accommodation, hotels and schools. The only option identified at that time was the option for the committee to lobby government about their concerns.

Other topics listed were still due to be scoped. The Chief Executive would be reporting to the Cabinet in September with an election update and the committee had an opportunity to attend that meeting, as well as receive a report back at a future meeting. Cllr Gardner suggested linking that with the report from the Electoral Commission that was due out in the autumn.

RESOLVED

1. To include an election update at the 16 November 2017 meeting of the committee;
2. To scope the topic of health and safety in the workplace
3. To add to the scheduled report of the Service lead Planning Strategy and Development Management for 19 October for comment on the issue of room sizes under building regulations.

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

Scrutiny Members present:

Roger Giles
Bruce de Saram
Simon Grundy
Cathy Gardner
Bill Nash
Cherry Nicholas
Val Ranger
Marianne Rixson
Eleanor Rylance

Other Members

David Barratt
John Dyson
Steve Gazzard

Officers present:

Anita Williams, Principal Solicitor
Debbie Meakin, Democratic Services Officer

Apologies:

Alan Dent
Dean Barrow
Tom Wright
Andrew Moulding
John O'Leary
Jill Elson
Maddy Chapman
Darryl Nicholas

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 21 September 2017

Attendance list at end of document

The meeting started at 6.00pm and ended at 7.41pm.

***14 Public speaking**

There were no questions from the public.

***15 Minutes**

The minutes of the Scrutiny Committee held on the 20 July 2017 were confirmed and signed as a true record.

It was reported that the Communities and Local Government Committee's inquiry into Local Authority Overview & Scrutiny had not proceeded as a consequence of the General Election. The Committee has now been reconstituted and Members of Parliament have agreed that the inquiry should now resume and will be considering evidence submitted in October 2017.

***16 Phase 2 of Recycling and Waste Contract update**

The Chairman welcomed the Portfolio Holder for Environment, Cllr Tom Wright, and his deputy Cllr Marcus Hartnell, alongside Gareth Bourton, Recycling and Waste Contract Manager.

The committee had received an update report covering the implementation of Phase 2 of the contract, which covered the remaining areas of the District under the new collection terms. Roll out commenced on the 12 June 2017 as planned, and overall the implementation is successful. Residents of the District have overall embraced the new service, which was reflected in the figures reported to the committee on the recycling rate – now at 57%, an increase of 15% from the previous collection service.

Significant changes have been made for the new contract implementation, including:

- In-cab and back office systems in place with approximately 150 staff trained in its use;
- Over 51,000 recycling sacks and bin hangers delivered; over 10,000 additional recycling containers delivered;
- New routes devised for collecting from over 51,000 properties.

The Portfolio Holder stressed that the team strived for continued improvement to the service, including a desire to add a green waste collection service in the future.

Questions and debate from the committee included:

- The new Materials Recovery Facility (MRF) at Greendale was anticipated to be online from January 2018. This improved facility was to cope with the high volumes of materials;
- Work to ensure that all methods of reporting missed collections were recorded to give clear data. Missed collections level had vastly improved from the initial weeks of implementing Phase 2 and the Streetscene team worked closely with Suez crews to ensure rounds were accurately updated accordingly;
- Good reports from Members on action taken with problems that had arisen, such as helping deal with residents that had difficulty in sorting their waste; and in taking a practical approach to small incidents of accidental mixed recycling waste;

- Suez have strong record on health and safety and work continues to ensure that crews are as safe as possible on what is, by nature, a risky job;
- Container return improvements now a focus for the service, looking at improving the quality of collections;
- Welcomed the recognition of the improvement to the service with the recent Green Apple environmental award;
- Driver retention approach by Suez was explained to the Committee, with a positive approach to training drivers with a two year retention package;
- In cab technology allowed each vehicle to be tracked, and crews updated on route with collection information for example logging each assisted collection;
- Size and number of collection containers would remain an issue for flats and small homes. This was an issue nationally, but a necessity in order to collect the volume of waste that was being produced;
- The cost of additional vehicles put in place to deal with demand was currently being absorbed by Suez. Any future negotiation on costs in the contract would have to be put to Cabinet for a decision;
- Market prices for recycled materials varied due to global influence. Contracts were in place with DCC and Suez for the sale of those materials and a best estimate on the return made for future budgets;
- “Avoided waste disposal savings”, where the County are benefitting from the reduction of waste disposal at the Energy from Waste (EfW) plant and could pass on their savings to Districts, were now agreed with DCC.

The committee were keen to have a report back in future months to ensure that any means of reporting missed collections were handled correctly and promptly, and that the East Devon App was also working correctly and consistently.

RESOLVED

1. that the committee receive a further report from the Portfolio Holder in March 2018 on the implementation of Phase 2 of the Recycling and Waste Contract, to specifically cover:
 - a. Health and safety data and progress
 - b. Reporting mechanisms for missed collections (via app, online, phone and other means), and clear associated data on reporting for performance monitoring
 - c. Staff turnover rate
 - d. Savings realised from the change in contract
 - e. Impact of installation of improved MRF at Greendale
2. That the officers and local communities be congratulated on their hard work and engagement to bring about the success in the implemented scheme;
3. That the committee welcomes the actual reduction in waste disposal at the Energy from Waste (EfW) plant; and
4. That the committee welcomes the actual increase in recycled materials.

***17 Quarterly monitoring of performance quarter 1 2017/2018**

The committee raised issues on the following performance indicators:

- Delivery of Manor Pavilion car park as a pay and display car park. The Chairman expressed his annoyance at the officer remarks to this indicator, which as set out in the report, suggested that the delay to delivery was due to the involvement of the Scrutiny Committee. He reiterated to the committee that had the pending change to pay and display

been consulted upon at the outset with local interested parties, Ward Members and the Town Council, the committee would not have been requested to review the decision and terms of the change of use. He also commented that it was disappointing that Cabinet had not chosen to agree with the committee's recommendation on the charging hours;

- Return empty homes to beneficial use. This is "on track" but with no narrative. The previous shared post of a dedicated officer with Exeter City Council has not been replaced when that individual retired; Exeter City did not have any appetite to continue with a shared arrangement on that post. Therefore the work has been absorbed back into the Housing Team to continue with. The committee decided to refer the issue to the Housing Review Board, with future monitoring reports being updated accordingly;
- Beach Safety Officer – post now filled;
- Fly tipping – many committee members had concerns about the continuing changes in charges at Devon County Council (DCC), and how that directly impacted on the scale of fly tipping. Whilst the charges were the responsibility of the County Council, Members wished to pursue some form of action and agreed to ask the Portfolio Holder for Environment to pursue this issue; roadside litter was also an issue that needed addressing, which had been researched by a member of the committee. Dangerous stretches of road were difficult to clean because of safety issues for Streetscene operatives, but the committee hoped that the Portfolio Holder may be able to work with the team to reach a safe solution;
- Percentage of planning appeals decisions allowed against authority's decision. This has been discussed at both Strategic Planning Committee (SPC) on 11 July and Development Management Committee in August. Members noted the minutes from SPC on the issue;
- Improvement in processing housing benefit/council tax benefit new claims and change events was welcomed;
- Younghayes centre transfer – this was currently awaiting response from the Town Council solicitors, so no solid completion date could be provided at this time;
- District design guide – being monitored by the Overview Committee;
- Member development programme – Lead Councillor for Member Development sought views on how to ensure good attendance by Councillors to arranged information events and training sessions. Previous events had been poorly attended, despite trying a mix of both daytime and evening events. Scrutiny training had been arranged for November and confirmed numbers were being sought, but a program of events needed to be developed. The Lead Councillor agreed to reconvene her Member Development working Group to look at developing a programme and seek views of Councillors on ensuring attendance;
- More detail was requested on the Business rate relief policy in operation;
- If the business plans for the both Area of Outstanding Natural Beauty partnerships were available online yet;
- More information requested on the location of sites for monitoring air pollution, levels of pollution and how that related to new or expanding development;
- Congratulate officers on the current work in refurbishment of Exmouth Town Hall and the start of the build of Blackdown House at Honiton.

RECOMMENDED to the Housing Review Board that work allocated to return empty homes to beneficial use be reviewed to establish if a dedicated officer, shared with other authorities, could be established again to deliver a higher number of homes returned to use.

RESOLVED to ask the Portfolio Holder for Environment to approach the County Council on the issue of increasing costs to residents for using their recycling facilities and the impact that has on the District with increasing fly tipping; and to look into what safe practices could be adopted to deal with roadside litter

***18 Scrutiny Forward Plan**

Work continued to pursue agreement from the Cabinet Member for Adult Social Care and Health Services of Devon County Council (DCC) to attend the committee to discuss mental health services in the District. There had also been no response from the Chairman of the DCC Health and Adult Care Scrutiny Committee to the letter sent on behalf of the Scrutiny Committee on 26 June 2017.

RESOLVED that local County Councillors be asked to assist in requesting attendance by the DCC Cabinet Member.

