

# Agenda for Council

## Wednesday, 25 July 2018; 6.00pm



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

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

[View directions](#)

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Issued 16 July 2018

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

Dear Sir/Madam

### **Meeting of the Council of the District of East Devon on Wednesday 25 July 2018 at 6.00 pm**

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

Yours faithfully

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

Chief Executive

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

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

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

## **Agenda:**

- 1 [Public speaking](#)
- 2 Minutes of the [Annual Council meeting](#) held on 16 May 2018
- 3 Apologies
- 4 Declarations of interest - Guidance is available online to Councillors and co-opted members on making [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	208 – 225,1–20, 21 - 38
†Scrutiny Committee	Minutes	41 – 45, 1 – 7, 8 - 13
†Overview Committee	Minutes	1 – 5
†Housing review Board	Minutes	1 – 16
Strategic Planning Committee	Minutes	37 – 43, 1 - 7
Development Management Committee	Minutes	49– 52, 1 - 4, 5 - 8
Licensing and Enforcement Committee	Minutes	1 - 4
Licensing and Enforcement Sub Committee	Minutes	1 – 7, 8 – 10,

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

### **10 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 23 May 2018 to fill the vacant tenant representative position. Members are asked to formally co-opt Alek Williams to the Board.

### **11 Exmouth Seawall Urgent works**

This report outlines urgent works required to ensure the stability of the Western end of the seawall at Exmouth, in order to prevent failure of the seawall and associated damage to adjacent infrastructure.

[Decision making and equalities](#)

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

**Report to:** Council  
**Date of Meeting:** 25<sup>th</sup> July 2018  
**Public Document:** Yes  
**Exemption:** None



**Review date for release** None

**Agenda item:** 11

**Subject:** Exmouth seawall urgent works.

**Purpose of report:** To agree urgent works required to ensure the stability of the Western end of the seawall at Exmouth.

**Recommendation:** **That authority is given to the Strategic Lead - Housing, Health & Environment to implement the project and works as set out in this report.**

**That Council authorises a Contract Exemption in accordance with the Council's Contract Standing Orders as set out in this report.**

**Reason for recommendation:** To prevent failure of the seawall and associated damage to adjacent infrastructure.

**Officer:** Dave Turner - Engineering Projects Manager

**Financial implications:** The £400,000 estimated cost is based on the works identified. The report refers to the construction risks which have the potential to challenge this estimate.

It is unclear at this stage how much of the £400,000 may be recovered. It is possible that EDDC may have to cover a significant portion.

**Legal implications:** An exemption to Contract Standing Orders will be needed to allow the contract to be granted to Keir Construction. Legal Services will work with the project team to serve the necessary notices and to ensure that an appropriate contract is put in place with the Contractor. We have no further legal comment.

**Equalities impact:** Low Impact

**Risk:** High Risk

Construction risk associated with working near potentially unstable structures, working in tidal areas, and the potential for obstructions when piling.

**Links to background information:** None

**Link to Council Plan:** Encouraging our communities to be outstanding  
Developing an outstanding local economy  
Delivering and promoting our outstanding environment  
Continuously improving to be an outstanding council

## 1 Background

- 1.1 The seawall adjacent to Mamhead slipway was constructed in the first half of the 19<sup>th</sup> century. It is understood at the time of construction, beach levels were around 1 – 2m from the top of the seawall. Over time beach levels have lowered, periodically works have been required to ensure the future stability of the seawall and most recently in the 1970's rock armour was added in front of the toe of the wall.
- 1.2 There was some movement of the seawall, and cracking during construction of the Mamhead Slipway, and those defects were rectified under that contract.

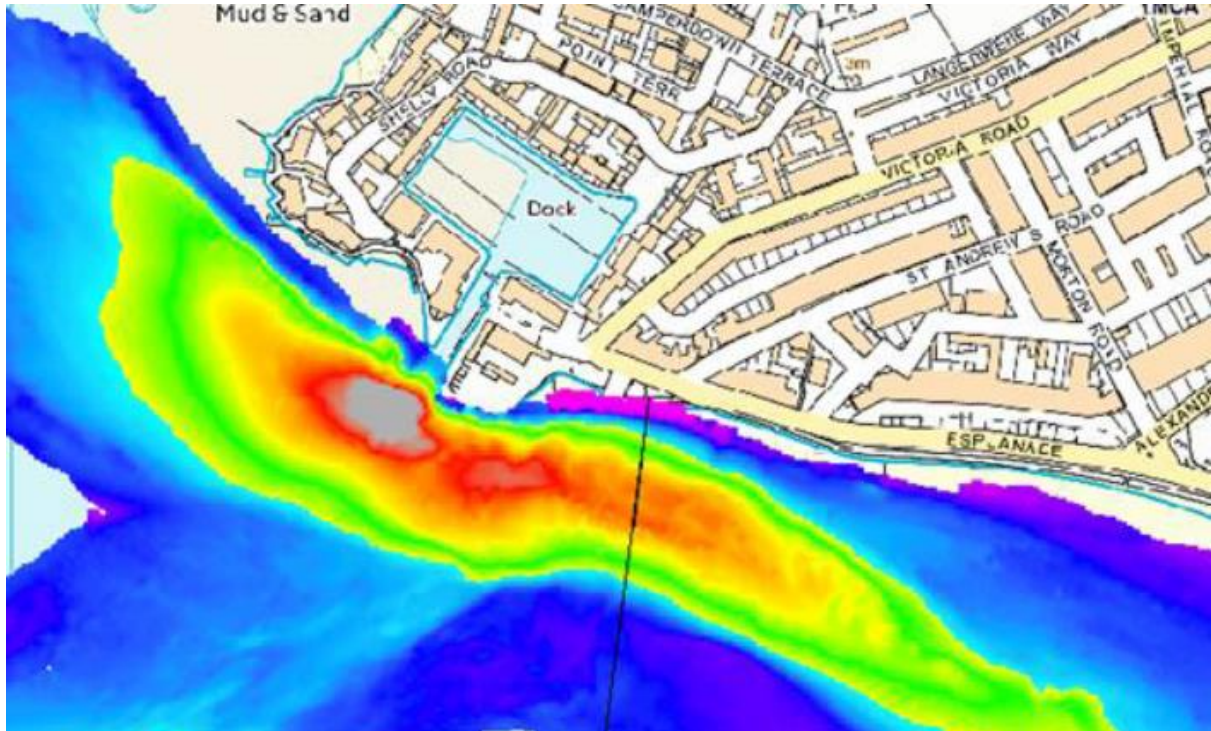


Figure 1 - 2018 Bathymetric Survey

## 2 The problem

- 2.1 The beach level and adjacent channel has continued to drop, in particular on the Exmouth side with a significant migration of the channel towards the Town in the period between the last two bathymetric surveys in 2008 and 2018. The most recent bathymetric survey is shown in figure 1 (lowest bed levels in grey, highest bed levels in purple)
- 2.2 As a result the estuary bed has steepened and at the Westernmost end the rock armour has moved away from the toe of the seawall towards the channel, and the toe piles that have been increasingly exposed have shown signs of movement during storms. Tell tail monitors have been fixed to monitor the movement over the winter and the cracks periodically grouted to reduce water ingress damage.
- 2.3 Most recently during works to investigate the ground beneath the seawall, further movement has been observed and dumpy bags of aggregate placed against the toe piles as an interim measure to help support the wall.
- 2.4 Investigations have shown the material behind the piles is heavily saturated, therefore material from beneath the land and infrastructure behind will very rapidly migrate out in the event of failure of the toe piles.
- 2.5 In the short term this will most likely affect the stability of the seawall, footway and slipway turning area. Damage would spread, potentially encompassing the road, high pressure gas main, residential properties. Over a 20 year period, economic losses in a do-nothing scenario are estimated at a Present Value £6.7M.
- 2.6 A projection of erosion in the do-nothing scenario is shown in Figure 2.

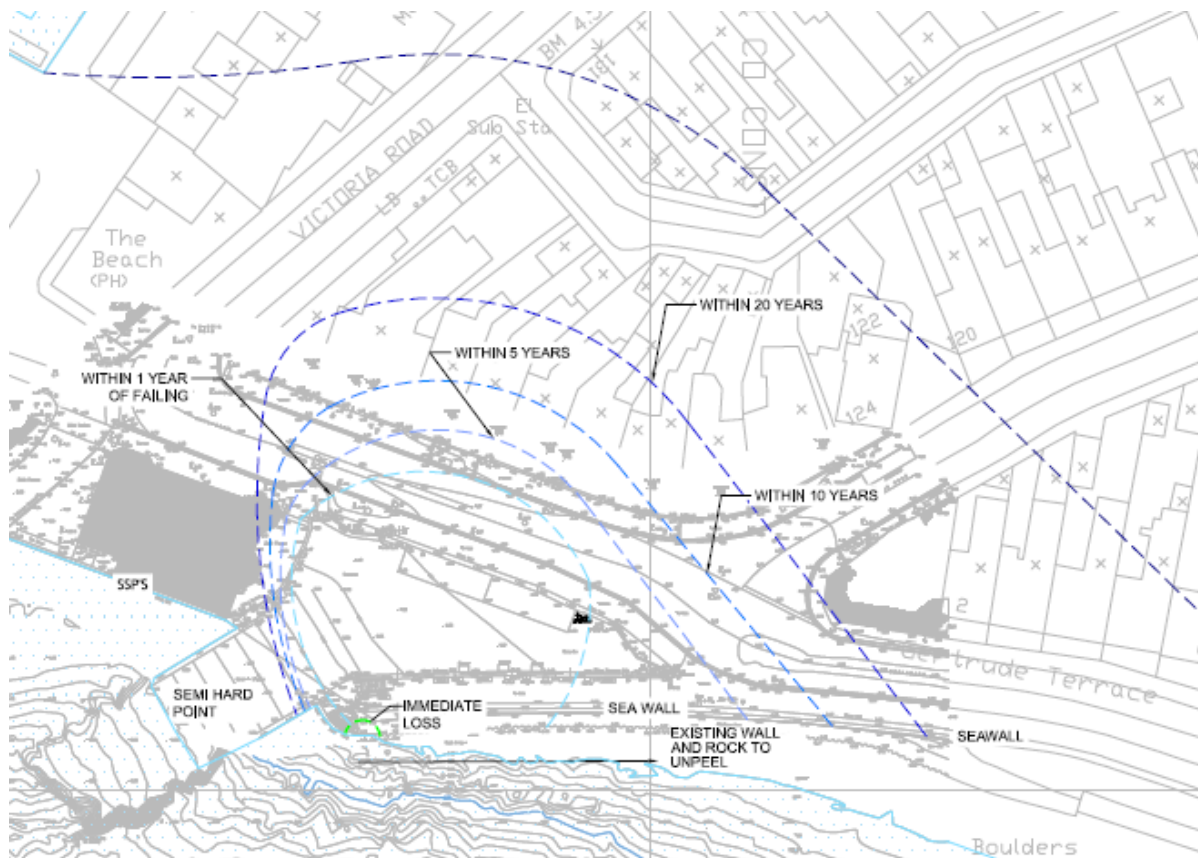


Figure 2 - Predicted damages in a do-nothing scenario

### 3 Proposed works

- 3.1 A bathymetric survey (a survey of the estuary bed levels) has been undertaken, and this has shown that a rock revetment would not remain in situ by itself due to the slope of the estuary.
- 3.2 Therefore a line of steel sheet piles set 6m off the base of the wall is required to hold a rock revetment in place. The piles have been designed to allow for further drop in the adjacent estuary bed levels.
- 3.3 The area between the seawall, and steel sheet piles would then be filled in with 2-4t rock armour.
- 3.4 The piles and rock armour would need to be installed by crane from the slipway and from the slipway turning area to the rear of the seawall.
- 3.5 The entirety of the slipway would be closed during the works to allow for sufficient working area and storage of materials.

### 4 Program

- 4.1 The area of the works is within the Exe Estuary Special Area of Conservation (SAC) and therefore there are restrictions on works which may disturb over wintering birds. Liaison with Natural England has indicated that any piling must be completed by the end of September, allowing the less intrusive placement of rocks to take place after the main engineering works.
- 4.2 The Mamhead slipway has proved extremely popular with visitors and local people, and therefore East Devon wish to avoid undertaking works in the busiest summer period. However, our advice is that the seawall could be further damaged during the winter and there is the risk that serious structural damage could be caused in storm conditions.
- 4.3 It is therefore proposed to undertake these beginning 4<sup>th</sup> September, with the piling to be completed before 30<sup>th</sup> September and with rock armour to be placed in October.



4.4 This would also allow sufficient period to gain the necessary consent from Natural England for works within the SAC, notice to be served under the Coast Protection Act and a contract agreed with Kier Construction.

4.5 The proposals do not require Environmental Impact Assessment, Planning Consent, or a Marine License due to the nature and location of the works.

## 5 **Procurement**

5.1 Due to limited period in which to procure the works, it is proposed to appoint Keir Construction to undertake the works. As part of the Team Van Oord team for Exmouth Tidal Defence Scheme Keir are familiar with the site and suitably qualified to undertake this type of works.

## 6 **Funding**

6.1 The works are estimated to cost £400,000 including detailed design, consenting and supervision of the works.

6.2 Based on the do-nothing damages, and the properties at risk EDDC would qualify to recover all of this under Flood and Coastal Erosion Risk Management Grant in Aid (FERMGiA).

6.3 However, the amount East Devon are able to recover via this route may be limited by the amounts available within the current Environment Agency (EA) program.

## 7 **Recommendation**

7.1 That authority is given to the Strategic Lead - Housing, Health & Environment to to implement the project and works as set out in this report in order to prevent further deterioration of the seawall and prevent damage to the adjacent infrastructure.

7.2 That Council authorises a Contract Exemption in accordance with the Council's Contract Standing Orders on the basis of the likelihood of increased damage to the sea wall and nearby infrastructure and increased costs which would follow such deterioration and; authorises that Keir Construction are contracted to complete the works in order to prevent further deterioration of the seawall and damage to nearby infrastructure

7.3 That Council allocate budget of £400,000 is allocated for the works, on the basis that steps will be taken to recover as much as possible from FCERMGiA via the EA.

**EAST DEVON DISTRICT COUNCIL**  
**Minutes of the Annual Meeting of the Council held at**  
**Knowle, Sidmouth, on Wednesday, 16 May 2018**  
**Attendance list at the end of document.**

The meeting started at 6.30 pm and ended at 7.55 pm

**\*1 Election of Chairman**

Councillor Andrew Moulding (Chairman) invited nominations for the office of Chairman of the Council for the ensuing year.

Councillor Tom Wright proposed and Councillor Pauline Stott seconded Councillor Andrew Moulding being elected Chairman of the Council for a second year.

In proposing, Councillor Wright spoke of Councillor Moulding's extensive experience as a councillor. During his first year in office as Chairman of East Devon, Councillor Moulding had shown much enthusiasm, integrity and understanding whilst undertaking his duties and was a very worthy ambassador of the district. He would undoubtedly continue to show the same commitment to East Devon during his second term.

In seconding, Councillor Stott said that the position was much deserved and that Councillor Moulding had always been a good mentor to new councillors.

There were no other nominations.

**RESOLVED**

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

Following the election, Councillor Moulding read, and signed the Declaration of Acceptance of Office. He then spoke in response to his election. He thanked his proposer and seconder and the other Members for putting their trust in him to continue to fly the flag for the Council at the various events he attended, which he did with pride. He said that he had enjoyed his first year as Chairman and was looking forward to his second. He paid thanks to the Chief Executive and all those officers who helped and supported him in fulfilling his role as Chairman.

**\*2 Appointment of Vice-Chairman**

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

Councillor Paul Carter proposed and Councillor Cherry Nicholas seconded Councillor David Key being appointed Vice-Chairman of the Council for a second year.

In proposing, Councillor Carter said that Councillor David Key deserved this honourable position and spoke of his many responsibilities and achievements as a Councillor. Councillor Key possessed the skills and sound understanding to undertake this important role.

In seconding Councillor Key, Councillor Nicholas confirmed that the position of Vice Chairman was much deserved.

The Chairman invited further nominations.

There were no other nominations.

**RESOLVED**

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

Following the appointment, Councillor Key read and signed the Declaration of Acceptance of Office. He then spoke in response to his appointment, thanking his proposer and seconder. He said that he had enjoyed his first year as Vice-Chairman and thanked members for the trust they had placed in him. It was an honour to continue in the role and he would do his utmost to support the Council during the challenging times ahead.

**\*3 Public Speaking**

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

There were no questions.

**\*4 Minutes**

The minutes of the meeting of the Council held on 25 April 2018 were confirmed and signed as a true record.

Councillor Eleanor Rylance was present at the last meeting but not recorded as attending. The minute will be corrected.

**\*5 Declarations of interest**

There were none.

**\*6 Chairman's announcements**

a) Long Service awards

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

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

Janet Wallace	Principal Environmental Health Officer	10 years
Carl Beckett	Team Leader – Area Team East	30 years



b) Invitation

The Chairman invited Councillors, Honorary Aldermen, long service staff and guests to a buffet in the Members' Area following the close of the meeting.

\*7 **Leader of the Council**

Councillor Mark Williamson proposed Councillor Ian Thomas as Leader of the Council for the ensuing year. This proposal was seconded by Councillor Marcus Hartnell.

In proposing, Councillor Mark Williamson spoke of Councillor Thomas's ability to take on the leadership of East Devon District Council. He said that within two years of his election, he had become a Cabinet Member and had demonstrated the strategic thinking and financial acumen which would be required to deal with the next few challenging years for councils, seeking solutions in the pursuit of positive outcomes. He had no reservation in proposing Councillor Thomas for the position of Leader.

In seconding, Councillor Hartnell endorsed the proposer's motion and spoke of Councillor Thomas's strong leadership skills and the support he offered to other Councillors, referring to his recent handling of asset transfer issues in Seaton which showed empathy and respect.

In accepting his appointment, Councillor Thomas thanked his proposer and seconder and said that it was a great honour to be elected to lead his peers, at such a challenging time for Local Government, although times of challenge can also bring opportunities.

He wanted to acknowledge the contribution and express thanks to his predecessor, Councillor Paul Diviani. Seven years ago, Councillor Diviani stood on the same stage for the first time, and East Devon had changed a great deal since then. He stated that the Growth Point had made great strides. Cranbrook had become home to over 3,500 people in just six years. The Science Park is rapidly expanding, well on the way to achieving employment targets, within a valuable Enterprise Zone. Seaton's regeneration continues to attract investment, and Exmouth is close behind.

Yet the East Devon District Council element of Council Tax has barely changed, and the Council achievements' owe much to Councillor Diviani's leadership.

Councillor Thomas also thanked Councillor Eileen Wragg and Councillor Phil Twiss, who were stepping down from Cabinet, for their positive and valuable contributions to its work.

The Chairman invited other members to say a few words about the outgoing Leader, Councillor Paul Diviani.

Councillor Eileen Wragg offered her personal thanks to Councillor Diviani for being such a welcoming councillor and inviting her to join the Cabinet, but also for all of his hard work over the years.

Councillor Douglas Hull congratulated Councillor Thomas and stated that he was hopeful of being able to work together across the political parties of the Council.

Councillor Gazzard congratulated the Chairman, Vice-Chairman and Councillor Thomas. He wanted to thank Councillor Diviani for being inclusive and including opposition members in the Cabinet. Also for being such a hard working Councillor for whom he had the greatest respect.

Councillor Key also expressed his thanks to Councillor Diviani with whom he joined the Council in 1999.

Councillor Philip Skinner said that he had also joined the Council in 1999, and that since then Councillor Diviani had done a lot for EDDC and also acted as its ambassador further afield by working with the LGA and in the corridors of Westminster. He expressed the hope that he would stay on at the Council because of the huge range of skills and knowledge he has, which could only continue to benefit East Devon.

Honorary Alderman Peter Halse said that Councillor Diviani had faced a lot of difficulties over the years and had been a faithful representative of the Council. Being Leader was a very responsible position and Councillor Thomas would also need to provide strong leadership in the face of the challenges to come.

The Chairman invited Councillor Diviani to respond to the comments from members.

Councillor Diviani said that he considered East Devon District Council to be a marvellous Council, which was well led by its members and officers. It was wonderful that so many were prepared to give their time and energy, in the interest of serving their fellow citizens, and was sure that it would continue to provide an excellent service for local people.

**\*8 Appointment of Deputy Leader**

The Leader confirmed his appointment of Councillor Philip Skinner as Deputy Leader of the Council. Councillor Thomas said that Councillor Skinner had spent 19 years as a Councillor and was a local person with a passion for East Devon. He knew Councillor Skinner would take on the new role with the same enthusiasm and energy that he approached all tasks and that they would work together well since they shared so many similar values.

**\*9 Cabinet Members and Portfolio Holders**

The Leader proposed certain changes to Portfolio Holders appointments. The Cabinet would also include a Member who was not a Member of the ruling party.

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

Strategic Development Portfolio Holder	Paul Diviani
Corporate Services Portfolio Holder	Alan Dent
Economy Portfolio Holder (Deputy Leader)	Philip Skinner
Environment Portfolio Holder	Tom Wright
Deputy Portfolio Holder	Marcus Hartnell

Finance Portfolio Holder  
Sustainable Homes and Communities Portfolio Holder  
Transformation  
Asset Management

Dean Barrow  
Jill Elson  
Iain Chubb  
Geoff Pook (I)

In his speech, Councillor Thomas made the following points.

That his proposed Portfolio structure and appointments recognised two immediate challenges;

The need to focus Portfolio resources and responsibilities more closely on future Council priorities and aspirations.

In 2010 EDDC received approximately a third of its General Fund income via Government Revenue Support Grant. It now receives nothing, and further pressure on Public Sector finance is inevitable, with an imminent end to austerity unlikely and Brexit the focus of national government.

Change will continue, driven by advances in technology and communication, central government priorities, economic and demographic pressures. It is therefore essential that Members of EDDC are focussed but flexible, understand risk and maintain sound governance.

To support this aim, there are two new Portfolios, Asset Management and Transformation and a strengthened Overview Committee, Budget Working Party and Capital Strategy and Allocation Panel.

Another challenge will be to ensure all 59 Members are able to contribute their skills and experience to the future of the Council and services delivered on behalf of East Devon residents.

The scope of Portfolio Holder 'Think Tanks' will be enhanced, to become Portfolio Teams. Closer, two-way communication between Think Tank Members and Cabinet, through Portfolio Holders, will encourage effective collaboration and understanding.

Additional Lead Members have been appointed, each with an important area of specialist interest. Lead Members will work within a Portfolio team, rather than in isolation, to further enhance Council resilience, through the sharing of knowledge and skills.

Councillor Thomas said that the structure proposed was an interim step. During the next Council year, both Member and Officer organisational structures would be reviewed to ensure that resources are focussed on key council priorities, mandatory services, and the discretionary services residents' value.

The Strategic Development Portfolio will be led by Councillor Diviani. Exeter & East Devon Growth Point, Enterprise Zone, Cranbrook and strategic regeneration projects, underpin the future prosperity of East Devon.

EDDC will continue to play a key role in delivering strong growth, with Exeter, Teignbridge, Mid-Devon and Devon County Council, in the Greater Exeter Strategic Plan, and the Heart of the South West Productivity Strategy, which aims to double the size of the region's economy by 2036.

An attractive, accessible and appropriate town centre for Cranbrook is a high priority. Masterplans for Cranbrook extension and east of Axminster will be developed and support provided to communities completing neighbourhood plans.

The Economy Portfolio will continue to be led by Deputy Leader, Philip Skinner, who has extensive and diverse business experience.

He will continue to lead Exmouth Seafront Regeneration, working with Exmouth Town Council and the local community to ensure the Grenadier water sport centre is active by 2020, and East Devon's biggest town prospers.

The Sustainable Homes and Communities Portfolio will continue to be led by Jill Elson, who plays a pivotal role in the Exmouth community as a Governor of Exmouth Community College, through Exmouth Community Transport and the WEB Consortium Board.

East Devon District Council enthusiastically supports direct provision of homes, recently investing £84Million and owning over 4,200 properties for rent housing 9,000 people in safe, secure accommodation. EDDC will continue to work toward ensuring nobody needs to be homeless and offering a good quality, affordable home for all, the right size, in the right place, within both rural and urban communities.

The Environment Portfolio will continue to be led by Tom Wright and Deputy Marcus Hartnell. Councillor Wright joined East Devon District Council in 2011 and has been a cabinet member since 2013. He was recently elected as Mayor of Budleigh.

Councillor Hartnell brings extensive experience to the team through 15 years running a small retail business in Seaton, and through his day to day contact with customers and former chairmanship of the local Chamber of Commerce.

Refuse and recycling is widely regarded as the most valued service provided by local government. 58% of all waste EDDC now collect at the kerbside is recycled, lifting it into the 20 best authorities in England.

A new chargeable Green Waste scheme commences this week. Green Waste will be collected from East Devon, composted in East Devon and used within East Devon.

Each of EDDC's priorities, will be delivered within the framework of a Natural Environment, supported by a range of leisure facilities and arts and culture events, essential to the health, safety, prosperity and happiness of local communities the Council represents.

The Corporate Services Portfolio will be led by Councillor Alan Dent whose corporate communication skills will ensure effective communication and consultation with local communities. He will also will work with the Officer team to ensure the smooth relocation of the Council from Sidmouth to Honiton. Project progress suggests relocation is likely to take place just before Christmas 2018.

The new Transformation Portfolio will be led by Councillor Iain Chubb, promoting a culture of continuous improvement, innovation, commercial thinking and new ways of working.

Whilst Environment Portfolio Holder, Iain led the successful recent initiative to move to a three-week collection of landfill waste and enhanced weekly recycling collections. He has spent his life in and around East Devon and will be considering with other Portfolio Holders similar ways of improving EDDC services, reducing costs or generating additional income.

The new Asset Management Portfolio will be led by Councillor Geoff Pook from outside the leading group, who has an engineering, contracting and property development background. He will work with the estates team and other portfolios, to ensure EDDC has the assets needed to deliver council services. He will ensure assets are managed and maintained efficiently and oversee acquisitions and disposals.

The Finance Portfolio will be led by Dean Barrow who will ensure that EDDC remains financially astute and prudent, yet innovative, in delivering top quality services with a greater commercial focus.

With Government Revenue Grant support now ended, the challenge is to deliver statutory services, in the most efficient manner, and to ensure that EDDC can also continue to offer those discretionary services, most valued by residents and businesses, which are affordable within a balanced overall budget.

\*10 **Committees**

**RESOLVED:**

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

**Council representatives:**

Chairman of the Council, Councillors Graham Godbeer, Stuart Hughes, Douglas Hull and Susie Bond.

**Substitute members:** Councillors Dawn Manley, Paul Diviani and Brenda Taylor.

**Non-voting Independent representatives:**

Martin Goscomb and Tim Swarbrick\*.

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

**Non-voting Parish/Town Council representatives:**

Councillor Frances Newth (Sidmouth Town Council), plus one vacancy to be filled with the resignation of Councillor Jessica Bailey (West Hill Parish Council).

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

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

**Tenant and/or Leaseholder representatives (5):** (to serve a further year on the Board)

Mike Berridge, Sue Saunders, Peter Sullivan (Plus two vacancies currently being advertised).

**Independent Community representatives (2):** (to serve a further year on the Board)

Julie Bingham and Christine Drew.

\*11 **Report of the Chief Executive**

**a) Allocation of seats to different political groups on Committees**

Agenda page 20 refers.

**b) Allocation of seats to different political groups on Advisory Panels and Forums**

Agenda page 21 and 22 refers.

**c) Amendments to the Council's Constitution**

Agenda pages 23-26

The proposed amendments were detailed in the report and the [draft](#) Constitution.

The main proposed amendments in the Constitution included:

- Changes to Cabinet Portfolios and Lead members
- Changes to Overview Committee which has increased to 13 and the meetings have increased to 8.
- Amendments to delegations to Portfolio Holders to reflect the addition of two new portfolios and changes to areas of responsibility
- Amendments to Officer delegations
- Review and updating of Financial regulations
- Amendment to Members Code of Conduct to include mandatory training following elections
- Review and updating of the Employee Code of Conduct

The report also included a table of minor/consequential amendments

**d) Annual reports:**

**Overview Committee**

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

**Scrutiny Committee**

Councillor Roger Giles, Chairman of the Scrutiny Committee presented the Committee's annual report.

**Housing Review Board**

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

**e) Lead Councillors**

Councillor Alan Dent, as Lead Councillor for Planning Design & Heritage spoke on behalf of the Council's Lead Councillors and highlighted the value of their work to the Council. He commended the reports to Council and urged Members to read them if they had not already done so in order to understand the breadth and value of the work undertaken.

**RESOLVED**

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

Conservative Group	(35 Members)	59%	64
Independents Group	(15 Members)	26%	28
Liberal Democrats Group	( 7 Members)	12%	13
Independent	( 2 Members)	3%	3
<b>Total</b>	<b>(59 Members)</b>		<b><u>108 seats</u></b>

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

- 1.b) that the allocation of seats on individual overview, scrutiny, regulatory and other committees be as set out in Appendix A of the agenda.
2. that the political balance for Advisory Panels/Forum/Steering Boards and Joint Bodies set out in Appendix B of the agenda, be agreed.
- 3.a) that the proposed amendments to the Constitution as set out in the [draft](#), and detailed in the report in Appendix C of the agenda, be agreed.
- 3.b) that delegated authority be given to the Monitoring Officer to amend the Constitution as necessary to reflect legislative changes during the civic year.
- 3.c) that delegated authority is given to Cabinet to revise/update the Lead Members as and when necessary and to the Monitoring Officer to update the Constitution accordingly.
- 3.d) that delegated authority be given to the Monitoring Officer to revise the Leader's Scheme of Delegations to Portfolio Holders (Part 3 Section 2) so that specific powers align with the changed portfolios where necessary.
4. that the annual reports of the Overview and Scrutiny Committees and the Housing Review Board as set out in Appendix D of the agenda be received and noted.
5. that the joint report of the Lead Councillors on key areas of work as set out in Appendix E of the agenda be received and noted.