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

Scrutiny Members present:

Roger Giles
Bruce de Saram
Simon Grundy
Maddy Chapman
Alan Dent
Dean Barrow
Bill Nash
Val Ranger
Marianne Rixson
Eleanor Rylance

Other Members

Marcus Hartnell
Tom Wright
David Barratt
Pauline Stott
Brian Bailey

Officers present:

Gareth Bourton, Recycling and Waste Contract Manager
Anita Williams, Principal Solicitor
Debbie Meakin, Democratic Services Officer

Apologies:

Cathy Gardner
Cherry Nicholas
John O'Leary
Jill Elson
Darryl Nicholas
Iain Chubb
Dawn Manley

Andrew Hancock, Service Lead Streetscene
John Golding

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Overview Committee held at Knowle, Sidmouth on 25 July 2017

Attendance list at end of document

The meeting started at 6.00pm and ended at 7.31pm.

***1 Public speaking**

There were no public speakers at the meeting.

***2 Minute confirmation**

The minutes of the Overview Committee held on the 28 March 2017, were confirmed as a true record.

***3 Declarations of interest**

Councillor Rob Longhurst; Minute 6

Personal Interest – May no longer be able to stand in 2019 due to the boundary changes, which therefore affects his ability to claim allowance/expenses;

Councillor John Dyson; Minute 5

personal interest – Trustee of Sidmouth Folk Festival.

***4 Council Plan 2016 - 2020**

The Chairman prefaced this item by outlining how he understood the Committee should be operating at a strategic level; whereby the Committee could recommend to Cabinet and Strategic Planning Committee on elements such as policy and direction of travel. Cabinet and Strategic Planning Committee would be the decision makers, with Scrutiny keeping a watch over the implementation.

The purpose of the Council Plan was to lay out the strategic direction of the Council for future years, covering both the statutory services and those discretionary services that helped provide a balance for both the environment and quality of life for the District's residents and visitors

The Committee discussed the Plan, including:

- Retaining the ability to publish hard copies for those not able to access online;
- Look to more focus on:
 - Neighbourhood plans and how they fit into the suite of plans
 - Health and Wellbeing, particularly in light of the impending changes to delivery of health care and how that might impact on other services; how the funding of leisure services helps the community;
 - Cover what areas of service have been identified for improvement and how that is going to be implemented;
- Build in a facilitating role of the Council in helping local community groups to link up and help themselves, either in terms of avoiding duplication of work, or act as mediator;
- Look to provide the plan in a format that meets the current social media appetite, so that the Council Plan becomes an easily digestible document for those using such media;
- Add in reference to the Greater Exeter Strategic Plan (GESP) and how the plans link to that;

- Add in reference to the AONB plan so that it does become part of the Council's planning process in setting service plans.
- Add in how the Council have listened to public opinion through community engagement and what has been done as a result.

RESOLVED that the comments made on the Council Plan be submitted to the Strategic Lead Organisational Development and Transformation to take into account in the Council Plan refresh in 2018.

***5 Investigating impact of introducing charges for clearing up after events**

The Committee were reminded of the original transformation saving identified in the draft 2017/18 budget process of £9K for clear up of major events such as the Tar Barrels in Ottery St Mary; and the Sidmouth Folk Festival. The amount was added back into the approved current budget but selected for a review.

The Committee discussed their own experiences with varying events around the District, whereby many stall holders and festival volunteers undertook the vast majority of the clear up immediately after the event. Some event clear up costs were already recharged by Streetscene to the local town or parish.

Such events had additional cost implication of increased bin emptying and opening hours of public toilets. Many charitable and voluntary organisations would not be able to bear additional costs for clearing up. Many Councillors felt that the saving identified was not such a sufficient amount that it should be recharged, particularly when the District as a whole benefited from the event in term of economic and social terms.

The committee concluded that a report be brought before them identifying what events the £9K saving related to; as well as a view from Streetscene operators on the impact of clearing up after events and if those costs were likely to increase in future years. Whilst the current level of saving identified might be acceptable to include in the budget now, it may increase significantly and therefore had to be sufficiently investigated.

RESOLVED that a report be brought to the committee on recovering clear up costs from major events.

***6 Local Government Boundary Committee for England Electoral Review**

The committee discussed options for raising awareness of boundary changes that would impact on constituents from 2019. Suggestions included:

- Clear map showing boundary overlays accessible from the Council's website;
- Investigate having an alternative application on the East Devon App that shows information on address entry on the change of boundary;
- Press release to town and parish clerks on the boundaries for both County and District.

The committee also discussed how the responsibilities of the respective councils were often not fully understood by the public, and therefore information on the Council website should be developed to provide a clear understanding of the roles of each local government level.

RECOMMENDED to Cabinet :

That the Chief Executive consider the following suggestions of the Overview Committee in raising awareness of the pending boundary changes:

1. Clear map showing boundary overlays accessible from the Council's website;

2. application on the East Devon App that shows information on address entry on the change of boundary;
3. Press release to town and parish clerks on the boundaries for both County and District in early 2019;
4. Information on the responsibilities of each level of local government in a clear and easily accessible format on the Council website.

***7 Overview Forward Plan**

Topics put forward to be scoped were:

- Neighbourhood plans and reviews
- Workforce planning
- Examination of Strata business case to see if originally forecast savings would still be delivered

The Committee also requested follow up on issues already agreed to check on progress, including the Design Guide and safeguarding issues, to ensure that the decisions were being monitored.

Attendance list

Councillors Present:

Graham Godbeer (Chairman)
Ian Hall (Vice Chairman)
Peter Faithfull
Rob Longhurst
John Humphreys
Mike Allen
Mark Evans-Martin
Jim Knight

Councillors Also Present:

John Dyson
David Barratt

Officers

Anita Williams, Principal Solicitor
Debbie Meakin, Democratic Services Officer

Councillor Apologies:

Paul Diviani
Jill Elson

Officer Apologies:

Karen Jenkins, Strategic Lead Organisational Development and Transformation

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Housing Review Board held at Knowle, Sidmouth on 7 September 2017

Attendance list at end of document

The meeting started at 2.30pm and ended at 4.30pm.

***16 Public speaking**

There were no questions raised by members of the public.

The Chairman welcomed everyone to the meeting and invited those present to introduce themselves. She informed the Board that a previous tenant representative, Sue Saunders, had been taken into hospital and circulated a card to be signed.

***17 Minutes**

The minutes of the Housing Review Board meeting held on 15 June 2017 were confirmed and signed as a true record.

***18 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.

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

***19 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. Members were advised that items that would be coming forward and added to the plan were the Tenant Scrutiny Panel report, a report on the introduction of Universal Credit and a report about joint working in Broadclyst around the community centre.

RESOLVED: that the forward plan be noted and updated.

***20 Housing Revenue Account Business Plan update**

The Strategic Lead – Housing, Health and Environment's report presented the updated Housing Revenue Account (HRA) Business Plan to the Board. The Business Plan set out the known income and expenditure plans and a series of assumptions projected over the next thirty years.

The Business Plan was originally produced to coincide with the reform of social housing finance and the introduction of self-financing. It had now been updated to include the latest developments and challenges likely to affect the HRA over the next few years. The Business Plan was a key policy document for the landlord element of the housing role.

The Business Plan had matured over eleven years and reflected ambitions and priorities. Producing a Business Plan was a good discipline and guided the annual budgeting process. The HRA was in a healthy position so that the service could afford to keep tenants' homes in good condition and deliver good quality housing management services. However, it needed to be carefully monitored and managed. It was a dynamic document, with

complex spreadsheets underpinning it which could be manipulated to model various financial scenarios.

There had been some key operational considerations, which had recently prompted a review of the business, including the governments rent reduction policy, and work had been undertaken with Capita on some technical/financial pieces of work. The Plan was based on a series of assumptions and predictions about income and expenditure. It was noted that asset information regarding stock condition would benefit from being more up to date, and a stock condition survey would be undertaken and the results built into business planning process. The impact of Universal Credit on rental income was unknown, but from experience elsewhere in the country the introduction was likely to have a negative effect on rent income. A development programme for 25 additional homes every five years was also factored into the Plan.

RECOMMENDED: that Cabinet note the contents of the draft Housing Revenue Account Business Plan 2017-2022 and approve the Plan.

***21 Financial monitoring report**

The Board was presented with a summary of the overall financial position on the Housing Revenue Account, HRA Capital Programme and the Business Plan for 2017/18 at the end of month four (July 2017).

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

Current monitoring indicated that:

- The Housing Revenue Account Balance would be maintained at or above the adopted level.

The Portfolio Holder for Sustainable Homes and Communities suggested that the success of the service should be flagged up and included in the monthly performance report going to Cabinet. Good news stories should be better communicated.

RESOLVED: that the variances identified as part of the HRA revenue and capital monitoring process up to month four be noted.

***22 Responsive repairs and works to void properties contract procurement process**

The Strategic Lead – Housing, Health and Environment's report updated the HRB on the progress being made to tender and procure a new responsive repairs and works to voids contract. The Board were invited to agree the appointment of consultants to support the Project Group through the procurement, and the revised terms of reference for the Project Group were presented.

The Project Group had been reconfigured, consisting of officers to oversee the drawing up of the specification and the procurement process. The project was extremely large and complex with an estimated value over a 10-year period of well in excess of £100million. It was an involved procurement process and could be subject to challenge. The EDDC Legal team would be drawing up the contract, but were not able to provide support with procurement, specification and the technical aspects of the work. The Devon County Council procurement team were overseeing the procurement of the contract, but did not have the capacity to give detailed or intensive assistance. Therefore, it was intended to go out to tender for consultants to support officers through the whole process and specifically

with assistance in drawing up the contract specification, tender documents and evaluation, contract award, TUPE, mobilisation and so on.

Tenants would be kept fully informed by regular reports to the Repairs Service Review Group and the Tenant Involvement Forum, as well as specific consultation events as and when required. The HRB would be kept engaged in the process with regular reports.

RECOMMENDED:

1. that Cabinet note the progress being made on the renewal of the responsive repairs and work to void properties contract;
2. that Cabinet approve the direction of travel and the terms of reference for the project group formed to discuss the procurement;
3. that Cabinet approve the brief for the appointment of procurement consultants.

(Christine Drew, independent community representative, requested that her vote against the proposal be recorded).

***23 Fire safety review and policy update**

The Strategic Lead – Housing, Health and Environment reported on an internal review of fire safety following the Grenfell Tower fire in London. Fire safety was a key element of compliance work and a priority for the Council as a landlord. The Housing Review Board were invited to recommend to Cabinet an updated fire safety policy which outlined the Council's approach to fire safety in housing. It was anticipated that new learnings and revisions to fire safety practice would emanate from the Grenfell Tower inquiry, and this would be embraced when it emerged.

It was acknowledged that tenants also had a critical role to play in fire safety. There was a need for good staff awareness of the fire safety policy and tenants needed to be aware of it too. It was noted that hoarders were a significant risk to fire safety. It was also suggested that East Devon become a non-smoking housing provider.

RECOMMENDED:

1. that Cabinet adopt the fire safety policy and endorse the approach towards fire safety in Council owned housing.
2. that Cabinet approve the inclusion of an article on fire safety in the next Housing Matters magazine.

***24 Compliance review**

The Senior Technical Officer – Asset Management reported on an internal review of property and asset related compliance. This was a priority area of service delivery for the Council as a responsible landlord with tenant safety at the centre. It was critical that good practices were adopted and basic compliance requirements exceeded wherever possible. The Council employed a dedicated Compliance Surveyor.

Compliance covered a wide range of areas including gas safety, electrical safety, asbestos management, fire safety and legionella. The Council also adhered to the Construction Design & Management Regulations 2015 and Building Regulations. The Council had legal obligations to fulfil, however, it also adopted good practices with solid fuel, passenger lifts, stair lifts and track hoist servicing, clos-o-mat servicing, rainwater harvester servicing, air source heat pumps, solar PV panel servicing and servicing and maintaining a number of sewage treatment plants and boreholes.

To ensure that the Council's housing service was compliant it regularly reviewed compliance. The OpenHousing computer system held information on the housing stock and when certain components were due to be serviced. Each month servicing extracts were sent to contractors to ensure they carried out the servicing in line with legislation or best practice, once the service has been completed data was then uploaded to show that the service had been carried out. Each month a report was produced by OpenHousing giving an overview of compliance. These reports were important as they would highlight if the Council was not compliant, and action could be promptly taken to rectify this.

To ensure the housing service remained compliant it was important that tenants were aware of the Council's legal duties as a landlord. Regular articles in the Housing Matters Magazine would create more awareness around compliance and why it was important to allow contractors in to their homes to carry out servicing. The report also proposed that awareness sessions were held within the community where tenants could come along to a coffee morning and talk to staff about health & safety.

It was noted that gas safety checks were undertaken on a 10-month cycle. Contractors were only gaining access to 75% of properties on their first attempt. The profile and importance of this needed to be raised amongst tenants. It was suggested that an article on this should also be included in the Housing Matters magazine.

RECOMMENDED: that Cabinet agree the recommendations outlined in the compliance review.

***25 Sewage treatment works progress**

The Board considered the report of the Engineering Projects Manager, which updated the HRB on the current position regarding the sewage treatment plants (STPs) that served Council properties, and sought approval on proceeding with steps to transfer properties onto the public sewerage system.

The EDDC Housing Service currently owned and managed 15 sewage treatment plants across the district. These served 55 properties, only 22 of which were council properties. The others were ex-council properties sold under the Right to Buy. The current 15 STPs were of varying types ranging from simple septic tanks to more complex processes. Engineers had found a way to transfer 10 of these, the details of which were contained in the report.

RECOMMENDED:

1. that Cabinet approve that applications for First Time Sewerage should be submitted at up to 10 locations, and
2. that Cabinet approve that applications for sewer requisitions should be submitted at 3 locations at a cost of £2,500 per location,
3. that Cabinet approve further consideration being given to options for transfer of sites which are not eligible for the above.

***26 Tenancy succession policy**

The Housing Needs and Enabling Manager's report presented to the Board the new tenancy succession policy. The rules on succession were given in the tenancy agreement but it was good practice to also have a succession policy in place to ensure that all cases of succession were treated fairly, consistently and in accordance with current legislation.

RECOMMENDED:

1. that Cabinet approve the tenancy succession policy,

2. that Cabinet approve the inclusion of an article raising tenants' awareness of the succession policy in the Housing Matters magazine.

***27 Revision of tenancy agreement**

The Board were made aware of planned revisions to the tenancy agreement. The current tenancy agreement required updating to bring it into line with current practice and legislation. The consultation process was lengthy if significant changes were being made. The Board would be kept informed of progress.

RESOLVED: that the Housing Review Board note that the tenancy agreement was in the process of being revised.

***28 Annual report to tenants**

The Strategic Lead – Housing, Health and Environment presented the draft of the annual report to tenants for 2016/17. The draft was in word text format and would be graphically designed once the wording had been finalised. The Board felt that every District Councillor should receive a copy of the annual report.

RECOMMENDED: that Cabinet approve the content of the annual report to tenants, subject to the information being graphically designed for reproduction in the December Housing Matters magazine.

***29 Performance digest – quarter 1 monitoring report**

The Board was presented with the Housing Service performance indicator report for quarter 1 2017/18, with details of selected indicators measuring performance across the Housing Service.

The Board discussed various issues including rough sleepers, anti-social behaviour, the St Andrews Road shared house and welcome packs for tenants. The fantastic work of the SWITCH team was noted. A request was made for ward members to be informed of new tenants moving into their area.

RESOLVED: that the performance of the Housing Service be noted by the Board.

***30 Housing Review Board selection panel**

The Board noted that following the resignation of Angela Bea, there was a vacant tenant representative position on the Board, with two tenants expressing interest in joining the Board. Some of the previous members of the selection panel were no longer Board members so the Board were asked to select three new members.

RESOLVED: that the Housing Review Board selection panel consist of Councillor Megan Armstrong, tenant Mike Berridge and independent community representative Christine Drew, and the Chairman Councillor Pauline Stott. Councillor Ian Hall would substitute where necessary.

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

It was noted that the district council would shortly be having a presence at Exmouth Town Hall, with housing officers located there. It was suggested that the 2018 HRB meetings be held in the Town Hall, Exmouth.

The Board noted the dates of the HRB meetings for the forthcoming civic year:
Thursday 2 November 2017 – 2:30pm, Council Chamber, Knowle, Sidmouth
Thursday 11 January 2018 – 2:30pm, Council Chamber, Exmouth Town Hall

Thursday 8 March 2018 – 2:30pm, Council Chamber, Exmouth Town Hall

Attendance list

Present:

Cllr Pauline Stott (Chairman)
Cllr Megan Armstrong
Cllr Jenny Brown
Cllr Ian Hall
Cllr Brenda Taylor

Co-opted tenant members:

Pat Rous (Vice Chairman)
Mike Berridge
Joyce Ebborn

Independent community representatives:

Julie Bingham
Christine Drew

Officers:

Graham Baker, Senior Technical Officer – Asset Management
Sue Bewes, Landlord Services Manager
Amy Gilbert, Property and Asset Manager
John Golding, Strategic Lead - Housing, Health and Environment
Andi Loosemoore, Rental Manager
Mike Purcell, Interim Property and Asset Manager
Alethea Thompson, Democratic Services Officer
Rob Ward, Housing Accountant

Also present:

Cllr Jill Elson, Portfolio Holder – Sustainable Homes and Communities
Cllr Simon Grundy
Josie Ireland, tenant
Peter Sullivan, tenant

Apologies:

Cllr Steve Gazzard
Victor Kemp, tenant
Danielle Furzey, Housing Options Manager
Andrew Mitchell, Housing Needs and Strategy Manager
Giles Salter, Solicitor

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Housing Company Sub Committee held at Knowle, Sidmouth on 4 October 2017

Attendance list at end of document

The meeting started at 3.08pm and ended at 4.03pm.

***1 Declarations of Interest**

Councillor Iain Chubb: Personal interest – private landlord

2 Establishing the Local Housing Company – East Devon Homes

The Strategic Lead - Housing, Health and Environment outlined the first report to the Housing Company Sub Committee, which presented a number of documents concerned with the establishment of the Company, and how it would operate, including governance arrangements and controls. Approval of the documents would enable the Company to be formally incorporated and commence operating in accordance with the Business Plan.

A report had been presented to and approved by Cabinet in March 2017 setting out the business case for setting up a Local Housing Company to be wholly owned by the Council with the purpose of providing housing in the general market (outside of the Housing Revenue Account) and to generate a profit to provide income to the Council's general fund.