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

**RESOLVED:**

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



<b>Committees</b>	<b>Chairman</b>	<b>Vice-Chairman</b>
Overview	Graham Godbeer	Ian Hall
Scrutiny	Roger Giles	Cherry Nicholas
Housing Review Board	Pauline Stott	To be appointed by the HRB
Strategic Planning	Paul Diviani	Mike Allen
Development Management	Mike Howe	Colin Brown
Audit and Governance	Mark Williamson	John Dyson
Standards	Chairman of the Council – Andrew Moulding	
Interviewing (Chief Officers)	Leader – Ian Thomas	Deputy Leader – Philip Skinner
Employment Appeals	Deputy Leader – Philip Skinner	
Licensing and Enforcement	Steve Hall	John O’Leary

\*13 **Appointment of Lead Councillors**

**RESOLVED:**

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

	Nominations	Associated Portfolio
Axminster	Ian Hall	Sustainable Homes & Communities
Culture	John O’Leary	Environment
Exmouth	Bill Nash	Strategic Development
Business & Employment	Mike Allen	Strategic Development
Flooding	Susie Bond	Environment
Health and Wellbeing	Cherry Nicholas	Sustainable homes & Communities
Member Development & Engagement	Maddy Chapman	Corporate Services
Neighbourhood Planning	Bruce De Saram	Strategic Development
Building Design and Heritage	Helen Parr	Economy
Procurement	Colin Brown	Finance
Rural Economy	Paul Carter	Economy
Sport and Recreation	Mark Evans-Martin	Economy
Tourism	Jenny Brown	Economy
Youth	Ian Hall	Corporate Services
Community safety	Brian Bailey	Environment

NPPF	Mark Williamson	Sustainable Homes & Communities
Environmental Health	Maddy Chapman	Environment
Council Housing	Pauline Stott	Sustainable Homes & Communities
Affordable Homes	Simon Grundy	Sustainable Homes & Communities
Parks and Open Spaces	John Humphreys	Environment
Consultation	Helen Parr	Corporate Services
Branding and Marketing	Jenny Brown	Corporate Services
Customer Services	Pauline Stott	Corporate Services
Estates and Property Services	Bill Nash	Asset Management
Commercial Property	Mike Allen	Asset Management

**\*14 Appointment of Members to Committees**

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

**RESOLVED**

**that the membership of Committees for 2018/19 be as set out on Appendix A to these minutes.**

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

**RESOLVED**

**that the membership of the Leader's/Portfolio Holders 'Think Tanks' for 2018/19 be as set out in Appendix B to these minutes.**

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

The Chairman advised a number of amendments to the printed nominations.

**RESOLVED**

**that appointments be made to Forum, Panels and Joint Bodies for 2018/19 as set out in Appendix C to these minutes.**

**\*17 Outside Bodies**

The Chairman advised a number of amendments to the printed nominations and a vote by show of hands was taken when more nominations than seats were received.

**RESOLVED**

**that appointments be made to Outside Bodies for 2018/19 as set out in Appendix D to these minutes.**

**\*18 Council and Committee Meetings 2018/19**

**RESOLVED**

**that the programme of ordinary meetings of the Council, Cabinet and Committee meetings for 2018/19 be approved as set out in Appendix E (a and b) to these minutes.**

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

**Attendance list**

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

Megan Armstrong  
Brian Bailey  
David Barratt  
Dean Barrow  
Susie Bond  
Matthew Booth  
Colin Brown  
Jenny Brown  
Peter Burrows  
Paul Carter  
Maddy Chapman  
Iain Chubb  
Matt Coppel  
Alan Dent  
Bruce de Saram  
Paul Diviani  
Tim Dumper  
John Dyson  
Jill Elson  
Mark Evans-Martin  
Peter Faithfull  
Steve Gazzard  
Roger Giles  
Graham Godbeer  
Simon Grundy  
Marcus Hartnell  
Mike Howe  
Douglas Hull  
John Humphreys  
Ben Ingham  
Geoff Jung  
David Key  
Jim Knight  
Andrew Moulding  
Bill Nash  
Cherry Nicholas  
John O'Leary  
Christopher Pepper  
Geoff Pook  
Val Ranger  
Marianne Rixson  
Eleanor Rylance  
Philip Skinner  
Pauline Stott  
Brenda Taylor  
Ian Thomas

Mark Williamson  
Eileen Wragg  
Tom Wright

**Honorary Aldermen:**

Frances Newth  
Anthony Reed  
Steve Wragg

**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  
Susan Howl, Democratic Services Manager  
Janet Wallace  
Carl Beckett

**Councillor apologies:**

Mike Allen  
Cathy Gardner  
Ian Hall  
Steve Hall  
Stuart Hughes  
Rob Longhurst  
Dawn Manley  
Darryl Nicholas  
Helen Parr  
Phil Twiss

**Honorary Aldermen apologies:**

Vivienne Ash  
David Atkins  
Trevor Cope  
David Cox  
Bernard Hughes  
John Jeffery  
Stephanie Jones  
Ann Liverton  
Graham Liverton  
Bob Peachey  
David Scott  
Tim Wood

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

## Appendix A - Membership of Committees 2018/19

Members of Cabinet and Committees 2018/19	Cabinet 10	Housing Company Sub 5	Scrutiny 15	Overview 13	Housing Review Board 5	Strategic Planning 15	Development Management 16	Standards 5	Audit & Governance 10	Interviewing (Chief Officers) 7	Employment Appeals 7	Licensing & Enforcement 15
Allen Mike						Vice Chairman						
Armstrong Megan												
Bailey Brian												
Barratt David												
Barrow Dean												
Bond Susie												
Booth Matthew												
Brown Colin							Vice Chairman					
Brown Jenny												
Burrows Peter												
Carter Paul												
Chapman Maddy												
Chubb Iain												
Coppell Matt												
Dent Alan												
De Saram Bruce												
Diviani Paul						Chairman		Substitute				
Dumper Tim												
Dyson John												
Elson Jill												
Evans-Martin Mark												
Faithfull Peter												
Gardner Cathy												
Gazzard Steve												
Giles Roger						Chairman						
Godbeer Graham												
Grundy Simon												
Hall Ian												
Hall Steve												
Hartnell Marcus												
Howe Mike							Chairman					
Hughes Stuart												
Hull Douglas												
Humphreys John												
Ingham Ben												

## Appendix A - Membership of Committees 2018/19

Members of Cabinet and Committees 2018/19	Cabinet 10	Housing Company Sub 5	Scrutiny 15	Overview 13	Housing Review Board 5	Strategic Planning 15	Development Management 16	Standards 5	Audit & Governance 10	Interviewing (Chief Officers) 7	Employment Appeals 7	Licensing & Enforcement 15
Jung Geoff												
Key David												
Knight Jim												
Longhurst Rob												
Manley Dawn												
Moulding Andrew												
Nash Bill												
Nicholas Cherry												
Nicholas Darryl												
O'Leary John												
Parr Helen												
Pepper Christopher												
Pook Geoff												
Ranger Val												
Rixson Marianne												
Rylance Eleanor												
Skinner Philip												
Stott Pauline												
Taylor Brenda												
Thomas Ian												
Twiss Phil												
Williamson Mark												
Wragg Eileen												
Wright Tom												

Portfolio Holders: Strategic Development – Paul Diviani, Corporate Services – Alan Dent, Economy – Philip Skinner, Environment – Tom Wright, Deputy Environment – Marcus Hartnell, Finance – Dean Barrow, Asset Management – Geoff Pook, Sustainable Homes and Communities – Jill Elson and Transformation – Iain Chubb

**Appendix B - Leader's/Portfolio Holders' Think Tanks 2018/19**

	<b>2018/19</b>	<b>Appointments-2018/19</b>	<b>Portfolio (PH) or Lead Councillor (LM) role indicated</b>
<b>1.</b>	<b>Leaders</b> Chair	Ian Thomas Paul Diviani Philip Skinner Jill Elson  Tom Wright Marcus Hartnell Alan Dent Iain Chubb Geoff Pook Dean Barrow Steve Gazzard Ben Ingham	PH Strategic Development PH Economy PH Sustainable Homes & Communities PH Environment PH Environment (Deputy) PH Corporate services PH Transformation PH Asset Management PH Finance
<b>2.</b>	<b>Strategic Development</b> Chair Deputy	Paul Diviani Mike Allen Bruce De Saram Stuart Hughes Graham Godbeer Bill Nash Mark Williamson Megan Armstrong Rob Longhurst	LM Business & Employment LM Neighbourhood Planning  LM Exmouth LM NPPF
<b>3.</b>	<b>Economy</b> Chair Deputy	Philip Skinner Mike Howe Jenny Brown Mark Evans-Martin Helen Parr  Paul Carter Chris Pepper Steve Gazzard Matt Booth Ben Ingham	LM Tourism LM Sports & recreation LM Planning Design & Heritage LM Rural Economy
<b>4.</b>	<b>Sustainable Homes and Communities</b> Chair Deputy	Jill Elson Pauline Stott Cherry Nicholas Simon Grundy Phil Twiss Ian Hall David Key Darryl Nicholas Douglas Hull Megan Armstrong Jim Knight	LM Council Housing LM Health & Wellbeing LM Affordable Homes  LM Axminster



5.	<b>Environment</b> Chair Deputy	Tom Wright Marcus Hartnell Steve Hall John Humphreys John O’Leary Maddy Chapman Brian Bailey Colin Brown Eleanor Rylance Susie Bond Val Ranger	LM Parks & Open Space LM Culture LM Environmental Health LM Community safety  LM Flooding
6.	<b>Corporate Services</b> Chair Deputy	Alan Dent Maddy Chapman Helen Parr Ian Hall Bruce De Saram Jenny Brown Pauline Stott John O’Leary Tim Dumper Susie Bond Dawn Manley	LM Member Development LM Consultation LM Youth  LM Branding & Marketing LM Customer Service
7.	<b>Transformation</b> Chair Deputy	Iain Chubb Graham Godbeer Paul Carter David Key Stuart Hughes Mike Howe Phil Twiss Marcus Hartnell Eleanor Rylance Cathy Gardner David Barratt	
8.	<b>Asset Management</b> Chair Deputy	Geoff Pook Chris Pepper Bill Nash  Brian Bailey Mike Allen  Cherry Nicholas John Humphreys Tim Dumper John Dyson Marianne Rixson	LM Estates & Property Services  LM Commercial Property Investment  DE Audit & Governance
9.	<b>Finance</b> Chair Deputy	Dean Barrow Mark Williamson Darryl Nicholas Colin Brown Mark Evans-Martin Simon Grundy Steve Hall Peter Burrows John Dyson Ben Ingham	LM Procurement

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

**Panels and Forums**

**Appointments 2018/19**

1. **Asset Management Forum**

Portfolio Holders:  
 Asset Management (Chair)  
 Economy  
 Strategic Development  
 Finance  
 Transformation  
 ex officio:  
 Leader  
 Chairman of the Council
  
2. **Budget Working Party**

Leader (Chair)  
 Portfolio Holders:  
 Asset Management  
 Economy  
 Strategic Development  
 Finance  
 Transformation  
 Sustainable Homes & Communities  
 Environment  
 Corporate Services

Deputy Portfolio Holder:  
 Environment  
 Cllrs:  
 John Dyson  
 Peter Burrows
  
3. **Capital Strategy and Allocation Group**

Leader (Chair)  
 Portfolio Holders:  
 Asset Management  
 Economy  
 Strategic Development  
 Finance  
 Transformation  
 Sustainable Homes & Communities  
 Environment  
 Corporate Services

Deputy Portfolio Holder:  
 Environment  
 Cllrs:  
 Megan Armstrong  
 Tim Dumper
  
4. **Community Fund Panel**

Portfolio Holder Finance (Chair)  
 Cllrs:  
 Paul Carter  
 David Key  
 Geoff Jung  
 Marianne Rixson  
 Douglas Hull

## Appendix C - Panels, Forums and Joint Bodies 2018/19

- |                     |   |   |
|---------------------|---|---|
| 5.                  | <b>Community Infrastructure Levy (CiL) Working Group</b>                                    | Portfolio Holders:<br>Strategic Development<br>Economy<br>Sustainable Homes & Communities<br>Cllrs:<br>Mike Howe (Chair)<br>Colin Brown<br>David Key<br>Susie Bond<br>Geoff Jung<br>Eleanor Rylance |
| 6.                  | <b>Disciplinary Panel – to consider disciplinary matters relating to statutory officers</b> | Cllrs:<br>Brian Bailey<br>Pauline Stott<br>Brenda Taylor<br>Megan Armstrong   |
| 7.                  | <b>Member Development Working Party</b>   | Portfolio Holder – Corporate Services (Chair)<br>Cllrs:<br>Maddy Chapman<br>Helen Parr<br>Susie Bond<br>Marianne Rixson<br>Tim Dumper   |
| 8.                  | <b>New Homes Bonus Panel</b>  | Portfolio Holders:<br>Finance (Chair)<br>Environment<br>Strategic Development<br>Cllrs:<br>Mike Allen<br>Simon Grundy<br>Christopher Pepper<br>David Barratt<br>Geoff Jung<br>Douglas Hull          |
| 9.                  | <b>Office Accommodation Executive Group</b>   | Leader of the Council<br>Portfolio Holders:<br>Strategic Development<br>Corporate Services<br>Finance<br>Transformation   |
| <b>Joint Bodies</b> |   | <b>Appointments 2018/19</b>   |
| 10.                 | <b>Heart of the South - West Joint Committee</b>  | <b>EDDC Appointees</b><br><br>Leader of the Council<br>Deputy Leader of the Council<br>(substitute: Portfolio Holder Strategic Development)   |

**Appendix C - Panels, Forums and Joint Bodies 2018/19**

- |     |  |   |
|-----|--|---|
| 11. | <b>Arts and Culture Forum</b>  | <p>Culture Lead Member (Chair)<br/>Tourism Lead Member<br/>Peter Faithfull</p> <p>(plus 2 Community &amp; 7 town representatives)</p> <p>ex officio Portfolio Holder – Corporate Services</p>   |
| 12. | <b>East and Mid Devon Community Safety Partnership</b>   | Cllr Steve Gazzard  |
| 13. | <b>County Committees including: East Devon Highways and Traffic Orders Committee</b>   | <p>Cllrs:<br/>Brian Bailey<br/>Pauline Stott<br/>John Dyson</p>   |
| 14. | <b>Exeter and East Devon Enterprise Zone Board</b>   | Leader  |
| 15. | <b>Exeter and Heart of Devon Growth Board</b>  | <p><b>EDDC appointee</b><br/>Leader of the Council<br/><b>(EDDC substitute:</b><br/>Deputy Leader)</p>  |
| 16. | <p><b>Greater Exeter Strategic Plan</b></p> <p>a) Member Steering Group which includes a representative from each of the five councils (Devon, East Devon, Exeter, Mid Devon and Teignbridge)</p> <p><b>b) *Joint Advisory Reference forum</b></p> <p>(*an informal politically balanced forum comprising 5 councillors each from the five councils to consider and make comments on draft plan proposals before they are formally considered by each council)</p> | <p><b>EDDC appointee</b></p> <p>a) Portfolio Holders: Strategic Development (<b>EDDC substitute:</b> Portfolio Holder – Economy)</p> <p>b) Economy Portfolio Holder<br/>Mark Williamson (West of EDDC area) with Mike Howe as substitute<br/>Colin Brown (East of EDDC area) with Graham Godbeer as substitute<br/>Cllrs:<br/>Geoff Jung<br/>Tim Dumper</p> |