The Local Housing Company presented an opportunity for the Council to play a greater role in the local housing market. However, it was business critical that the Company was carefully established to ensure that there were all the arrangements to deliver viable schemes that met the purpose intended – the right home, right time, right place, right price.

The Sub Committee considered the:

- Proposed Business Plan
- Shareholder agreement
- Articles of Association and Memorandum

These documents set out how the Company would be run, controlled and the outputs expected. The controls limited the activities of the Company to the Business Plan activities and required a fresh Business Plan (covering a rolling five year period) to be submitted and approved annually.

The Sub Committee discussed the Business Plan and were advised that they would be presented with a fresh Business Plan annually. It was intended to be a dynamic document, projecting over five years, but providing certainty for one year. Initially a cautious start was recommended, providing market rented housing, but as the Company grew it could diversify. During the initial five year period it was not proposed to employ any staff. Existing Council staff and skills would be used and a recharge made. The intention was to start the Company's financial year to coordinate with the Council's, commencing April 2018. This would allow for preparations of loan agreements, operating policies and identifying a viable business investment.

The shareholder agreement set out the relationship between the shareholder (the Council) and the Company and specified the business of the company. Essentially it ensured that the shareholder's interests were protected by imposing limitations on the activities of the Company. Any activity outside of the annually approved Business Plan would require the

consent of the shareholder, acting through the Sub-Committee. Provided the Company operated in accordance with the Business Plan then the Directors were afforded sufficient flexibility to deliver what was detailed in the Business Plan, subject to other limitations detailed in the agreement. The shareholder agreement also specified a whole host of activities that the Company could not do without obtaining shareholder consent.

The Articles of the Company were the constitution, setting out how the Company would operate from an administrative perspective, including arrangements for the Board of Directors, meetings, decision making, voting, Directors' powers, shares, dividends and so on. The Articles were based on a set of model clauses with variations to suit the specific requirements. The Articles could be amended as necessary as the Company grew and if it required greater freedom to operate.

The responsibility the Company created for the Directors of the business was recognised and limited by ensuring that the Board operate within the strict confines of the Business Plan. The Sub Committee considered the maximum amount that the Board could decide to spend on a single transaction without shareholder agreement. There was a need to balance the protection of the Council (shareholder) against the ability to be fleet of foot. Following discussion, it was suggested that £300,000 be agreed as the maximum amount that could be spent by the Board to acquire any land or any individual dwelling without shareholder approval.

RESOLVED: that the Housing Company Sub-Committee approve:

1. The Shareholder Agreement, subject to paragraph 32 of Schedule 1 of the Shareholder Agreement being amended from £750,000 to £300,000.
2. The Articles of Association and Memorandum of Association
3. The initial five year Business Plan
4. Appoint the Deputy Chief Executive, Strategic Lead for Housing, Health and Environment, Strategic Lead for Finance, and the Strategic Lead for Governance and Licensing as Directors of the Company.

RECOMMENDED: that a request be made to Council to approve an initial loan facility amounting to £2 million (as per the first year of the Business Plan) and an investment of £528,000 to cover the initial cash shortfall in the Business Plan, with delegated authority to the Strategic Leads for Finance and Governance and Licensing to prepare and enter into appropriate loan agreements and security documentation for the Company.

***3 Date of the meeting**

To be confirmed

Attendance list

Present:

Cllr Paul Diviani (Chairman), Leader of the Council
Cllr Phil Twiss (Vice Chairman), Deputy Leader of the Council
Cllr Iain Chubb, Portfolio Holder for Corporate Services
Cllr Jill Elson, Portfolio Holder for Sustainable Homes and Communities
Cllr Ian Thomas, Portfolio Holder for Finance

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
Alethea Thompson, Democratic Services Officer

Also present:

Cllr David Barrett
Cllr Graham Godbeer
Cllr Helen Parr

Apologies:

Karen Jenkins, Strategic Lead – Organisational Development and Transformation
Mark Williams, Chief Executive

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

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

Attendance list at end of document

The meeting started at 10.00am and ended at 2.18pm (the Committee adjourned for lunch at 12.21pm and reconvened at 2.00pm)

***9 Minutes**

The minutes of the Development Management Committee meeting held on 4 July 2017 (a revised set having been circulated in advance of the meeting) were confirmed and signed as a true record.

***10 Matters of urgency – additional application**

With the Chairman's agreement, due to the timeframes in which the application was required to be determined, one additional application – 17/1754/GPD (1 Red Pit, Hawkchurch) would be presented for consideration at the meeting.

***11 Declarations of interest**

Committee Members

Cllr David Barratt; 17/0203/RES; Personal interest; Sidmouth Town Councillor and applicant was known to the Councillor.

Cllr Peter Burrows; 17/0369/FUL; Personal interest; Seaton Town Councillor

Cllr Paul Carter; 16/2918/FUL & 17/0783/VAR; Pecuniary interest; Applicant (left the chamber during discussion and vote)

Cllr Paul Carter; 17/1332/FUL; Personal interest; Ottery St Mary Town Councillor

Cllr Bruce de Saram; 17/1128/FUL; Personal interest; Exmouth Town Councillor

Cllr Brian Bailey; 17/1128/FUL; Personal interest; Exmouth Town Councillor

Cllr Ben Ingham; 17/1246/LBC; Pecuniary interest; Applicant was a close relative (left the chamber during discussion and vote)

Cllr Ben Ingham; 17/1247/FUL; Pecuniary interest; Applicant (left the chamber during discussion and vote)

Cllr Matt Coppel; 17/1127/LBC & 17/1130/COU; Personal interest; Newton Poppleford and Harford Parish Councillor

Cllr Steve Gazzard; 17/1128/FUL & 17/1247/FUL; Personal interest; Exmouth Town Councillor

Cllr Mark Williamson; 17/1128/FUL; Personal interest; Exmouth Town Councillor

Non Committee members and officers

Cllr Phil Twiss; 17/0942/MRES; Personal; School Governor

Henry Gordon Lennox; 17/1397/FUL; Applicant (left the chamber during discussion and vote)

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution, Cllrs Susie Bond, Steve Gazzard, Bruce de Saram, Paul Carter, Brian Bailey, David Key, Mark Williamson, Colin Brown, Alan Dent and Mike Howe advised they had been lobbied in respect of application 17/0942/MRES.

***12 Planning appeal status report**

The Planning appeal status report had been considered by the Strategic Planning Committee at its meeting on 11 July 2017 and was presented to the Development Management Committee for information purposes. The Committee noted the contents of the report.

***13 Appeal statistics**

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

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 3 – 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

Matt Coppell

Alan Dent

Bruce de Saram

Steve Gazzard

Ben Ingham

David Key

Helen Parr

Mark Williamson

Officers present for all or part of the meeting

Ed Freeman, Service Lead – Strategic Planning and Development Management

Henry Gordon Lennox, Strategic Lead – Governance and Licensing

Chris Rose, Development Manager

Amanda Coombes, Democratic Services Officer

Hannah Whitfield, Democratic Services Officer

Also present for all or part of the meeting

Councillors

Paul Diviani

Val Ranger

Phil Skinner

Phil Twiss

Apologies:

Committee Members

Councillor Mike Allen

Non Committee Members

Councillors

Marcus Hartnell

Jim Knight

Andrew Moulding

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 5 September 2017

Attendance list at end of document

The meeting started at 10.00am and ended at 3.30pm (the Committee adjourned for lunch at 11.35pm and reconvened at 2.00pm)

***15 Minutes**

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

***16 Declarations of interest**

Committee Members

Cllr Peter Burrows; 14/2195/MOUT; Personal interest; Knew applicant's family

Cllr Paul Carter; 16/3021/MFUL; Personal interest; Applicant was known to the Councillor

Cllr Paul Carter; 17/1475/OUT; Personal interest; Applicant was known to the Councillor

Cllr David Key; 14/2195/MOUT; Personal interest; Applicant was known to the Councillor

Cllr Helen Parr; 17/1053/MFUL; Personal; Husband attended shoots with the owner of Combe Estate

Cllr Mike Howe; 16/3021/MFUL; Personal; Applicant was known to the Councillor

Cllr David Barratt; 16/1659/FUL, 16/3055/FUL & 17/1274/FUL; Personal interest; Sidmouth Town Councillor

Cllr Bruce de Saram; 17/1106/VAR, 17/1594/LBC & 17/1668/FUL; Personal interest; Exmouth Town Councillor

Cllr Brian Bailey; 17/1106/VAR, 17/1594/LBC & 17/1668/FUL; Personal interest; Exmouth Town Councillor

Cllr Mark Williamson; 17/1106/VAR, 17/1594/LBC & 17/1668/FUL; Personal interest; Exmouth Town Councillor

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution, Cllr Mike Howe advised he had been lobbied in respect of application 16/3021/MFUL.

***17 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 – four had been dismissed and one had been allowed.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 4 – 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

Matt Coppel

Alan Dent

Bruce de Saram

Ben Ingham

David Key

Helen Parr

Mark Williamson

Officers present:

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

Cathy Gardner

Geoff Jung

Marianne Rixson

Apologies:

Committee Members

Councillors

Mike Allen

Steve Gazzard

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 2 October 2017

Attendance list at end of document

The meeting started at 11.45am and ended at 3.20pm (the Committee adjourned for lunch at 1.10pm and reconvened at 2.00pm)

***19 Minutes**

The minutes of the Development Management Committee meeting held on 5 September 2017 were confirmed and signed as a true record.