## Appendix C - Panels, Forums and Joint Bodies 2018/19

- |     |   |  |
|-----|---|--|
| 17. | <b>LED Leisure Management Ltd</b>                       | Cllrs:<br>Alan Dent<br>Bill Nash   |
| 18. | <b>Local Joint Panel</b>                                | Leader<br>Portfolio Holders:<br>Finance<br>Corporate Services<br>Cllrs:<br>Ben Ingham<br>Steve Gazzard   |
| 19. | <b>Lower Exe Mooring Authority Management Committee</b> | John Humphreys<br>Eileen Wragg<br><br>(Sub)<br>Brenda Taylor   |
| 20. | <b>Recycling and Waste Partnership Board</b>            | Portfolio Holder – Environment<br>(Chairman)<br>Deputy Portfolio Holder – Environment<br>Cllrs:<br>Geoff Jung<br>Steve Gazzard   |
| 21. | <b>Regeneration Board - Axminster</b>                   | Portfolio Holders: Strategic Development (Chairman)<br>Sustainable Homes & Communities<br>Economy<br>Axminster Lead<br>Cllrs:<br>Plus 2 local Members<br>(Douglas Hull and Graham Godbeer) |
| 22. | <b>Regeneration Board - Exmouth</b>                     | Portfolio Holders:<br>Economy (Chairman)<br>Strategic Development<br>Sustainable Homes & Communities (Vice Chairman)<br>Exmouth Lead<br>Tourism Lead                                       |
| 23. | <b>Sidmouth Beach Management Plan Steering Group</b>    | Deputy Leader of the Council<br>Portfolio Holder – Environment (Chairman)<br>Deputy PH Environment<br>Sidmouth Ward Members<br>Geoff Pook  |

## Appendix C - Panels, Forums and Joint Bodies 2018/19

- |     |   |   |
|-----|---|---|
| 24. | <b>Sidmouth Port Royal Project Reference Group</b>                                      | Cllrs:<br>David Barratt<br>John Dyson   |
| 25. | <b>STRATA Joint Executive Committee (EDDC, Exeter City and Teignbridge authorities)</b> | <b>EDDC appointees:</b><br>Leader and Chief Executive of each partner authority<br><b>EDDC substitute:</b><br>Portfolio Holder Corporate Services   |
| 26. | <b>STRATA Joint Scrutiny Committee ((EDDC, Exeter City and Teignbridge authorities)</b> | <b>EDDC appointees:</b><br>Alan Dent and Darryl Nicholas, (Conservative)<br>Geoff Jung (Independent)<br><b>EDDC substitutes:</b><br>Mike Allen and Cherry Nicholas (Conservative Group),<br>Steve Gazzard (Liberal Democrats Group)<br>Geoff Pook (Independent) |
| 27. | <b>South East Devon Habitat Regulations Executive Committee</b>                         | <b>EDDC appointee:</b><br>Portfolio Holder -<br>Strategic Development (substitute – Portfolio Holder Environment)   |
| 28. | <b>Woodbury, Exmouth &amp; Budleigh (WEB) Community Health and Wellbeing Board</b>      | <b>EDDC appointee:</b><br>Portfolio Holder - Sustainable Homes and Communities<br><b>EDDC substitute:</b><br>Health and Well Being Lead   |

**\*includes any amendments made to appointments agreed at Council meetings held during the civic year 2017/18**

### NOTES:

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

**2018/19** 'designated persons' are Councillors Bruce De Saram, Phil Twiss and Rob Longhurst.

**Appendix D - REPRESENTATION ON OUTSIDE BODIES 2018/19**

	<b>Name of Outside Body</b>	<b>Councillor appointments 2018/19</b>	<b>Portfolio Holders/ Lead – reporting link</b>
<b>(a)</b>	<b>APPOINTMENTS: GENERAL</b>		
1	Blackdown Hills (AONB) Joint Advisory Committee	Paul Diviani	Environment
2	Devon and Exeter Area Rail Working Party	Brian Bailey Rob Longhurst	Economy
3	Devon Authorities Strategic Waste Committee	Environment Portfolio Holder Substitute: Deputy Portfolio Holder	Environment
4	SPACE (formerly Devon Youth Service)	Member Lead – Sport and Recreation	Sustainable Homes & Communities
5	East Devon AONB Partnership	Graham Godbeer Geoff Pook	Environment
6	East Devon Citizens' Advice Bureau	Maddy Chapman Steve Hall	Sustainable Homes & Communities
7	East Devon Transport, Research and Information Project (TRIP) Working Party/Management Group	Dean Barrow	Sustainable Homes & Communities
8	Action East Devon (formerly East Devon Volunteer Support Agency)	Mike Allen	Sustainable Homes & Communities
9	Exe Estuary Management Group	Mike Howe  (substitute: John Humphreys)	Environment
10	Exeter International Airport Consultative Group	Philip Skinner	Economy/ Environment
11	Exeter Science Park Board of Directors: Exeter Science Park – Shareholder representative	PH – Economy (Director) PH – Finance (Shareholder rep)	Finance/ Economy/ Strategic Dev & Partnerships
12	Queens Drive Exmouth Community Interest Company	Mark Williamson (Director) Pauline Stott (Director)	Finance/ Economy/ Strategic Dev & Partnerships
13	Greater Exeter Strategic Sports Board	Economy Portfolio Holder (substitute Lead Councillor – Sport & Recreation)	Economy/ Sustainable Homes & Communities



	<b>Name of Outside Body</b>	<b>Councillor appointments 2018/19</b>	<b>Portfolio Holders/ Lead – reporting link</b>
14	Local Government Association General Assembly	Leader* (substitute: Deputy Leader) *Leader is SW representative on district councillor network executive	Council
15	Local Government Association Annual Rural Assembly	Leader (with vote) Deputy Leader (who can vote in the absence of Leader)	Council
16	Police and Crime Panel – Devon and Cornwall	Tom Wright Substitute: Alan Dent	Council
17	SWAP (South West Audit Partnership Ltd)	<b>Shareholder</b> – Audit and Governance Chairman <b>Director</b> – Section 151 Officer	Finance
18	South West Councils - including Employers' Panel	Leader Deputy: Portfolio Holder – Corporate Services	Council
19	SPARSE – Rural Special Interest Group	Leader Sub: Rural Economy Champion	Council

**\*above details include any amendments made to appointments agreed at Council meetings held during civic year 2017/18**

#### **OUTSIDE BODIES - NOTE:**

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

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

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

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

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

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

## Appendix E (a) - DATES FOR COUNCIL, CABINET & COMMITTEE MEETINGS 2018/2019

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

<b>MAY 2018</b>				
Wednesday	16		<b>ANNUAL COUNCIL</b>	6.30pm
Wednesday	16		Licensing and Enforcement Committee	9.30am
Tuesday	29		Strategic Planning Committee	10.00am
Thursday	31	**	STRATA Joint Scrutiny Committee (Civic Centre, Exeter)	5.30 pm
Thursday	31		Overview Committee	6.00pm
<b>JUNE</b>				
Tuesday	5		Development Management Committee	10.00am
Wednesday	6	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	6		Cabinet	5.30pm
Thursday	7		Scrutiny Committee	6.00 pm
Thursday	14		Asset Management Forum	9.30 am
Wednesday	20	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	21		Housing Review Board	2.30pm
Tuesday	26	**	STRATA Joint Executive Committee (Civic Centre, Exeter)	5.30 pm
Wednesday	27	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	27		Recycling and Waste Partnership Board	10am
Thursday	28		Budget Working Party	2.30pm
Thursday	28		Overview Committee	6.00pm
<b>JULY</b>				
Tuesday	3		Development Management	10.00 am
Wednesday	4	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	4		Capital Strategy & Allocation Group	2.30pm
Wednesday	4		Cabinet	5.30pm
Thursday	5		Scrutiny Committee	6.00 pm
Wednesday	11	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	17		Standards Committee	10.00am
Tuesday	17		News Homes Bonus Panel	10am
Wednesday	18	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	18		SED Habitat Regulations Exec Committee (Civic Centre, Ex)	6.00pm
Monday	23		Community Fund Panel	10am
Tuesday	24		Strategic Planning Committee	2.00 pm
Wednesday	25	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	25		<b>COUNCIL</b>	6.00 pm
Thursday	26		Audit and Governance Committee (Agreement of accounts)	2.30 pm
<b>AUGUST</b>				
Wednesday	1	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	7		Development Management Committee	10.00 am
Wednesday	8	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	15	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	22	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	22	†	Licensing and Enforcement Committee	9.30 am
Wednesday	29	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	30		Overview Committee	6.00pm
<b>SEPTEMBER</b>				
Tuesday	4		Development Management	10.00 am
Wednesday	5	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	5	**	STRATA Joint Scrutiny Committee (Civic Centre, Exeter)	5.30 pm
Wednesday	5		Capital Strategy & Allocation Group	2.30pm
Wednesday	5		Cabinet	5.30pm
Thursday	6		Asset Management Forum	9.30 am
Thursday	6		Scrutiny Committee	6.00 pm
Wednesday	12	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	12		Recycling and Waste Partnership Board	10am
Wednesday	19	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	20		Housing Review Board	2.30 pm
Tuesday	25		Strategic Planning Committee	10.00 am

Tuesday	25	**	STRATA Joint Executive Committee (Civic Centre, Exeter)	5.30 pm
Wednesday	26	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	27		Audit and Governance Committee	2.30 pm
Thursday	27		Budget Working Party	4.00pm
Thursday	27		Overview Committee	6.00pm
<b>OCTOBER</b>				
Tuesday	2		Development Management	10.00 am
Wednesday	3	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	3		Housing Company Sub Committee	2.30pm
Wednesday	3		Cabinet	5.30 pm
Thursday	4		Scrutiny Committee	6.00 pm
Wednesday	10	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	17	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	23		Standards Committee	10.00 am
Wednesday	24	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	24		<b>COUNCIL</b>	6.00 pm
Tuesday	30		Development Management	10.00 am
Wednesday	31	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	31		SED Habitat Regulations Exec Committee (Civic Centre, Ex)	2.30pm
Wednesday	31		Cabinet	5.30pm
<b>NOVEMBER</b>				
Wednesday	7	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	7		Recycling and Waste Partnership Board	10am
Wednesday	14	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	15		Overview Committee	6.00pm
Wednesday	21	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	21	†	Licensing and Enforcement Committee	9.30 am
Thursday	22		Housing Review Board	2.30 pm
Thursday	22		Scrutiny Committee	6.00 pm
Tuesday	27		Strategic Planning Committee	10.00 am
Wednesday	28	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	29		Audit and Governance Committee	2.30 pm
Thursday	29	**	STRATA Joint Scrutiny Committee (Civic Centre, Exeter)	5.30 pm
Wednesday	28		Cabinet	5.30 pm
<b>DECEMBER</b>				
Tuesday	4		Development Management	10.00 am
Wednesday	5	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	5		Capital Strategy & Allocation Group	2.30pm
Thursday	6		Asset Management Forum	2.00 pm
Thursday	6	**	STRATA Joint Executive Committee (Civic Centre, Exeter)	5.30 pm
Tuesday	11		New Homes Bonus Panel	10am
Wednesday	12	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	12		<b>COUNCIL</b>	6.00 pm
Wednesday	19	††	Licensing and Enforcement Sub (if required)	9.30 am
<b>JANUARY 2019</b>				
Wednesday	2	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	2		Cabinet	5.30 pm
Tuesday	8		Development Management	10.00 am
Wednesday	9	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	16		Joint Overview & Scrutiny – Service Planning & Budget	9.00 am
Tuesday	22		Standards Committee	10.00am
Wednesday	16	††	Licensing and Enforcement Sub (if required)	9.30 am
Monday	21		Community Fund Panel	10am
Wednesday	23	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	23		SED Habitat Regulations Exec Comm (Civic Centre, Exeter)	6.00 pm
Thursday	24		Housing Review Board	2.30 pm
Tuesday	29		Strategic Planning Committee	10.00 am
Wednesday	30	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	30		Recycling and Waste Partnership Board	10am
Thursday	31		Audit and Governance Committee	2.30 pm
Thursday	31		Overview Committee	6.00pm
<b>FEBRUARY</b>				

Tuesday	5		Development Management	10.00 am
Wednesday	6	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	6		Cabinet	5.30 pm
Thursday	7		Scrutiny Committee	6.00 pm
Wednesday	13	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	13	†	Licensing and Enforcement Committee	9.30 am
Wednesday	20	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	27	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	27		COUNCIL – setting Council Tax and agree budgets	6.00 pm
Thursday	28		Overview Committee	6.00pm
<b>MARCH</b>				
Tuesday	5		Development Management	10.00 am
Wednesday	6	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	6		Housing Company Sub Committee	2.30pm
Wednesday	6		Cabinet	5.30 pm
Thursday	7		Asset Management Forum	9.30 am
Thursday	7		Scrutiny Committee	6.00 pm
Wednesday	13	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	19	**	STRATA Joint Scrutiny Committee (Civic Centre, Exeter)	5.30 pm
Wednesday	20	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	21		New Homes Bonus Panel	10am
Thursday	21		Audit and Governance Committee	2.30 pm
Thursday	21		Budget Working Party	4.30pm
Tuesday	26		Strategic Planning Committee	10.00 am
Wednesday	27	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	27		Recycling and Waste Partnership Board	10am
Thursday	28		Housing Review Board	2.30 pm
Thursday	28		Overview Committee	6.00pm
<b>APRIL</b>				
Tuesday	2		Development Management	10.00 am
Tuesday	2	**	STRATA Joint Executive Committee (Civic Centre, Exeter)	5.30 pm
Wednesday	3	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	3		Cabinet	5.30 pm
Thursday	4		Scrutiny Committee	6.00 pm
Wednesday	10	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	16		Standards Committee	10.00 am
Wednesday	17	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	27		SED Habitat Regulations Exec Comm (Civic Centre, Exeter)	6.00pm
Tuesday	23		Strategic Planning Committee	10.00 am
Wednesday	24		Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	24		<b>COUNCIL</b>	6.00 pm
Tuesday	30		Development Management	10.00 am
<b>MAY</b>				
Wednesday	1		Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	1		Cabinet	5.30 pm
Wednesday	8		Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	15		Licensing and Enforcement Sub (if required) Cttee Room	9.30 am
Wednesday	15		<b>Annual meeting of the Council – to be confirmed</b>	6.00 pm

# Time to be arranged

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

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

\*\* STRATA Executive and Scrutiny meetings will be held at the Civic Offices, Exeter unless advised otherwise stated

## Appendix E (b) - List of meetings 2018/2019

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

			2018					2019							
Meeting	Day	Time	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
<b>Annual Council</b>	Wed	6.30pm	16												15
<b>Council</b>	Wed	6.00pm			25			24		12		27		24	
<b>Cabinet</b>	Wed	5.30pm		6	4		5	3 31	28		2	6	6	3	1
<b>Housing Company Sub Committee</b>	Wed	2.30pm						3					6		
<b>Scrutiny Committee</b>	Thu	6.00pm		7	5		6	4	22			7	7	4	
<b>Overview &amp; Scrutiny Committees joint Budget Meeting</b>	Wed	9.00am									16				
<b>Overview Committee</b>	Thu	6.00pm	31	28		30	27		15		31	28	28		
<b>Strategic Planning Committee</b>	Tue	10.00am	29		24^		25		27		29		26		
<b>Development Management Committee *</b>	Tue	10.00am		5	3	7	4	2 30		4	8	5	5	2 30	
<b>Audit &amp; Governance Committee</b>	Thu	2.30pm			26		27		29		31		21		
<b>Housing Review Board</b>	Thu	2.30pm		21			20		22		24		28		
<b>Licensing &amp; Enforcement Committee</b>	Wed	9.30am	16			22			21			13			
<b>Standards Committee</b>	Tue	10.00am			17			23			22			16	
<b>Asset Management Forum</b>	Thu	9.30am		14			6			6			7		
<b>STRATA Joint Executive Committee</b>	Wed	5.30pm		26			25			6				2	
<b>STRATA Joint Scrutiny Committee</b>	Thu	5.30pm	31				5		29				19		
<b>South East Devon Habitat Regulations Executive Committee ~</b>		6.00pm			18			30			30			17	
<b>New Homes Bonus Panel</b>		10.00am			17					11			21		
<b>Recycling and Waste Partnership Board</b>		10.00am 2.00pm		27			12		7		30		27		
<b>Capital Strategy and Allocation Group</b>	Wed	2.30pm			4		5			5					
<b>Budget Working Group</b>	Thu	2.30pm or 4.30pm		28			27		29				21		

Sub-Committees of the Licensing and Enforcement Committee are timetabled for Wednesdays on an 'if required' basis. # Held at Civic Centre, Exeter ; ~ Held at Teignbridge District Council, Forde House, Newton Abbot; \* Formal site visits as required will be held on the morning of the meeting date. ^ Starts at 2pm.

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Cabinet held at Knowle, Sidmouth on 2 May 2018**

#### **Attendance list at end of document**

The meeting started at 5.30pm and ended at 6.16pm

#### **\*208 Public Speaking**

There was one member of the public who wished to speak at Minute 225.

#### **\*209 Minutes**

The minutes of the Cabinet meeting held on 4 April 2018 were confirmed and signed as a true record.

#### **\*210 Declarations**

Councillor Geoff Pook, Minute 223; personal interest – member of the Beer Neighbourhood Planning team

Councillor Pauline Stott: Minute 220; personal interest – Son member of the lifeboat

Councillor Phil Twiss: Minute 216; personal interest – Member of DCC Health and Adult Care Scrutiny Committee

Mark Williams, Chief Executive, Minute 211; disclosable pecuniary interest.

Simon Davey, Chief Finance Officer, Minute 211; disclosable pecuniary interest.

#### **\*211 Matters of urgency** (this item was debated at the end of the meeting; the Chief Executive and Chief Finance Officer left the room before the debate started)

The Chairman agreed to this late item National pay award 2018/19 and 2019/20 requested by the Strategic Lead, Organisational Development and Transformation. The report was a matter of urgency as following the notification of rejection of the employers' side pay offer by ALACE, the deadline for reports to Cabinet on 2 May 2018 had passed.

#### **RESOLVED:**

1. that the national pay award for 2018-20, be noted, and
2. that the same rate of 2% per year for two years was applied to the Chief Executive and Chief Officers of the Council, be agreed, and
3. that the recommendation to deal with the slight inequity created in different pay offers for 2015 for NJC staff and Chief Officers, be agreed. This created an anomaly such that the Strategic Lead for Finance was being paid 0.2% less than the Strategic Lead for Housing, Health and Environment.

#### **REASON:**

To ensure fair pay across the Council's structure.

#### **\*212 Matters referred to the Cabinet**

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

#### **\*213 Exclusion of the public**

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



**\*214 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 June 2018 to 30 September 2018.

**\*215 Minutes of the Scrutiny Committee held on 22 February 2018**

Members received the Minutes of the Scrutiny Committee held on 22 February 2018.

**RESOLVED (1) that the following recommendations be agreed:**

**Minute 31 Crime and Disorder Update**

the post of Community Safety and Anti-Social Behaviour Officer be retained beyond 2018/19, for reasons of continued support in this key area, particularly in maintaining the successful Local Action Groups in the District.

**Minute 32 Quarterly monitoring of performance for third quarter 2017/18**

1. the Overview Committee be requested, as part of reviewing the Council Plan, to also review the Council Actions listed under each Council Priority, to ensure that the action was clear in its intention, and was measurable;
2. future reports on Performance Overview, Council Action Plans and Key Performance Indicators contain comments on every item listed, regardless of action status classification, for reason of providing clear information on progress in that quarter.

**\*216 Minutes of the Scrutiny Committee held on 22 March 2018**

Members received the Minutes of the Scrutiny Committee held on 22 March 2018.

**RESOLVED (1) that the following recommendations be agreed:**

**Minute 37 Broadband update**

1. Cabinet recommend to Council that a letter be sent to all local MPs seeking their support to help secure superfast broadband provision for all communities despite their rurality;
2. promote to local parish and town councils the options available to them including the CDS voucher scheme once open again, fixed wireless solutions, and the recent success at Talaton;
3. a letter be sent to the Diocese asking for their continued support using church premises in providing the infrastructure necessary for a broadband solution for rural parishes.

**Minute 39 Exmouth Pavilion Car Park**

1. there must be early consultation with Ward Members for any matter of substance in their local ward;
2. the proposed concession of refunding £2 parking charges for the Exmouth Pavilion car park customers subject to a minimum spend in the Pavilion of £3.50 be a concession, for reason of ensuring existing local people who are regular café customers are not discouraged from continuing to support the Pavilion.

**\*217 Minutes of the Scrutiny Committee held on 19 April 2018**

Members received the Minutes of the Scrutiny Committee held on 19 April 2018.

**RESOLVED (1) that the following recommendations be agreed:**

**Minute 43 Election report**

1. the excellent and hard work of the RO, Electoral Services Team, and staff in place for polling stations, verification and counts, be acknowledged;
2. to consider additional budget provision to undertake recruitment of staff for polling stations;
3. to consider the use of a suitable venues that deliver the necessary space for the counts to be conducted;
4. to consider further integration of existing staff from the Council in helping to deliver electoral services during peak periods.

**\*218 Minutes from the Arts and Culture Forum held on 14 March 2018**

Members received the Minutes from the Arts and Culture Forum held on 14 March 2018.

**\*219 Minutes of the New Homes Bonus Panel held on 27 March 2018**

Members received the Minutes of the New Homes Bonus Panel held on 27 March 2018.

**RESOLVED (1) that the following recommendations be agreed:**

**Minute 17 Application from Newton Poppleford Parish Council, – Bolt on for Defibrillators - £1,876.80**

**Minute 18 Application from Exmouth Town Council – Publicity - £30,200**  
on the condition that the EDDC and DCC logos and mention of the Parishes Together Fund is on the leaflets and panels.

**Minute 19 Application from Gittisham Parish Council– Defibrillators- £1,586.50**

**Minute 20 Application from Honiton Town Council - Creative workshops - £3,722**

**Minute 21 Application from Ottery St Mary Town Council – Young Person’s mental health project - £8,362.40**

**Minute 22 Plymtree Parish Council - £2,311**

Plymtree, Talaton, Broadhembury and Payhembury Parish Council’s request for funding for a heli-pad.

**Minute 23 Application from Seaton Town Council – Brown Tourism Signage - £3,500**

**Minute 24 Application from Shute Parish Council – Asphalt Project - £716**

**Minute 25 Application from Sidmouth Town Council – Help Scheme - £5,000**

funding for the Sid Valley Help Scheme and the grant be increased to £7,155.60, this on the condition that the Sid Valley Help Scheme contact and share best practice with other towns in East Devon, and that publicity is gained for the Panel’s support of this project. .

**Minute 26 Application from Buckerell Parish Council – Drainage - £246.40**

**Minute 27 Clyst St George Parish Council – Drainage - £683**

**Minute 28 Colyton Parish Council Drainage - £1,292.90**

**Minute 29 Cotleigh Parish Council- Drainage - £200**

**Minute 30 Feniton Parish Council - drainage - £1,650**

**Minute 31 Honiton Town Council - drainage - £7,411.90**

**Minute 32 Luppitt Parish Council – Drainage -£415.80**

**Minute 33 Lympstone Parish Council – Drainage - £1,475**

**Minute 34 Membury Parish Council – drainage - £466.40**

**Minute 35 Musbury Parish Council – Drainage - £513.70**

**Minute 36 Offwell Parish Council–Drainage - £387.20**

**Minute 37 Upton Parish Council - drainage - £669.90**

**Minute 38 Yarcombe Parish Council – Drainage - £433.30**

**Minute 39 Seaton Town Council – Natural Seaton Festival Project - £1,550**

Seaton Town Council's request (supported by Colyton Parish Council) for funding to organise workshops for the Natural Seaton Festival project.

**Minute 40 Seaton Town Council – Walkers leaflet project - £750**

to provide a walkers leaflet project providing that the Town Council sent a quotation for the whole project by Friday 6 April. If the quotation did come through the leaflet should feature the EDDC and DCC logos and Parishes Together Fund wording on it.

**Minute 41 Broadclyst Parish Council - £4,869.30**

Broadclyst Parish Council's request for funding for a befriending project.

**\*220 Proposed temporary car park, rear of Old Lifeboat Station, Exmouth**

The Service Lead, Environmental Health & Car Parks asked Members to approve the creation of a temporary car park at this location; subject to Officers obtaining the relevant planning consent.

**RESOLVED:**

1. that the temporary use of land to the rear of the Old Lifeboat Station in Exmouth as a car park and to authorise the statutory advertisement and consultation process for the inclusion of the land in the East Devon (Off Street) Parking Places Order, be agreed,
2. To delegate to the Chief Executive and relevant Portfolio Holders the authority to proceed with the creation of this temporary car park subject to the outcome of the statutory advertising, consultation and the planning application.

**REASON:**

In order to fast-track the creation of a useful temporary car park (to enable the car park to be open for business during the summer of 2018) a planning application has already been submitted for consideration. Officers proposed to commence the statutory process

for a Parking Places Order to run in parallel because both processes will take 2-3 months to complete.

**\*221 Monthly Performance reports – March 2018**

The report set out performance information for the 2017/18 financial year for March 2018 was supplied to allow Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

There were three indicators showing excellent performance:

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

There was one performance indicator showing as concern:

- Percentage of planning appeal decisions allowed against the authority's decision to refuse – Two appeal decisions had been received, one dismissed and one allowed. A detailed assessment of the appeal decisions from 1 April 2017 to 31 March 2018 would be reported to the Strategic Planning Committee following receipt of all of decisions.

**RESOLVED:**

that the progress and proposed improvement action for performance measures for the 2017/18 financial year for March 2018 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.

**\*222 Data Protection Policy**

The Data Protection Officer outlined the forthcoming changes to data protection and sought adoption of an updated policy that took into account the change in legislation.

**RESOLVED:**

1. that the content of the report and actions being taken to implement the General Data Protection Regulations be noted, and
2. the adoption of the revised Data Protection and Document Retention Policy contained at Appendix A with effect from 25th May 2018 be agreed.

**REASON:**

To ensure the Council had a robust policy by which to ensure it is compliant with its legal duties.

**\*223 Response to Beer Neighbourhood Plan Submission**

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

**RESOLVED:**

1. that the formal submission of the Beer Neighbourhood Plan be noted and the producers of the plan be congratulated on the dedicated hard work and commitment in producing the document,
2. that the Council make the proposed representation set out at paragraph 5.2 in this report in response to the consultation.

**REASON:**

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

**\*224 Response to Clyst St George Neighbourhood Plan Submission**

Members were asked to agree the response by the Council to the current consultation for the Clyst St George Neighbourhood Plan.

**RESOLVED:**

1. that the formal submission of the Clyst St George Neighbourhood Plan be noted and the producers of the plan be congratulated on the dedicated hard work and commitment in producing the document,
2. that the Council make the proposed representation set out at paragraph 5.2 in this report in response to the consultation.

**REASON:**

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

**\*225 Ottery St Mary & West Hill Neighbourhood Plan Examiner's Report**

Jo Talbot, Chair of the Ottery St Mary & West Hill Neighbourhood Plan team wished to thank officers for their patience and assistance in getting the Neighbourhood Plan to this stage. She said the Neighbourhood Planning team were pleased with the inspector's report and that there was great relief after taking three years to get to this position.

Councillor Roger Giles congratulated Jo Talbot and Dr Margaret Hall for getting the Neighbourhood Plan to this stage.

Members were provided feedback and proposed changes following the examination of the Ottery St Mary & West Hill Neighbourhood Plan.

**RESOLVED:**

1. that the Examiner's recommendations on the Ottery St Mary & West Hill Neighbourhood Plan, and
2. that a 'referendum version' of the Neighbourhood Plan (incorporating the Examiner's modifications) should proceed to referendum and a decision notice to this effect be published, be agreed, and
3. that the Neighbourhood Plan group be congratulated on their hard work.