***20 Declarations of interest**

Committee Members

Cllr David Barratt; 16/1659/FUL and 16/3055/FUL; Personal interest; Sidmouth Town Councillor

Cllr Steve Gazzard; 17/1106/VAR and 17/1304/FUL; Personal interest; Exmouth Town Councillor

Cllr Bruce de Saram; 17/1106/VAR and 17/1304/FUL; Personal interest; Exmouth Town Councillor

Cllr Brian Bailey; 17/1106/VAR and 17/1304/FUL; Personal interest; Exmouth Town Councillor

Cllr Mark Williamson; 17/1106/VAR and 17/1304/FUL; Personal interest; Exmouth Town Councillor

Cllr Susie Bond; 17/1120/FUL; Personal interest; Acquaintance of the applicant

Non-committee Members

Cllr John Dyson; 16/3055/FUL; Personal interest; Lived close to the application site and was friends with the objector speaking against the proposal

***21 Appeal statistics**

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

The Development Manager drew Members' attention to the appeal against non-determination of the application at Green Close, Sidford for the demolition of a former residential care home and construction of 36 sheltered apartments, which had been dismissed. The Inspector agreed with the Council that an overage clause was necessary to make the proposal acceptable in planning terms. As a result of the Inspector's decision, the appellant would need to resubmit an application to obtain planning permission.

The Committee also noted the appeal allowed at Kings Down Tail Caravan and Camping Park in Salcombe Regis for the conversion of an ancillary building to a permanent site warden's residential accommodation, continued use of a field for storage of touring caravans and erection of open-sided shelter. The Inspector had overruled sustainability reasons for refusal and awarded partial costs against the Council due to delays in dealing with the application.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 5 – 2017/2018.

Attendance list

Present:

Committee Members present for all or part of the meeting

Councillors

Mike Howe (Chairman)

Colin Brown (Vice Chairman)

Mike Allen

Brian Bailey

David Barratt

Susie Bond

Peter Burrows

Paul Carter

Steve Gazzard

Bruce de Saram

Ben Ingham

David Key

Helen Parr

Mark Williamson

Officers present for all or part of the meeting

Jeremy Ebdon, Principal Planning Officer

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

Dean Barrow

John Dyson

Douglas Hull

Andrew Moulding

John O’Leary

Marianne Rixson

Apologies:

Committee Members

Councillors

Matt Coppel

Alan Dent

Non Committee Members

Councillor Steve Hall

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Extra-ordinary Development Management Committee held at Knowle, Sidmouth on 10 October 2017

Attendance list at end of document

The meeting started at 10.00am and ended at 10.40am.

***23 Declarations of interest**

Committee Members

Cllr David Barratt

Personal Interest - Minute *24 – Reasons for refusal relating to loss of light – Council Offices, Knowle, Sidmouth

Reason: Sidmouth Town Councillor

Cllr Mike Howe stated that as East Devon District Council owned the Council Offices site that all Committee Members, as District Councillors, had a personal interest in the matter to be considered.

***24 Reasons for refusal relating to loss of light – Council Offices, Knowle, Sidmouth**

The Development Management Committee had refused application 16/0872/MFUL in December 2016 for three reasons. The applicant had subsequently appealed this decision and a Public Inquiry was due to take place in November 2017. Prior to the Public Inquiry, the Council had received new evidence, which would be used by the appellant in the form of a daylight and sunlight assessment. In light of this new evidence, Members were asked to consider removing the reference to loss of light in reason one for refusal and to no longer defend the appeal on the basis of any loss of light from the development having a detrimental impact upon surrounding residents. There was concern by Officers and the Council's appointed Barrister that with no contrary evidence pursuing this one element of the reason for refusal could undermine the rest of the Council's defence, which was otherwise considered to be robust. Members noted that the new evidence was based on BRE guidance which was not planning policy, however weight would be given to it by the Inspector as a way of assessing light. Comments submitted by Hillcrest, the property most affected, would still be presented at the Public Inquiry and the Inspector had already indicated that he would be visiting the Hillcrest property.

The Chairman invited the two registered speakers, Mr and Mrs Whittle, who were the owners of Hillcrest, to address the Committee. They spoke of the new evidence being flawed and how those undertaking the assessment had failed to view the proposed development from their property. Their concerns were that the proposed development would cause significant overshadowing and loss of light to their main living areas, particularly in the winter months.

Members discussed the committee report and appended new evidence submitted by the appellant at length. Discussion included:

- The cost implications of continuing to defend loss of light was queried. In response, the Committee was advised that the Council had no contrary evidence to that submitted by the appellant, therefore there was a possibility that the appellant could seek costs against the Council for unreasonable behaviour if it pursued it as a reason for refusal without evidence to support it;

- Concern was raised that by leaving in reference to loss of light, that this could weaken the Council's defence of the appeal;
- In response to a query about the suggestion that the new evidence was flawed, the Committee was advised that the assessment tests used were based on habitable rooms - the only reason the report could be shown to be flawed would be if the assessment was found not to have been carried out on a habitable room;
- Reassured that the Inspector would be visiting Hillcrest and would consider the comments submitted by the owners;
- In response to a query about who from the Council would be defending the appeal, it was confirmed that the Officer and Barrister appointed did not work for the Council;
- The Council had strong reasons to defend the refusal even without the reference to loss of light.

RESOLVED: that in respect of application 16/0872/MFUL, the Committee accepted the appellant's new evidence in relation to loss of light and agreed that the appeal no longer be defended on the basis of the development having a detrimental impact upon surrounding residents through loss of light.

Attendance list

Present:

Committee Members present for all or part of the meeting

Councillors

Mike Howe (Chairman)

Colin Brown (Vice Chairman)

Mike Allen

Brian Bailey

David Barratt

Susie Bond

Peter Burrows

Paul Carter

Alan Dent

Bruce de Saram

David Key

Helen Parr

Mark Williamson

Officers present for all or part of the meeting

Henry Gordon Lennox, Strategic Lead – Governance and Licensing

Alison Stoneham, Communications and Public Affairs Manager

Chris Rose, Development Manager

Hannah Whitfield, Democratic Services Officer

Also present for all or part of the meeting

Councillors:

Megan Armstrong

Paul Diviani

Andrew Moulding

Val Ranger

Phil Twiss

Apologies:
Committee Members
Councillors
Matt Coppel
Steve Gazzard
Ben Ingham

Non Committee Members
Councillors:
Cathy Gardner
Geoff Pook

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Audit & Governance Committee held in the Council Chamber at Knowle, Sidmouth on 21 September 2017

Attendance list at end of document

The meeting started at 2.30pm and ended at 3.50pm.

***16 Chairman's welcome**

The Chairman welcomed everyone to the meeting.

***17 Public Speaking**

There were no members of the public present.

***18 Minutes**

The minutes of the Audit and Governance Committee meeting held on 29 June 2017 were confirmed and signed as a true record.

***19 Internal Audit Activity - Quarter 2 2017/18**

David Hill, Executive Director from SWAP provided an update on the 2017/18 Internal Audit Plan (Quarter 2). Internal Audit provided an independent and objective opinion on the Authority's control environment by evaluating its effectiveness. Primarily the work included:

- Operational Audit Reviews
- Cross Cutting Governance Audits
- Annual Review of Key Financial System Controls
- IT Audits
- Grants
- Other Special or Unplanned Review

SWAP were pleased to report that there had been no 'Partial Assurance Opinion' audits or significant corporate risks identified in this quarter.

RESOLVED:

that the Internal Audit report be approved.

***20 External Audit Report 2016/17**

Rob Andrews, Manager from KPMG summarised the key findings in relation to the 2016-17 external audit. The report focused on the on-site work which was completed in February 2017 and July 2017 on the Authority's significant risk areas, as well as other areas of financial statements. KPMG had issued an unqualified audit opinion on the authority's financial statement. No audit adjustments had been identified.

KPMG concluded that the Authority had made proper arrangements to secure economy, efficiency and effectiveness in its use of resources. The auditor therefore issued an unqualified value for money opinion. Members asked questions around improvements to the S106 process for which KPMG had offered a reassurance and also cash in transit.

The Chairman wished to thank KPMG colleagues for their report.

RESOLVED:

that the report be noted.

***21 Statement of Accounts 2016/17 including Governance Statement**

The Financial Services Manager presented Statement of Accounts for 2016/17. The Auditors were anticipating issuing an unqualified audit opinion once the Accounts had been approved by the Audit & Governance Committee.

The report compared the final position on the Council's Accounts compared with the position presented to members at Outturn stage. No amendments had been made which affect the Council's reported financial position given in the Outturn Report in June 2017. Members discussed issues around the Pension Scheme and the impact upon it due to increases in life expectancy. The possibility of inviting a senior Pension Scheme Actuary to a future meeting was discussed. The Strategic Lead, Finance report clarified the volatility funds built into the accounts. Councillor John Dyson highlighted a number of typographical errors in the Statement of Accounts which were noted by the Financial Services Manager. He also asked a question on the reason for the substantial increase in S106 contributions in 2016/17 from 2015/16. It was confirmed that the next Statement of Accounts would come to the June 2018 meeting.