**REASON:**

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

**Attendance list**

**Present:**

**Portfolio Holders:**

Paul Diviani	Leader
Phil Twiss	Deputy Leader/Strategic Planning and Developments (in the Chair)
Tom Wright	Environment
Iain Chubb	Corporate Services
Ian Thomas	Finance
Jill Elson	Sustainable Homes and Communities

**Cabinet Members without Portfolio:**

Geoff Pook  
Eileen Wragg

**Cabinet apologies:**

Phil Skinner	Economy
Marcus Hartnell	Deputy Portfolio Holder Environment

**Non-Cabinet apologies:**

Andrew Moulding  
Mike Howe  
Mark Williamson  
Ian Hall  
Simon Grundy  
Brenda Taylor  
Jenny Brown  
Darryl Nicholas  
Bruce de Saram  
Tim Dumper  
Geoff Jung

**Also present (for some or all of the meeting)**

**Councillors:**

Brian Bailey  
Alan Dent  
John Dyson  
Steve Hall  
Pauline Stott  
David Barratt  
Dean Barrow  
Peter Faithfull  
Graham Godbeer  
Steve Gazzard  
Maddy Chapman  
Eleanor Rylance  
Roger Giles  
Val Ranger  
Marianne Rixson  
Megan Armstrong  
Susie Bond

John O’Leary  
Colin Brown  
Douglas Hull  
Rob Longhurst  
Bill Nash  
Cherry Nicholas

**Officer apologies:**

Richard Cohen, Deputy Chief Executive

**Also present:**

**Officers:**

Mark Williams, Chief Executive  
Simon Davey, Strategic Lead – Finance  
John Golding, Strategic Lead – Housing, Health and Environment  
Karen Jenkins, Strategic Lead – Organisational Development and Transformation  
Henry Gordon Lennox, Strategic Lead Governance and Licensing  
Andrew Ennis, Service Lead - Environmental Health & Car Parks  
Amanda Coombes, Democratic Services Officer

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

## East Devon District Council

<b>Issue details</b>	
<b>Title</b>	<b>Data Protection and Document Retention Policy</b>
<b>Version</b>	<b>Version 1.0</b>
<b>Officer responsible</b>	<b>Data Protection Officer</b>
<b>Authorisation</b>	<b>Cabinet</b>
<b>Authorisation date</b>	<b>April 2018</b>
<b>Review date</b>	<b>April 2019</b>

### History of Policy Changes

<b>Date</b>	<b>Page</b>	<b>Change</b>	<b>Origin of change (eg change in legislation)</b>

#### **1 Previous Policies/Strategies**

This Policy supersedes the following two policies;

- Data Protection Policy (April 2016)
- Retention and Disposal of Documents Policy (undated)

#### **2 Why has the council introduced this policy?**

The processing of personal data is essential to many of the services and functions we carry out. In so doing we recognise the importance of the need to comply with the requirements of the data protection legislation and other relevant legislation which seeks to protect an individual's fundamental rights and freedoms. This policy seeks to help ensure compliance with the relevant legislation when we process an individual's personal data in relation to those services and functions and also when an individual seeks to exercise their rights in respect of their personal data. An important part of compliance relates to the retention of documentation, and therein an individual's personal data, and so this policy also covers our approach to document retention and disposal.



### **3 Scope**

This policy applies to the collection and processing of all personal data by all services within the Council, the sharing of information between services and other parties and how we will act when using third parties who may process personal data on our behalf. It covers all formats (including paper, electronic, audio and video) and covers both manual and automated filing systems. The policy applies to all employees (including temporary staff), Councillors and all people or organisations acting on our behalf.

### **4 Policy Statement**

#### **4.1 Data Protection Principles**

4.1.1 We will, by putting in place appropriate policies and procedures, be responsible for ensuring that an individual's personal data is;

- Processed lawfully, fairly and in a transparent manner,
- Collected for specified, explicit and legitimate purposes and not further processed in a manner incompatible with those purposes,
- Adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed,
- Accurate and kept up to date (where necessary) and every reasonable step taken to ensure that inaccurate personal data (having regard to purposes for which it is processed) is erased or rectified without delay,
- Kept in a form which permits identification for no longer than is necessary for the purpose for which it is being processed,
- Processed with appropriate security which will include protection against unauthorised or unlawful processing and against accidental loss, destruction / damage using appropriate technical or organisational measures.

4.1.2 In addition we will, through this policy and other measures, ensure that we are accountable in that we can demonstrate compliance with the responsibilities detailed above.

#### **4.2 Individual's rights**

4.2.1 We recognise that an individual has rights in relation to the way we obtain and process their personal data. Accordingly, and as part of our responsibilities detailed above, we will ensure that an individual is able to exercise them where permitted.

4.2.2 Individuals have the right to be provided with information about how we process their personal data. The information to be provided varies depending on whether we obtain the personal data from the individual or from a third party. We will generally satisfy this requirement through the use of privacy notices. We will ensure that the information provided is concise, transparent, intelligible and easily accessible and written in clear and plain language.

4.2.3 In addition we will ensure that individuals are able to exercise the following rights (where permitted);

- Right of access
- Right to rectification
- Right to erasure
- Right to restriction of processing
- Right to data portability
- Right to object
- Rights in relation to automated decision-making (including profiling)

4.2.4 Detail in relation to each of the above rights and the processes / procedures for exercising them will be clearly detailed on our website and we will treat any request to exercise the rights in accordance with the legal requirements and the specific detail below.

## **5. Specific policy areas**

### **5.1 Purpose and Processing**

5.1.1 We will only collect information that is necessary for what we do by ensuring that there is a specific, explicit and legitimate purpose to be doing so. We will endeavour to ensure that information about individuals is accurately recorded when we collect it and up to date when we use it and that only the minimum necessary personal information is used to assist in the performance of its functions.

5.1.2 We will ensure that there is at least one lawful basis for processing an individual's personal data. Given what we do, on the whole this will be because the processing is necessary to comply with a legal obligation or because we are performing a task in the public interest / in the exercise of official authority. However, other lawful basis may apply depending on the circumstances.

5.1.3 We will make sure that the purpose for processing and the lawful basis are properly recorded and provided to individuals, generally through our website and in other formats on request.

5.1.4 We may carry out further processing provided it is not incompatible with the original purpose for which we collected the personal data. This would include processing for archiving purposes in the public interest, scientific or historical research or statistical purposes.

5.1.5 Where staff may have access to systems for more than one purpose, they will be given very clear advice about using data only in connection with the specific and authorised purpose. Just because they may have access to other information about a customer, does not imply that they can use it for more than one purpose.

### **5.2 Special categories of information**

5.2.1 Certain personal data is particularly sensitive (this covers information relating to race, religious belief, political opinion, health information, sexual orientation, trade union membership and (where processed to uniquely identify an individual) genetic and biometric data). We are not permitted to process this type of information unless one of the special conditions are met. By way of examples, the special conditions include situations where an individual gives their consent to the processing or an individual cannot give consent but processing is necessary to protect their vital interests.

5.2.2 We will ensure that we do not process special categories of information without one of the special conditions being met.

### **5.3 Data Security**

5.3.1 In order to ensure the security of personal data, we will ensure we have appropriate physical, technical and organisational security measures in place. We will process personal data in accordance with our Information Security Policy – S01 (January 2018) and other related policies and procedures. Our employees are required to comply with the Information Security Policy – S01 (January 2018).

5.3.2 These measures will keep an individual's information secure and will protect it against unauthorised use, damage, loss and theft.

### **5.4 Data sharing**

5.4.1 We are permitted in appropriate circumstances to share data within the organisation and also with external bodies. This is most likely to occur when we are required to disclose personal data by a court order, to comply with other legal requirements including prevention or detection of crime, preventing fraud<sup>1</sup> / gathering of taxation and carrying out our other

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<sup>1</sup> The Cabinet Office's National Fraud Initiative is one such example.

regulatory functions. For instance, it would be acceptable to share data between services if we had good reasons to believe that fraudulent activity was taking place or if we had reason to believe that a crime had been (or was going to be ) committed.

- 5.4.2 We will only share personal data internally or externally where we are permitted to do so and individuals will be made aware the circumstances in which this will occur through privacy notices. Any new system access requests from staff or services within the Council will be considered by the DPO.
- 5.4.3 We will use any relevant codes of practice on data sharing issued by the Information Commissioner to help with implementing these aims. Data matching techniques will only be used for specific lawful purposes and will also comply with any relevant codes of practice.
- 5.4.4 Where we obtain personal data from a third party rather than directly from an individual, we will, wherever possible, make sure they know that we have done this.

## **5.5 *Third Party processing***

- 5.5.1 We do on occasion ask external agencies or companies to carry out processing of personal data on our behalf. While such bodies are now also subject to detailed requirements regarding those processing activities, we are also under an obligation to ensure that those third parties are able to provide sufficient guarantees that their processing complies with legal requirements and protects the rights of an individual.
- 5.5.2 We will therefore ensure that there is a contract in place with any third party processors which complies with the legal requirements governing how a third party carries out the processing on our behalf.
- 5.5.3 We will endeavour to use only those third party processors who have signed up to and adhere to any relevant code of practice or certification scheme relevant to the processing activities they will be carrying out.
- 5.5.4 All contracts with third parties for the processing of personal data will be reviewed by the Data Protection Officer (or by the legal department on his behalf) to ensure it meets the relevant requirements.

## **5.6 *Privacy by design and data protection impact assessments***

- 5.6.1 We will ensure that an individual's rights in relation to privacy and data protection are a key consideration in the formulation and early stages of production of any project, process or policy as well as seeking to integrate them into existing project management and risk management methodologies and policies. Privacy and data protection will remain relevant throughout the lifecycle of any project, process or policy.
- 5.6.2 Having regard to certain factors, including the nature, scope, context and purposes of processing and related costs, we will implement appropriate technical and organisational measures to ensure we have integrated privacy and data protection into our processing activities.
- 5.6.3 Carrying out data protection impact assessments can help identify the most effective way to comply with our data protection obligations and meet individuals' expectations of privacy. Again having regard to the nature, scope, context and purposes of processing, where we are considering introducing a new technology or to carry out processing in either case which is likely to result in a high risk<sup>2</sup> to the rights and freedoms of individuals then we will carry out an impact assessment.

## **5.7 *Transparency***

- 5.7.1 We are under obligations to provide individuals with certain information regarding how we will use their personal data and their rights. The information to be provided varies depending on whether we have obtained the information directly from an individual or from a third party. The

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<sup>2</sup> This includes systemic evaluation based on automated decision making which results in decisions that produce legal effects or significantly affect an individual, large scale processing of special categories of information or systemic monitoring of a publicly accessible area on a large scale (CCTV).

information provided should be concise, transparent and intelligible. We will comply with our obligations primarily through the use of Privacy Notices (which are on our website) or by directly contacting the individual concerned, in either case using clear and plain language.

- 5.7.2 In addition, we are also under an obligation to keep records of our processing activities and information relating to it so that we are able to demonstrate to the Information Commissioner that we are complying with our obligations overall. We will ensure that we maintain the records as required.

## **5.8 Document retention**

- 5.8.1 We will hold information about individuals for as long as is necessary and, subject to any statutory retention periods, we will ensure that the information is disposed of in a secure and proper manner when it is no longer needed.
- 5.8.2 It is important that we understand what documents to keep and for how long and that we don't keep unnecessary documentation nor keep documentation for longer than is necessary. This is not only from the data protection point of view but also good administration (in the sense of resources for keeping documentation, whether electronic or manual files).
- 5.8.3 Any decision taken in respect of the retention / disposal of documents will be taken in accordance with the Council's Document Retention Schedule (available on our website) and the key retention / disposal considerations set out in Appendix 1.
- 5.8.4 We will ensure that when disposing of papers which may contain personal or confidential data, we will use the confidential waste bins provided or place the documents in the confidential sacks. It is permissible to shred papers on-site (with a cross cutting device). Employees shall not dispose of personal or confidential papers in normal refuse or recycling bins.
- 5.8.5 Where the Council uses an external shredding contractor for the destruction of records or information, there shall be a contract which specifies clearly what is required, including transmission of records off-site and what constitutes destruction. Where possible, the Council shall inspect the premises of external contractors, both before the contract is awarded and periodically thereafter, to ensure security is adequate and that records are destroyed soon after they are received. This is particularly important if the records are confidential in any way. The contractor shall be required to supply a certificate of destruction and, for confidential records, a certificate of confidential destruction. Destruction certificates shall be kept by the Council for a period of one year.
- 5.8.6 Disposal of computer equipment / electronic media are outside the scope of this policy and will be covered in a separate policy.

## **5.9 Data subject's rights**

- 5.9.1 We recognise the importance of individuals being able to exercise the fundamental rights available to them in respect of their personal data. These rights are identified in section 4.2 above. We will ensure that all requests from individuals to exercise their rights are dealt with as quickly as possible and in any event within one month of receipt unless we consider it necessary, due to the complexity or number of requests, to extend the time period by two months. Any extension of time will be notified to the individual within one month of the receipt of the request.
- 5.9.2 The exercise of an individual's rights will be provided free of charge unless, in our view, requests are manifestly unfounded or excessive (including where this is due to repeat requests) in which case we may choose to either charge a fee for providing the information / taking the action requested or to refuse to act on the request. Additional copies of information already provided may be subject to a reasonable charge at our discretion.
- 5.9.3 Where there is an exemption which would permit us not to progress any request or which may limit the application of any right, we will normally apply the exemption unless it is appropriate or reasonable not to do so and, in any event, will always do so in circumstances where it is deemed necessary to the effective operation of our tasks, for the prevention and detection of crime, to protect an individual or is required by law.

- 5.9.4 Where we are not confident of the identity of an individual making a request we may ask for information (or additional information) in order to confirm the identity before progressing their request to exercise their rights.
- 5.9.5 The Council will inform individuals of its decisions in respect of any requests and any further rights there may be in terms of lodging a complaint with the Information Commissioner and / or seeking remedy through the Courts.

## **5.10 Breach reporting**

- 5.10.1 A personal data breach occurs when (whether deliberate or accidental) there is a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. In broad terms this means a security incident that has affected the confidentiality, integrity or availability of personal data.
- 5.10.2 We will implement a process to ensure all staff handling personal data know when and how to report any actual or suspected data breach(es) and we will also provide a process for breach reporting by an individual and any third party processors that we may use.
- 5.10.3 Appropriately trained staff will deal with the reports of any breaches and where appropriate we will take steps to deal with the breach including measures to mitigate any adverse impacts.
- 5.10.4 Where a breach results in a risk to an individual's rights and freedoms we will ensure the breach is appropriately reported to the Information Commissioner and / or the individual(s) concerned in accordance with the legal requirements and prescribed timeframes.
- 5.10.5 Individuals also have the right to progress a complaint under the Council's complaints procedure.

## **5.11 Training**

- 5.11.1 Data protection training is crucial so that all staff understand their responsibilities relating to data protection and the use of personal data. Failure to comply with the data protection principles and our legal obligations could lead to serious problems and result in the rights and freedoms of an individual being adversely affected. This could lead to significant fines or criminal prosecution.
- 5.11.2 It is therefore our policy that all individuals handling personal data will be trained to an appropriate level in the use and control of personal data. This may include employees that do not have internet or email access and line managers will be responsible for ensuring that these staff members complete an appropriate training course. Training will be given to all staff on a periodic basis to refresh existing staff and educate new staff. In addition to the corporate training, some post-holders are required to undertake further data protection training where appropriate for a particular role or within a specific service area.
- 5.11.3 Councillors will be furnished with a copy of this Policy and all future elected Members will receive a copy as part of their information pack on beginning their duties along with appropriate training.

## **6 Who is responsible for delivery?**

- 6.1 The Data Protection Officer will be accountable for ensuring compliance with our legal requirements. In so doing he will ensure that this policy is followed across the Council and that there is an appropriate training programme for staff and identification of those members of staff who require enhanced training.
- 6.2 All staff are also responsible for ensuring compliance - the commitment of all Council Members and staff is essential to make this policy work. Employees should check with their line manager or the Data Protection Officer if they are unsure about their responsibilities or the handling of an individual's personal data, particular if it relates to disclosing such information.
- 6.3 All staff are expected to comply with our other policies relating to the management and security of information, including personal data, and to follow any good practice guidance that we issue.