Governance Statement

The Accounts & Audit (England) Regulations 2015 required the Council to prepare and publish an annual governance statement. This was a public document that reported on the extent to which the council complied with its own code of corporate governance. The Annual Governance Statement explained how the council makes decisions; managed its resources in line with the council's priorities; and achieved the required outcomes for service users and communities.

The Chairman thanked the Strategic Lead, Finance, Financial Services Manager and all their colleagues for producing the accounts.

RESOLVED:

that the 2016/17 Statement of Accounts including the Governance Statement be approved.

***22 Letter of Representation**

Members were asked to note the letter to KPMG in respect of the audit of the Financial Statements for the year ended 31 March 2017 confirming the council's position, documents produced and the sound processes in place.

RESOLVED:

that the letter be noted.

***23 Expenditure on consultants and agency staff 2016/17**

As requested by the Committee Members, the report detailed capital and revenue spend on consultants and specialist advice and agency staff for 2016/17.

RESOLVED:

that the details of expenditure on consultants and agency staff in 2016/17 be noted.

***24 RIPA Policy**

The Strategic Lead Governance & Licensing presented the strategic oversight of the council's RIPA function through an annual report and sought adoption of the revised Policy. In response to a question on how the RIPA function maybe used the Strategic Lead Governance & Licensing reported that in maybe used for fly tipping and licensing

in cases of underage sales of alcohol. He also confirmed that its application was an office only function.

RESOLVED:

1. that the content of the report including the annual report for 2015/16 and 2016/17 be noted, and
2. that the revised RIPA Policy contained at Appendix A approve and adopted.

25 Committee membership numbers

To make a recommendation to Council to increase the membership of the Audit and Governance Committee by an additional 2 members from 8 Councillors to 10.

RECOMMENDED:

The Committee recommend to Council that;

1. the membership of the Audit and Governance Committee be increased from 8 councillors to 10, and
2. that the Council's constitution was amended to reflect this change along with an increase in the quorum from 2 to 3, and
3. that Council to appoint the 2 additional members comprising 1 Conservative and 1 Independent.

***26 Audit and Governance Forward Plan**

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

Items to be considered at the November committee included:

- Annual audit letter
- Risk management review – half year review
- Future of External Audit
- Partnership Register
- Surveillance Commissioner's Report
- Internal Audit Planning

RESOLVED:

that the Forward Plan be noted.

Attendance list

Councillors:

Mark Williamson (Chairman)
Dean Barrow (Vice Chairman)
John Dyson
Cherry Nicholas
Bill Nash

Apologies:

Paul Diviani
Steve Gazzard
John Humphreys
Ben Ingham

Officers present:

Simon Davey, Strategic Lead – Finance

Laurelie Gifford – Financial Services Manager
Mark Williams – Chief Executive
Henry Gordon Lennox, Strategic Lead – Governance and Licensing (minute *24 only)
Chris Lane, Democratic Services Officer
Darren Gilbert, Director, KPMG
Rob Andrews, Manager, KPMG
David Hill, Executive Director, SWAP
Georgina Teale, Senior Auditor, SWAP

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Committee held at Knowle, Sidmouth on Wednesday, 23 August 2017

Attendance list at the end of the document

The meeting started at 9.30am and ended at 10.30 am

***4 Minutes**

The minutes of the meeting of the Licensing & Enforcement Committee held on 28 June 2017, were confirmed and signed as a true record.

***5 Declarations of interest**

Councillor Steve Hall

Minute 30

Disclosable Pecuniary Interest – Private Hire Licence Holder

Councillor John O’Leary

Minute 30

Disclosable Pecuniary Interest – Designated Premises Supervisor

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

The Licensing Officer presented the report of the Licensing Manager in his absence - the following issues were highlighted and discussed.

1. Licensing Act 2003

Since 6 April 2017 when the Immigration Act 2016 came into force, the Licensing team had undertaken additional work through examining identity documents for all applicants to work in the UK. Part of the work undertaken by the Licensing team involved compliance inspections visiting licensed premises to ensure that licensing laws are adhered to by licence holders and their staff. From April to August 2017 the team completed 60 compliance visits to premises across the district. This will increase over the coming months and will be reported as the teams embarked upon the busy summer period for festivals and outdoor events.

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.

The licensing team had reminded a number of gambling operators of the need to renew their 10 year gambling permits that were due to expire this year as a number of premises that were licensed in 2007 are coming to the end of their maximum period. On 24 July 2017 an officer visited two licensed gaming premises with staff from the Gambling Commission to assess the progress of renewal applications. Both premises were found to be operating professionally and within the requirements of the Gambling Act and applications to renew both permits had been received from the operators.

2. Taxis

The new Taxi policy introduced on 26 July 2017 saw the introduction of a knowledge test for Hackney and Private Hire drivers. This would be a requirement for all new drivers along with those whose licences lapse if they fail to renew on

time. Officers have worked to create the new knowledge test containing questions on local geography, the Highway Code and numeracy. Work on this would continue to ensure a suitable bank of questions were available for future applicants.

The majority of hackney carriage driver and vehicle licences still fell due for renewal by 31 October each year. Officers had sent out letters to 85 licence holders and to their employers reminding them of the need to have a relevant identity document to confirm their right to work. For the majority of existing drivers being required to renew their licences it would be necessary to conduct individual meetings to confirm right to work in the UK through examining original documents. This would create an increase in working procedures later in the year.

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 this quarter of the year compliance inspections for vehicles had been undertaken at ranks in Exmouth, Sidmouth and Honiton.

Following a change in the regulations it was now necessary for the Council to publish details of all licensed Wheelchair Accessible Vehicles (WAV's) in its area. The full list of licensed WAV's had been published on the council's website and had been included as Appendix A to the report.

The Committee was informed at the last meeting of enforcement work undertaken by officers earlier this year across the district and also Exeter City. This was necessary following complaints from the trade to ensure that East Devon licence holders were displaying both a roof sign and a hackney carriage plate, particularly when undertaking journeys in Exeter and had led to some drivers receiving formal warnings. Members were reassured that the compliance visits in Exeter had now been completed without further need to continue. Officers would continue to work in partnership with colleagues in other council areas to address specific complaints.

3. General Licensing

The current policy concerning Street Trading Consents was subject of an additional report submitted following a public notice to progress the proposed change in the designation of street trading from prohibited to consent locations. It was noted that training on Street Trading regulations would be arranged for both councillors and officers.

4. Consultations

An officer attended a meeting for members of the Exmouth taxi proprietors and drivers on 24 July 2017 which had seen changes in members and increase in those attending.

Officers attend Licensees meetings within the East Devon area usually quarterly for the exchange of ideas, information and keeping up to date within each area. Attendance by Council, local police and also police licensing staff was keenly sought by the licensing trade to discuss local crime and disorder issues.

5. Member Training

Following requests from committee members for a formal training session to be arranged, a training event was held in the Council Chamber on 14 June 2017 which was delivered by the Institute of Licensing in conjunction with TLT Solicitors. The

feedback received since was positive and would form the basis for further training sessions occurring at the end of committee quarterly meetings in future. It was hoped that additional training for members would be arranged for November.

RESOLVED: that the report be noted;

***7 Taxi Licensing Policy – To seek approval to change the medical policy**

Members received the report of the Licensing Manager on the proposal to change the Taxi Licensing Policy to include a change to the medical policy. It was noted that the ~Council had adopted the Group 2 Medical Standards of fitness to ensure all licensed Hackney Carriage and Private Hire drivers were fit and proper persons. This standard was recommended by the Drivers Medical Unit at the DVLA Swansea. The proposal was to continue with this standard but to amend the Council Taxi Policy in line with national change of the frequency of medical assessments.

Members expressed some concerns about possible delays in taxi drivers reporting changes in their medical circumstances to the Licensing Authority.

RESOLVED: 1. that from 23 August 2017 the Committee adopts a change to the current taxi policy:

- a) For all applicants for hackney carriage and private hire driver licences to undergo a medical at point of application, thereafter,
- b) A medical at the age of 45 and thereafter every 5 years until the age of 65 (annually after 65 years)
- c) For all currently licensed to adopt the same frequency requirements upon completion of their next planned medical review (subject to satisfactory outcome).

2. that the Licensing Manager report to the next Committee meeting on taxi drivers advising the Licensing Authority of changes in their medical circumstances.

***8 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 explained the response to the Council's public notice of the proposal in respect of changing the current Street Trading designation in East Devon from prohibited to consent streets.

A member of the Committee asked whether Exmouth beach was included in the Street Trading designation and it was agreed that the Licensing Manager be asked to clarify. A request was also made that clarification be given on the fee structure for community events before the next meeting of the Committee. The possible issue of persons obtaining consent for street trading and then sub-letting a pitch was raised and it was acknowledged that this issue would be monitored in future by the Licensing Service.

RESOLVED: that the Committee:

- 1. Notes the outcome of the public notice of the proposal to change the street trading regime in East Devon and formally resolves to:

2. a) rescind all of the Council's previous resolutions to designate streets as 'Prohibited Streets' and 'Consent Streets' within the district, and
b) 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 B to the report) with effect from Monday 2 October 2017.
3. Approve the Street Trading Policy (Appendix C to the report) incorporating an amendment under Point 8 relating to community events.

Attendance list

Councillors present

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

Also present:

Councillor Pauline Stott

Officers present

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

Apologies

Councillors:
Jenny Brown
Steve Gazzard
Geoff Jung

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Wednesday, 2 August 2017

- Present:** Councillors:
Steve Hall (Chairman)
John O'Leary
- Apologies:** Councillors
Brian Bailey
Steve Gazzard
- Officers:** Neil McDonald – Licensing Officer
Chris Lane – Democratic Services Officer

The meeting started at 9.00 am and ended at 9.10 am.

***14 Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 12 July 2017, were confirmed and signed as a true record.

***15 Declaration of interest**

Councillor John 'Leary

Minute *16

Disclosable Pecuniary Interest – Personal Licence Holder

***16 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:

Rewe Social club, The Village Hall, Main Road, Rewe, EX4 4EU.

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. Volunteer bar staff will be regularly trained in their responsibilities in respect of the four Licensing Objectives and records of such training will be kept.
2. CCTV will be installed, operated and maintained to the satisfaction of the Licensing authority and Chief Officer of Police.
3. Images will be retained for a minimum of 14 days copies of which will be supplied to the Licensing Authority or Police upon request.
4. The CCTV system must be operational at all times whilst the premises are trading. If the system is faulty or not working the Police and East Devon Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book.
5. 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.
6. The club will ensure that all staff are adequately trained on age verification and identification and records of such training will be kept.
7. No one under the age of 18 will be allowed behind the bar area and no persons under 18 will be permitted to sit at the bar.
8. No person carrying vessels containing alcohol will be admitted to the premises at any time.
9. No customers will be permitted to take open vessels containing alcohol from the premises.

Schedule:

Type of application:

Application for the grant of a premises licence

Name of premises and address:

Bank & Number 9, St Andrews Road, Exmouth, EX8 1AP.

Agreed position reached by the parties:

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

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

1. The licence holder must control the volume of regulated entertainment taking place at the premises, by the installation of a noise limiter which shall be set by and to the satisfaction of an Environmental Health Officer of East Devon District Council.
2. All outside live and recorded music shall cease at 11pm.

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Wednesday, 23 August 2017

- Present:** Councillors:
Steve Hall (Chairman)
John O'Leary
- Officers:** Neil McDonald – Licensing Officer
Chris Lane – Democratic Services Officer
- Also Present:** Councillor Megan Armstrong

The meeting started at 10.30 am and ended at 10.40 am.

***17 Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 12 July 2017, were confirmed and signed as a true record.

***18 Declaration of interest**

Councillor John 'Leary

Minute *13

Disclosable Pecuniary Interest – Personal Licence Holder

***19 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:

Fields of Sidmouth, The Market Place, Sidmouth, EX10 8AR.

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:

Submit an amended plan showing the areas for off sales only and area for on sales of alcohol.

1. No person carrying open vessels containing alcohol will be admitted to the premises at any time.
2. No customers will be permitted to take open vessels containing alcohol from the premises.

Schedule:

Type of application:

Application for the grant of a premises licence

Name of premises and address:

18 Westward Drive, Exmouth, EX8 1JD.

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 can only be ordered for delivery to a residential or business address and not to a public place.
2. All licence conditions pertaining to online sales of alcohol must be part of the Terms and Conditions which must be displayed on the website or any other promotional material and expressly brought to the attention of the buyer at the time of ordering.

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Wednesday, 13 September 2017

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

Officers: Neil McDonald – Licensing Officer
Chris Lane – Democratic Services Officer

The meeting started at 9.00 am and ended at 9.40 am.

***20 Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 23 August 2017, were confirmed and signed as a true record.

***21 Declaration of interest**

Councillor John 'Leary

Minute *22

Disclosable Pecuniary Interest – Personal Licence Holder

***22 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:

Arts Café, the Old Courthouse, Church Street, Axminster, EX13 5AQ.

Agreed position reached by the parties:

Following mediation the applicant, the council's environmental Health Team 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. A maximum number of six events can be held between 18.00hrs - 22.00hrs each year, with at least four weeks in between each event and a maximum of two amplified outside events per week can be held between 1000hrs - 1800hrs. These events must be held between 1st May and 30th October only each year. Any evening event between 1800hrs and 2200hrs must not follow on the same day as any of the two amplified events per week between 10.00hrs and 18.00hrs.
2. The licence holder must control the volume of regulated entertainment taking place at the premises, by monitoring the noise levels throughout the events and ensure that the volume is reduced sufficiently and to the satisfaction of an Environmental Health Officer of East Devon District Council.
3. Whenever a temporary structure or bar is erected in the courtyard for the sale or supply of alcohol the Licensing Authority and Police will be informed 14 days in advance with a plan showing the location in the courtyard of the structure or bar.
4. The times for the last sale of alcohol to be reduced to 22.00hrs.
5. Amend the wording of non-standard timings from 'summer' to '1st May to 30th October'.
6. No person carrying open vessels containing alcohol will be admitted to the premises at any time.
7. No customers will be permitted to take open vessels containing alcohol from the premises.
8. The premises will adopt a Challenge 21 policy. The only acceptable forms of ID will be Passport, Photo Driving Licence or Government Approved PASS Card.

Schedule:

Type of application:

Application for the grant of a premises licence

Name of premises and address:

Wetleigh B&B, Fore Street, Beer, EX12 3EQ.

Agreed position reached by the parties:

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

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

1. The premises will adopt a Challenge 21 policy. The only acceptable forms of ID will be Passport, Photo Driving Licence or Government Approved PASS Card.
2. No person carrying open vessels containing alcohol will be admitted to the premises at any time.

3. No customers will be permitted to take open vessels containing alcohol from the premises.
4. Alcohol will only be sold or supplied to persons taking table meals at the premises.

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Wednesday, 20 September 2017

- Present:** Councillors:
John O'Leary(Chairman)
Jim Knight
Dean Barrow
- Apologies:** Maddy Chapman
- Officers:** Giles Salter – Solicitor
Neil McDonald – Licensing Officer
Chris Lane – Democratic Services Officer

The meeting started at 9.30am and ended at 10.45am.

***23 Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 13 September 2017, were confirmed and signed as a true record.

***24 Declaration of interest**

Councillor John 'Leary

Minute *25

Disclosable Pecuniary Interest – Personal Licence Holder

***25 Application for the grant of a premises licence to allow live and recorded music, late night refreshment and the sale of alcohol on and off the premises at Nightjar, Village Way, Aylesbeare, EX5 2BX**

The Sub Committee gave consideration to an application for the grant of a Premises Licence to allow the live and recorded music, late night refreshment and the sale of alcohol on and off the premises at Nightjar, Village Way, Aylesbeare, EX5 2BX.

The Sub Committee carefully considered the application with the amendments the applicant proposed for the grant of a premises licence for 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 small village 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, namely; public safety, public nuisance, crime and

disorder and the protection of children from harm. From this it was concluded that the Police did not consider that there was currently any significant problem associated with the current operation of the premises, or that there was likely to be if the application was granted.

The applicant had now reduced the hours originally asked for due to a mediation process. There had also been a separate mediation with Environmental Health in which suitable conditions had been agreed.

The applicant Mr Paul Britton and Mr Simon White, Designated Premises Supervisor, case at the hearing was that they gave details of the recent history of the village pub (The Aylesbeare Inn) setting out the difficulties of the pub trade in a village and retaining a tenant to run it. In 2016 planning permission was received to demolish the building and rebuild the premises on a similar foot print with work commencing in October 2016. Mr Simon White stated that he had met with villagers to discuss the business plans. This was to be a hub and an important amenity for the village as a whole including potentially offering a “mums and toddlers” meeting on a Monday afternoon on the premises.

The business model was based around a local public bar and a food offer of good quality, reasonably priced pub food. He hoped that this would be the basis of a successful business but there were very few new pubs opening, especially in a village environment.

The mediated hours were agreed around the premises being able to open until midnight on Friday and Saturday for meals, and until 11.30pm on Sunday through to Thursday. Mr White stated that the extra half an hour of Friday and Saturday would enable his customers to eat a meal slightly later in the evening. Research showed that people now eat later in the evening and the extra half hour, on what would be the busiest two days of the week, would give his business flexibility. It was hoped to offer coffee, cakes, bacon sandwiches etc between 10.00 and 12.00 (midday) before the sale of alcohol would commence at the bar.

The Sub Committee questioned the applicant on the wine/bread servery in the upstairs restaurant. There were no alcohol sales at the servery. Orders for wine and warm bread were taken at customer's tables.

The Sub Committee questioned the applicant on the issue of empty bottles and whether the applicant would be happy to accept a condition on the use of bottle bins outside in unsociable hours. The interested party questioned the applicant on whether he had costed the marginal advantages to the business of the 12.00 (midnight) closing.

The interested party, Alison Pearson's, case was on paper firstly in relation to the prevention of crime and disorder, extended hours for consumption may increase the likelihood of persons becoming drunk and/or disorderly. Links between alcohol consumption and drunkenness were well documented. Particular concern because of the rural location of the pub where a significant proportion of pub goers would drive home from the venue.

Regarding public nuisance, the pub was located in a small quiet rural village, adjacent to a number of houses, and in close proximity to the centre of the village. Granting a licence to play live music beyond 11pm and to allow alcohol consumption beyond this hour would likely cause considerable disruption and

nuisance to local residents – noise of live music, people leaving and car noise would all be significant.