## **7 Disciplinary action and criminal offences**

- 7.1 Where an employee breaches this Policy and where caused by deliberate, negligent or reckless behaviour then the normal consequence will be an appropriate disciplinary sanction (which could include dismissal) and may even give rise to criminal offences.
- 7.2 The person concerned may also become liable for any financial consequences resulting from a breach of the Policy.

## **8 Policy Consultation and review**

- 8.1 This policy has been consulted upon with relevant officers and the Strategic Management Team.
- 8.2 The Data Protection Officer will review this policy in 2019 or in the light of any legislative changes or relevant guidance issued, particularly by the Information Commissioner.

## **9 Equality impact considerations**

The equality impact considerations relating to this policy have been considered. It is not considered that this is a high impact policy in relation to adverse impacts relating to the protected characteristics outlined in the Equality Act 2010.

## **10 Related Legislation, Policies and Strategies**

- General Data Protection Regulations 2016 / Data Protection [Act 2018]
- Freedom of Information Act 2000
- Human Rights Act 1998
- Environmental Information Regulations 2004
- Local Government (Access to Information) Act 1985
- Equality Act 2010
- Data sharing code of practice (Information Commissioner's Office)
- Cabinet Offices' National Fraud Initiative
- East Devon District Council's Data Protection & Information Handling Good Practice Guide
- The Council's Complaints Procedure
- Information Security Policy – S01 (January 2018)

## Appendix One

### Disposal / Retention Considerations

There are some documents that do not need to be kept at all and staff may routinely destroy such information in the normal course of their duties. However, staff are advised to refer to the Council's Document Retention Schedule to ensure that they are not destroying any documents prior to their normal destruction date. Unimportant documents or information include:

- 'with compliments' slips
- catalogues and trade journals
- telephone message slips
- trivial email or notes that are not related to the business activities of the Council
- requests for stock information such as maps, plans or advertising material
- out-of-date distribution lists
- working papers which lead to a final report
- duplicated or superseded material

In addition the following will be considered prior to destruction;

#### 1. Has the document been appraised?

Once a document has been initially highlighted for disposal it should be appraised to ensure it is suitable for disposal. In most cases this should only take a few minutes or even less, but it is a skilled task depending on the documents involved. It should therefore only be undertaken by officers who have sufficient operational knowledge to be able to identify the document and its requirements for continued need within the service.

#### 2. Is retention required for evidence?

Any document which may be required for legal proceedings should be kept until the threat of proceedings has passed. While this should be covered in the timeframes set out in the Council's Document Retention Schedule, in the event it isn't then it is important to have regard to the fact that the Limitation Act 1980 specifies time limits for commencing litigation and therefore the starting point should be whether that period has now expired. The main time limits that are directly relevant to local government are as follows:

- Claims founded on simple contract or tort (other than personal injury claims) cannot be brought after the expiration of **6 years** from the date on which the cause of action occurred. This areas includes such matters as debt recovery actions, and compensation claims in respect of sub-standard work, negligent advice, and damage to property.
- Compensation claims for personal injury are barred on expiry of **3 years** from the date on which the cause of action occurred (this will usually be the date when the incident causing the injury occurred; **or**
- the date when the injured person first had knowledge of the injury
- Claims that are based on provisions contained in documents that are 'under seal' are barred after the expiration of **12 years** from the date on which the cause of the action occurred

#### 3. Is retention required to meet the operational needs of the service?

In some cases retention may be desirable (whether permanent or otherwise) even though no minimum retention period applies, or has expired. Documents might be useful for future reference purposes (e.g. training), as precedents, or for performance management (performance indicators, benchmarking and comparison exercises). A professional judgment needs to be made as to the usefulness of a particular document. This decision should be made by the relevant Manager or his/her designated officer. In this case it will not be appropriate for any attributable personal data to be retained.

#### 4. Is the document of historic interest or intrinsic value?

In most cases this consideration will not be applicable. However, some documents currently in Council storage may be of historic interest and/or even have some monetary value. Even if the document is of historical or monetary value disposal, rather than retention by the Council, it may well be the appropriate option to transfer to the County Archivist or even sale to an external body. There should be no processing of personal data in relation to any document in this category.

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Cabinet held at Knowle, Sidmouth on 6 June 2018**

#### **Attendance list at end of document**

The meeting started at 5.30pm and ended at 7.09pm

#### **\*1 Public Speaking**

There were no members of the public present.

Councillor Douglas Hull asked for an update on the question of standards of national house builders. The Chief Executive confirmed that the Council had written again to the Government and was waiting for a reply. The Chairman noted Councillor Hull's comments and assured him there would be an appropriate follow-up

#### **\*2 Minutes**

The minutes of the Cabinet meeting held on 2 May 2018 were confirmed and signed as a true record.

#### **\*3 Declarations**

None

#### **\*4 Matters of urgency**

None

#### **\*5 Matters referred to the Cabinet**

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

#### **\*6 Exclusion of the public**

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

#### **\*7 Forward Plan**

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

#### **\*8 Minutes of the Exmouth Regeneration Board held on 19 April 2018**

Members received the Minutes of the Exmouth Regeneration Board held on 19 April 2018.

#### **\*9 Minutes of the South East Devon Habitat Regulations Executive Committee held on 20 April 2018**

Members received the Minutes of the South East Devon Habitat Regulations Executive Committee held on 20 April 2018.

#### **\*10 Minutes of the New Homes Bonus Panel held on 14 May 2018**

Members received the Minutes of the New Homes Bonus Panel held on 14 May 2018.

#### **11 Revenue and Capital Outturn report 2017/18**

The Strategic Lead Finance presented his report. During 2017/18, monthly budget monitoring reports had informed members of budget variations and the anticipated year-



end financial position. The Council had maintained its net spending within overall approved budget levels.

The report outlined:

- The General Fund position – the 2017/18 budget was set as a balanced budget with no transfer to or from the General Fund Balance. The final outturn position was a underspend of £0.573m against a net budget of £14.142m;
- Housing Revenue Account – the 2017/18 budget was set to achieve a surplus of £0.522m, the outturn position gave a surplus for the year of £0.801m, the closing balance as at 31 March 2018 stood at £3.901m. The adopted minimum level for the HRA Balance was between £2.1m to £3.1m, based on £490 per property with headroom added of £1m. This left the HRA Balance £0.801m above the adopted range and it was recommended that the sum was transferred into the Future Housing Development Fund;
- Capital Budget – 2017/18 totalled net expenditure of £25,333m; the outturn position was lower at £17.021m, a variation of £8.312m. The majority of the underspend was from scheme slippage and a need to re-profile expenditure into 2018/19 or later years.

**RESOLVED:**

1. that the outturn position for 2017/18 be agreed, and

**RECOMMENDED:**

2. that the level of Reserves detailed in the report and the transfers/use as recommended, namely:
  - a. the transfer to reserves specific underspends in 2017/18 to be carried forward and spent in later years;
  - b. the transfer of £70,000 from an earmarked reserve in 2018/19 into a new Reserve “Economic and Partnership Initiative Fund”. Delegated authority of spend be given to the Chief Executive in consultation with the Leader and the Portfolio Holders for Finance and Economy, and
  - c. to transfer £801,000 from the Housing Revenue Account into the Future Housing Development Fund.

**REASON:**

To report the outturn position for the Council’s approved budgets for the General Fund, Housing Revenue Account and Capital Expenditure.

**\*12 Monthly Performance reports – April 2018**

The report set out performance information for the 2017/18 financial year for April 2018 was supplied to allow Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

There were two indicators showing excellent performance:

- Days taken to process changes to Housing Benefit claims
- Working days lost due to sickness absence

There were two performance indicators showing as concern for the month of April:

- Percentage of planning appeal decisions allowed against the authority's decision to refuse - Five appeal decisions were received this month, three of the appeals were allowed. However, this sample of decisions was considered to be too small to formulate any conclusions in respect of overall performance.

- Days taken to process new Housing Benefit claims - Performance always dips around annual billing due to the increased volume of work.

**RESOLVED:**

that the progress and proposed improvement action for performance measures for the 2017/18 financial year for April 2018 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.

- \*13 **Leader's annual report on urgent executive decisions**  
Under regulation 19 of the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations, there is a requirement to submit a report containing details of each executive decision which was agreed as urgent under Regulation 11 (cases of special urgency) where less than 5 days' notice could be given.

**RESOLVED:**

That the annual report on urgent executive decisions be noted.

- \*14 **Communities Together Fund**  
The report informed Members that Devon County Council and East Devon District Council had worked together for six years running, to put £1.10 per elector into a fund that communities could apply for - £1 from Devon County Council and 10p per elector from the New Homes Bonus.

Previously the funding was given out by the Parishes Together Fund, which no longer existed. This year the money would be given out through the Communities Together Fund, which was a new and significantly different grants scheme. In East Devon for 2018/19 this amounted to £126,830. Currently, EDDC did not have a way of distributing the funding and were required to develop rules for the scheme in accordance with the formal principles of the Communities Together Fund received from Devon County Council.

Working within these parameters the application form and guidance notes had been drafted. These had been recommended for approval by the New Homes Bonus Panel; the EDDC panel that was responsible for the Communities Together Fund.

There followed a discussion over questions of eligibility to the fund.

**RESOLVED:**

1. that the Parishes Together Fund had ceased be noted;
2. that the Communities Together Fund application form and guidance notes be approved and adopted;
3. that delegated authority be granted to the Strategic Lead Organisational Development and Transformation, to agree detailed terms for the operation and management of the Communities Together Fund; and
4. that delegated authority be granted to the New Homes Bonus Panel to approve the allocation of grant payments to applicants in accordance with the rules of the scheme set out in the report.

**REASON:**

To ensure the Council could distribute funding; the majority provided by Devon County Council, to East Devon's communities through an approved grants process.

\*15 **Sale of Local Authority garage sites**

Following an agreement in principle to the sale of rural EDDC garage blocks in Luppitt and Plymtree on 10 February 2016, EDDC officers instructed external agents to market the sale of the sites. The report provided details of the process leading up to agreement of Heads of Terms for the sales.

It was noted that the Asset Management Forum would from now on, be involved with the Property & Estates team to sign off any future disposals for non-dwelling assets.

**RESOLVED:**

1. that authorisation be given to sell the garage sites at Plymtree and Luppitt at the agreed sale prices detailed in 7.2.7 and 7.3.6 in the report; and
2. that delegated authority be granted to Senior Manager, Property and Estates along with Principal Solicitor to negotiate and agree detailed terms.

**REASON:**

Following an agreement in principle being agreed to the disposal of the garages sites, the report summarised the progress made towards that aim. The position now was to seek formal approval for the sale of the garages sites, subject to detailed terms being negotiated by the delegated officers.

16 **Homelessness in East Devon**

The Strategic Lead Housing, Health and Environment highlighted the challenges faced with rising levels of homelessness and securing temporary accommodation and long-term affordable housing for homeless households. An increase in homelessness consistent with national trends had been experienced and an extended set of statutory duties to tackle homelessness. Homelessness had always been a priority for the Council and had been managed through prevention, timely advice and assistance, early intervention, resulting relatively low numbers of homeless cases and minimal use of temporary accommodation.

There had been an increase in homeless approaches, more complex cases and a reduction in available accommodation, resulting in a build-up of homeless cases in temporary accommodation. This did not appear to be a seasonal or short-term variation and when the impact of the Homelessness Reduction Act 2017 and welfare benefits reductions had been factored in, there was a need to plan for a continuation of this trend.

Discussions included the following:

- the need to keep the whole capital receipt from the sale of council properties
- to establish a Think Tank for Housing
- the use of private properties through compulsory purchase

It was noted that the Chairman and the Portfolio Holder Sustainable Homes and Communities would liaise with the District's two Members of Parliament to discuss all housing issues concerning East Devon.

**RESOLVED:**

1. that the increase in homelessness and agree the responses proposed to increase the supply of temporary accommodation be noted, and

2. to request an update of the Homelessness Strategy in response to the changes made by the Homelessness reduction Act.

**RECOMMENDED:**

3. to approve the creation of a Temporary or Homeless Accommodation Officer post to support households in temporary accommodation and source new temporary accommodation for homeless households.

**REASON:**

To ensure the Council continued to meet its statutory responsibilities and provide a high quality service to meet the needs of homeless households. The report also alerted members to the homeless pressures being experienced by the Housing Service and the implications this was having on service delivery, budgets and staff workloads.

17 **Devon Wide Housing Assistance Policy**

The report from the Environmental Health Manager (Private Sector Housing), presented a revised Housing Assistance Policy under Article 4 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 for consideration. The policy had been agreed across Devon for the delivery of the Better Care Fund.

**RECOMMENDED:**

that Cabinet recommended to Council the approval of the Devon Wide Housing Assistance Policy.

**REASON:**

The Housing Assistance Policy set out the forms of financial assistance that may be available subject to available funding. The policy concentrated on disabled adaptations and assisting elderly and vulnerable people to repair their own homes. The policy therefore substantially updated the Housing Assistance part of the presently being refreshed East Devon District Council Private Sector Housing Renewal Plan, which was adopted in 2012. At that time the policy was adopted on a local basis only it operated without the strategic, policy framework and funding landscape now in place with integration under the Better Care Fund.

\*18 **Exeter Airport Instrument Landing Systems (ILS) Exemption from Standing Orders**

The East of Exeter Projects Director sought approval for an Exemption from Standing Orders to allow the procurement of an upgraded ILS system to proceed.

**RESOLVED:**

that the use of an Exemption from Standing Orders to enable the procurement of an upgraded Instrument Landing System to proceed, be noted.

**REASON:**

Cabinet received a paper on the Enterprise Zone in April 2018 detailing proposed investments that would help to enable and bring forward new commercial development and job creation. The lack of operational headroom in the current ILS system at the Airport was a major barrier to nearby commercial development coming forward. The proposed upgrading of the system had been the subject of a detailed project appraisal. This demonstrated that it represented very good value for money and will play a key role in helping to unlock future business rate income. The funding of the upgrade would be recouped from nearby development as this comes forward. The total cost was expected to be circa £1.3m and this would be finalised through the procurement process.

Further dialogue with the Airport had confirmed that there were two main suppliers to the UK market with pre-existing CAA regulatory approval. Whilst there would be a competitive tendering exercise it was proposed that this would only be with the two main suppliers. An Exemption from Standing Orders was sought to support this process which would be undertaken by the Airport themselves.

**\*19 Exclusion of the public**

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

**20 Suez additional contract resources request**

The report set out Suez's request and reasons for additional resources. During the early stages of the mobilisation for the new recycling and waste collection service, there had been some issues with missed collections and missed dog bins collections. This was due to the resources that had been included in Suez's contract bid, based on the tonnage figures from the Feniton & Exmouth Colony collection trial in 2015. The resources did not seem to be sufficient to cope with the actual tonnages the new service was collecting.

**RECOMMENDED:**

1. that Cabinet recommend to Council the funding of the additional capital requirements, totalling circa £767k be approved.