Regarding the protection of children from harm, there were a number of very small children living in the centre of the village, including the interested party's property. Sleep was important to everyone, but especially for children which could affect their school performance.

Suggested times for closure were – Closing time Sunday to Thursday 11pm, Friday and Saturday 11.30pm. End of licensed activities half an hour before these times.

At the hearing Ms Pearson added that she hoped that the business would be a success but she was concerned that Aylesbeare was a small village with limited parking. The pub would attract more traffic and noise through the village. There were concerns expressed about the previous conditions on the outside space, bottle bins, barrel changing of the Aylesbeare Inn. There was a fine balancing act between the applicant being allowed to run their legitimate business and the neighbours being able to have a quiet, normal life. The application would allow licensed activities late into the evening with neighbours trying to sleep in houses in close proximity to the premises.

The Sub Committee had carefully considered the operating schedule put forward by the applicants and the likely impact of the application which was for a new premises. It was considered that the establishment would be well managed and controlled with good policies in place and adequate supervision from management.

The Sub Committee did not accept that there was evidence of a significant public nuisance, risk to crime and disorder, risk to public safety, risk to children of harm arising from the proposed operation of the premises. This was because of a lack of evidence of a history of complaints to the statutory authorities. The Sub Committee had however, taken into account the concern of local residents about future operation by ensuring that suitable conditions were imposed and that the operating hours were not unreasonably late. At the present time there was no evidence that the operation the applicant now proposed to run would cause the unacceptable impact the interested party had stated at the hearing.

All parties were reminded of the closure and review powers which the Government brought into force when the new licences were operational from 24 November 2005. Premises which did not operate in an acceptable way in terms of the licensing objectives may in extreme cases be closed down by police action or have their scope of operation reduced by the licensing authority.

Whilst the Sub Committee acknowledged the concerns expressed by the interested parties before them, they believed the concerns expressed in representations had been addressed by the hours of operation for the licensable activities and the conditions imposed which had been tailored to the size, characteristics and activities on the premises, and which they believed were necessary and proportionate.

RESOLVED 1.

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

- a) The extent of the areas within which the various licensable activities will be permitted are as indicated by the legends on the applicant's plan.
- b) Permitted hours for the various licensable activities will be as set out in the Appendix F.
- c) The conditions in the operating schedule as set out in the Appendices G and H will apply.
- d) Further condition imposed by the Sub Committee – "No clearing away of empty bottles into the bottle banks outside of the premises between 9.00pm and 9.00am on every day".
- e) The mandatory conditions of Section 19 of the Licensing Act 2005 will be imposed.

2.

that the Designated Premises Supervisor will be Mr Simon White, New Barn Farm, Talaton. Exeter, EX5 3RX.

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Wednesday, 4 October 2017

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

Apologies: Councillor Steve Hall

Officers: Neil McDonald – Licensing Officer
Chris Lane – Democratic Services Officer

The meeting started at 9.00 am and ended at 9.05 am.

***26 Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 20 September 2017, were confirmed and signed as a true record.

***27 Declaration of interest**

Councillor John 'Leary

Minute *28

Disclosable Pecuniary Interest – Personal Licence Holder

Councillor Geoff Jung

Minute *28

Disclosable Pecuniary Interest – Personal Licence Holder

***28 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:

Honiton SF Connect, Turks Head Lane, Honiton, EX14 1BQ.

Agreed position reached by the parties:

Following mediation the applicant, the Devon and Cornwall Constabulary and a local councillor 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. Before commencing the sale of alcohol outside of the hours of 0800 to 2300 the licence holder will undertake a risk assessment a copy of which will be made available to the licensing authority on request.
2. Between the hours of 2300 and 0500 there will be a minimum of two members of staff on duty. In the alternative, if there is only one member of staff on duty between 2300 and 0500 the entrance door to the shop will be closed to customers and any sales between these hours will be made through the night pay window.

Schedule:

Type of application:

Application for the grant of a premises licence

Name of premises and address:

Winehub Devon Ltd, 31-32 The Strand, Devon, EX8 1AQ.

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 can only be ordered for delivery to a residential or business address and not to a public place.
2. Full address details including postcode must be given when placing an order online for alcohol.
3. At the time an online order for alcohol is placed a declaration will be required from the person placing the order that the person is over 18 years of age.
4. All licence conditions pertaining to online sale of alcohol must be part of the terms and conditions which must be displayed on the website or any other promotional material and expressly brought to the attention of the buyer at the time of ordering.
5. No person carrying open vessels containing alcohol will be admitted to the premises at any time.
6. No customers will be permitted to take open vessels containing alcohol from the premises.
7. Sales of alcohol for consumption on the premises will be limited to no more than 25cl per serving.

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Standards Committee held at Knowle, Sidmouth on Tuesday, 25 July 2017

Attendance list at the end of the document

The meeting started at 10.00am and ended at 11.16am

***1 Public speaking**

There were no questions asked.

***2 Minutes**

The minutes of the meeting of the Standards Committee held on 27 October 2016, were confirmed and signed as a true record.

***3 Declarations of interest**

There were none.

***4 Annual Report**

Members considered the review of the 2016/17 year in the life of the Standards Committee and outlined the work done.

The Monitoring Officer, Henry Gordon Lennox, referred the Committee to issues in paragraph 4 of the report in relation to the treatment of Code complaints, non-code complaints and those termed as 'others'.

Discussion included the following points:

- That the benefits of streamlining the process and reducing the administrative cost of dealing with different types of complaints had been considered in relation to transparency
- That numbers of complaints each year were always recorded
- That a list of non-Code complaints could be retained throughout the year for the re-assurance of the public
- That all complainants received a response and achieved an outcome
- That all Code complaints are dealt with according to agreed policy

The Monitoring Officer referred to the Judicial Review relating to matters at Honiton Town Council which had received a lot of press coverage, and the finding of the Judge that EDDC had acted lawfully in dealing with relevant issues.

The Chairman thanked the Monitoring Officer for his report.

RESOLVED:

1. that the review of the 2016/17 year be noted.
2. that a record of non-Code complaints be retained throughout the year and presented to the Committee as part of the Annual Report going forward

***5 Assessment of the new speaking arrangements at Development Management Committee**

The Committee considered the report of the Monitoring Officer, which reviewed the public speaking arrangements introduced to Development Management Committee in October 2014.

Henry Gordon Lennox confirmed that the adoption of the Local Plan had not had a significant impact on the length of Development Management Committee meetings or the waiting time experienced by representatives wishing to speak on an item. On average, each application took approximately 24-25 minutes to process. If circumstances changed in future it was within the remit of the Committee to review the arrangements.

The Chairman thanked the Monitoring Officer for his report.

RECOMMENDATION: that the public speaking arrangements for Development Management Committee become permanent

***6 Code Complaints update**

The Committee considered and noted the report of the Monitoring Officer, which provided an update for the Committee on new Code related cases received since 1 May 2017.

Discussion included the following points:

- There had been an increase in complaints largely due to ongoing issues at Honiton Town Council
- That EDDC would continue to work with the Town Council and encourage them to record meetings
- That EDDC does have a policy for the handling of Vexatious Complaints which will be reviewed at a future date

RESOLVED: that the report be noted;

***7 Forward Plan**

Committee members were asked to advise of any items for the Forward Plan.

Discussion included the following points:

- Whether the EDDC policy on the interests of Councillors is sufficiently robust to deal with matters such as, but not exclusively local planning applications, compared to other local authorities.
- That one of the aims of the Localism Act 2011 was to free up decision making at local level.
- That re-introducing a Personal and Prejudicial Interest (or similar) would also re-introduce greater complexity into the process of Committee business.
- That the key issue was whether there was bias or predetermination to specific outcomes and whether Councillors were following the Code of Conduct by declaring their interests sufficiently clearly.
- That from a public perspective, any decisions could be challenged in court for bias and predetermination and possible breach of the Code of Conduct.
- That whilst officers could provide advice, it is the responsibility of Councillors to adhere to the Code and regularly update their Register of Interest forms.

RESOLVED: that a report from the Monitoring Officer and Strategic Lead – Governance & Licensing would be included for consideration at the next meeting covering the following issues:

- Whether Personal and/or Prejudicial Interests should be re-introduced into the Code of Conduct at EDDC as well as the existing Personal and Disclosable Pecuniary Interests
- Whether mandatory training should be introduced on the Code of Conduct for Councillors which would require a change in the Constitution
- Whether Register of Interest forms should be amended to specifically include the extent of land ownership such that it meets the requirement of being easily identifiable

Attendance list

Present:

Councillors:

Andrew Moulding (Chairman)

Graham Godbeer

Stuart Hughes

Douglas Hull

Co-opted non-voting members:

Martin Goscomb, Co-opted Independent member

Jessica Bailey, Co-opted Independent member

Tim Swarbrick, Co-opted Independent member

Frances Newth, Co-opted Parish/Town Council member

Also present:

Alison Willan, Independent Person

Councillors:

Susie Bond – substitute Committee member

Steve Gazzard

Officers:

Henry Gordon Lennox, Monitoring Officer and Strategic Lead – Governance & Licensing

Sue Howl, Democratic Services Manager

Apologies:

Alan Dent – substitute Committee member

Dawn Manley

Chairman Date