**RESOLVED:**

2. to make the agreement contingent on Suez agreeing not to seek the unrealised revenue overspend when we negotiate tipping point 2;
3. that delegated authority be granted to Strategic Lead Finance to agree final sum +/- £20k and to the Strategic Lead (Governance and Licensing) to make such contractual amendments as are necessary to give effect to the resolution;
4. that revenue savings and efficiency trials (bring site removal, paper sack trial and Metal Matters campaign) be approved; and
5. that prior to progressing any of the above recommendations a forensic accountant be engaged to review Suez's budget working papers which underpin their additional resources request.

**REASON:**

To ensure the continued success of the new recycling and waste collection system and to maintain high standards of service and recycling quality.

**Attendance list**

**Present:**

**Portfolio Holders:**

Ian Thomas	Leader
Dean Barrow	Finance
Iain Chubb	Transformation
Alan Dent	Corporate Services

Jill Elson	Sustainable Homes and Communities
Marcus Hartnell	Deputy Portfolio Holder Environment
Geoff Pook	Asset Management
Tom Wright	Environment (Acting Vice Chair)

**Cabinet apologies:**

Phil Skinner	Deputy Leader / Economy
Paul Diviani	Strategic Development

**Non-Cabinet apologies:**

Ian Hall  
Simon Grundy  
Matt Booth  
David Key  
Brenda Taylor  
John O'Leary

**Also present (for some or all of the meeting)**

**Councillors:**

Brian Bailey  
Bruce de Saram  
Tim Dumper  
Geoff Jung  
Andrew Moulding  
Mike Howe  
Mike Allen  
Helen Parr  
Mark Williamson  
Eileen Wragg  
Steve Hall  
Pauline Stott  
David Barratt  
Peter Faithfull  
Peter Burrows  
Graham Godbeer  
Steve Gazzard  
Maddy Chapman  
Eleanor Rylance  
Roger Giles  
Douglas Hull  
Rob Longhurst  
Bill Nash  
Cherry Nicholas

**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  
Karen Jenkins, Strategic Lead – Organisational Development and Transformation  
Henry Gordon Lennox, Strategic Lead Governance and Licensing

Andy Wood, East of Exeter Projects Director  
Andrew Hancock, Service Lead – StreetScene  
Anita Williams, Principal Solicitor  
Amanda Coombes, Democratic Services Officer

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

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Cabinet held at Knowle, Sidmouth on 11 July 2018**

#### **Attendance list at end of document**

The meeting started at 5.31pm and ended at 6.19pm

#### **\*21 Public Speaking**

Mr David Strange, Chairman of the Norman Lockyer Observatory spoke on Minute 24 - Request of up to a £50,000 loan to the Norman Lockyer Observatory Society. Mr Strange stated the public works loan would assist with starting the build of the classroom particularly having the roof on before winter.

Councillor Douglas Hull asked for an update on the issue of National House Builders standards. He also inquired to the website advertising of East Devon as a tourist attraction.

#### **\*22 Minutes**

The minutes of the Cabinet meeting held on 6 June 2018 were confirmed and signed as a true record.

#### **\*23 Declarations**

Cllr Paul Diviani, Minute 34: personal interest – Chairman of Blackdown Hills Area of Outstanding Natural Beauty joint advisory committee

Cllr Iain Chubb, Minute 34: personal interest – County Councillor for Whimble and Blackdown

Cllr Graham Godbeer, Minute 34: personal interest – Member of East Devon Area of Outstanding Natural Beauty partnership

#### **24 Matters of urgency**

The Chairman agreed to this late item for the request of up to a £50,000 loan to the Norman Lockyer Observatory Society, requested by the Strategic Lead Finance. The report was a matter of urgency as it needed Council approval.

#### **RECOMMENDED:**

That making the loan of up to £50,000 to the Norman Lockyer Observatory Society, be agreed and recommended to Council. To delegate authority to the Strategic Lead Housing, Health and Environment to ensure legal compliance and to complete contractual arrangements in consultation with the Strategic Lead Governance and Licensing.

#### **\*25 Matters referred to the Cabinet**

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

#### **\*26 Exclusion of the public**

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

#### **\*27 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 August 2018 to 30 November 2018.



**\*28 Minutes of the Overview Committee held on 31 May 2018**

Members received the Minutes of the Overview Committee held on 31 May 2018.

**RESOLVED (1) that the following recommendations be agreed:**

**Minute 3 Business Development and Events planning on Council Land**

1. the outline Events Strategy, and the recruitment of a Business Development & Events Officer to deliver the ambitions contained in the strategy;
2. the proposal go back to SMT to discuss where the Business Development & Events Officer would sit within the Council and the duration of Events and report back to a future meeting of the committee.

**\*29 Minutes of the Scrutiny Committee held on 7 June 2018**

Members received the Minutes of the Scrutiny Committee held on 7 June 2018.

**RESOLVED (1) that the following recommendations be referred back to Scrutiny Committee:**

**Minute 49 Tree Team Update**

1. greater liaison was encouraged between the Development Management Team, Legal Team and the Tree Team in order to implement improvements through the systems thinking process, including pre application processes and enforcement actions,
2. the Development Management and Legal Teams (with technical support from the Tree Team) investigate effective ways to monitor the future protection of trees when sites were developed, including the securing of landscape and tree protection bonds, to secure compliance and ensure enforcement actions were implemented.

**Minute 50 Effectiveness of local authority overview and scrutiny committees**

1. the constitution should be amended to the effect that recommendations would be referred from Scrutiny Committee to Full Council unless there was a matter of such urgency that the Scrutiny Committee decides that the next meeting of Cabinet was more appropriate,
2. the constitution be amended to the effect that members of Cabinet should only participate by invitation of the committee, making the distinction between participation and attendance.

Cabinet considered that the quality of reports to Scrutiny would need to follow the same rigour as those to Cabinet and other committees as it was important that if recommendations were to go direct to Council, Cabinet would need to assess the considerations Scrutiny had had regard to, and whether it had been advised about all the relevant legal, financial and other organisational implications.

The recommendations were therefore sent back to Scrutiny to further consider the implications of recommending to Full Council, specifically in terms of ensuring that they have full and objective reports with input from relevant officers including legal and finance. They used the example of the tree recommendations in terms of only hearing

Countryside's view and not having the view of planning but also not having a full report on the implications of increasing staff complement in budget terms etc.

**\*30 Minutes of the Recycling and Waste Partnership Board held on 13 June 2018**

Members received the Minutes of the Recycling and Waste Partnership Board held on 13 June 2018.

**RESOLVED (1) that the following recommendations be agreed:**

**Minute 9 Improvement projects/working groups: Bring banks removal project**

1. the in principle introduction of an additional recycling container for cardboard, to be trialled during autumn 2018, with delegated authority being given to the Strategic Lead Housing, Health and Environment and the Environment Portfolio Holder to agree the final details of the trial.
2. the permanent removal of all of the EDDC bring banks,
3. EDDC/SUEZ partnership team to plan a programme of removals with the aim of removing all of the EDDC banks by the end of October 2018, with priority being given to the removal of the skip type banks, and a communications process being put in place.

**\*31 Minutes of the Asset Management Forum held on 14 June 2018**

Members received the Minutes of the Asset Management Forum held on 14 June 2018.

**RESOLVED (1) that the following recommendations be agreed:**

**Minute 11 Newton Poppleford Public Conveniences**

a long term lease of Newton Poppleford Public Conveniences be granted to Newton Poppleford Parish Council and this matter be dealt with as quickly as possible. This would then provide sufficient security for the Parish Council to invest.

**\*32 Minutes of the Housing Review Board held on 21 June 2018**

Members received the Minutes of the Housing Review Board held on 21 June 2018.

**RESOLVED (1) that the following recommendations be agreed:**

**Minute 9 Rental exchange scheme**

no further (previously agreed) action be taken towards implementation of the Rental Exchange Scheme.

**Minute 11 Void property – 4 Camperdown Terrace, Exmouth**

the progression of option 5 – to agree an appropriate level of funding from the HRA to complete necessary works to make the void property habitable, whilst taking into consideration the potential regeneration plans for Exmouth.

**Minute 12 Financial monitoring report – HRA draft accounts 2017/18**

the narrative report from the Strategic Lead Finance to add the £0.8m in year surplus to the New Housing Development Fund.

**Minute 15 Request for exemption to contract standing orders – extension to Homemaker contract**

to extend the Homemaker contract, which ended in 2018.

**\*33 Minutes of the Exmouth Regeneration Board held on 21 June 2018**

Members received the Minutes of the Exmouth Regeneration Board held on 21 June 2018.

**\*34 Public Consultation – Review of the East Devon and Blackdown Hills AONB Management Plans**

East Devon District Council together with other local authorities had authorised the East Devon and Blackdown Hills AONB Partnerships to undertake reviews of the Management Plans for both AONBs by April 2019, as required under Section IV of the Countryside and Rights of Way Act 2000. Public consultation on the reviews was scheduled to take place across the summer/autumn 2018 with endorsement by the AONB Partnership's respectively and final approval from the statutory consultees, Natural England before adoption by East Devon District Council and confirmation with Defra.

There was a discussion concerning the public consultation reaching residents in rural areas who did not have access to the places this would be usually advertised, in order to gain greater public engagement.

**RESOLVED:**

that the public consultation on the review of the East Devon and Blackdown Hills AONB Management Plans be agreed.

**REASON:**

Under Part IV of the Countryside and Rights of Way (CROW) Act 2000 the relevant local authorities were required to review the AONB Management Plans (sometimes referred to as a Management Strategy) for the East Devon and Blackdown Hills AONBs, at intervals of not more than 5 years. The review for the 2014 - 19 Plans need to be completed by April 2019. The Council with other local authorities had authorised East Devon and the Blackdown Hills AONB Partnerships to review the AONB Management Plans on their behalf.

**\*35 Monthly Performance reports – May 2018**

The report set out performance information for the 2017/18 financial year for May 2018 was supplied to allow Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

There were two indicators showing excellent performance:

- Days taken to process changes to Housing Benefit claims
- Percentage of Non-domestic Rates collected

There were three performance indicator showing as concern for the month of May.

1. Percentage of planning appeal decisions allowed against the authority's decision to refuse - five appeal decisions received this month and four of those appeals were dismissed.
2. Days taken to process new Housing Benefit claims - Performance always dips around annual billing due to the increased volume of work.

3. Working days lost due to sickness absence – there had been an increase in absence in the first quarter primarily due to ill health related to operations and surgery. Given the age profile of the organisation this was to be expected; however, absence would be continually monitored proactively to ensure that all absences were managed carefully by the line manager with support from HR.

**RESOLVED:**

that the progress and proposed improvement action for performance measures for the 2017/18 financial year for May 2018 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.

**\*36 Feniton Neighbourhood Plan to be formally 'made'**

The Feniton Neighbourhood Plan had passed referendum and must be formally 'made' in order to form part of the development plan.

**RESOLVED:**

1. that the Feniton Neighbourhood Plan is 'made' so it forms part of the development plan,
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 Feniton 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.

**\*37 Rockbeare Neighbourhood Plan Examiner's Report**

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

**RESOLVED:**

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

\*38 **The Ottery St Mary & West Hill Neighbourhood Plan to be formally 'made'**

The Ottery St Mary & West Hill Neighbourhood Plan had passed referendum and must be formally 'made' in order to form part of the development plan.

**RESOLVED:**

1. that the Ottery St Mary & West Hill Neighbourhood Plan was 'made' so it formed part of the development plan,
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 Ottery St Mary & West Hill 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.

**Attendance list**

**Present:**

**Portfolio Holders:**

Ian Thomas	Leader
Phil Skinner	Deputy Leader / Economy
Iain Chubb	Transformation
Paul Diviani	Strategic Development
Jill Elson	Sustainable Homes and Communities
Marcus Hartnell	Deputy Portfolio Holder Environment
Geoff Pook	Asset Management
Tom Wright	Environment

**Cabinet apologies:**

Dean Barrow	Finance
Alan Dent	Corporate Services

**Non-Cabinet apologies:**

Pauline Stott  
Peter Burrows  
Mark Williamson  
Mike Allen  
Tim Dumper  
Ian Hall  
Steve Hall  
David Barratt  
Mike Howe  
Matt Booth  
Cherry Nicholas  
Steve Gazzard  
Roger Giles  
Colin Brown  
John O'Leary  
Helen Parr  
Paul Carter

**Also present (for some or all of the meeting)**

**Councillors:**

- Brian Bailey
- Bruce de Saram
- Geoff Jung
- Graham Godbeer
- Maddy Chapman
- Douglas Hull
- Susie Bond
- Cathy Gardner
- Marianne Rixson
- John Dyson
- John Humphreys

**Also present:**

**Officers:**

- Mark Williams, Chief Executive
- John Golding, Strategic Lead – Housing, Health and Environment
- Karen Jenkins, Strategic Lead – Organisational Development and Transformation
- Henry Gordon Lennox, Strategic Lead Governance and Licensing
- Chris Woodruff, Manager, East Devon AONB Partnership
- Tim Youngs, Manager, Blackdown Hills AONB Partnership
- Amanda Coombes, Democratic Services Officer

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

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 19 April 2018**

#### **Attendance list at end of document**

The meeting started at 6.00pm and ended at 8.04pm.

#### **\*41 Public speaking**

There were two members of the public who spoke prior to minute 43 Election report.

#### **\*42 Minutes**

The minutes of the Scrutiny Committee held on the 22 March 2018 were confirmed and signed as a true record, subject to the addition of Councillor Eleanor Rylance in attendance and with the inclusion of the following wording under minute 39 Exmouth Pavilion Car Park: Mr Salter questioned Councillor Longhurst on his relationship with the Pavilion and after hearing his replies concluded that as Councillor Longhurst had a contract with the Pavilion to rent on certain Sundays that meant he had a pecuniary interest in the car park. Councillor Longhurst left the meeting for the item as requested.

#### **\*43 Election report**

Prior to the item, the Chairman asked for Members to be respectful in their questioning and debate.

Mr Paul Arnott spoke about the report that the committee had received in July 2015, and the issues highlighted by an Electoral Commission, some of which he listed, issues that he stated were a breach. He felt that those issues were not explained in the July 2015 report and therefore had concerns that that report at this meeting would also have omissions. He was of the opinion that at least two Councillors were not properly elected and he suggested that the committee commission an independent enquiry into the matter.

Jacqueline Green felt that there was a breach of the Council's code of conduct in that section 1.2 of the report attempts to politicise statements and this was not permitted by that code. She made reference to a report by the late Jo Frith, outlining Jo's credentials and she spoke on her behalf to illustrate with an example when Jo Frith was a candidate. She told the committee that Jo's motives were of probity for every voter to be confident that their vote was dealt with correctly.

In response the returning officer highlighted the legal position and the difference between objective and subjective / biased assessments.

In presenting his report, the Returning Officer highlighted three issues:

- Nationally there has been a mixed response in the press on the move from householder to individual registration. He reported that in the District, individual registration had been very successful, with the public taking the opportunity to take personal responsibility for their vote. This did impact on resource, as the move to individual registration had increased the administration of maintaining the register and associated issues.
- Following the resolutions of the committee in July 2015, he had reported back to staff the resolution "that the Scrutiny Committee recognises the hard work of all staff involved in the running of the national and local elections on 7 May 2015" and that was appreciated by the team. That appreciation unfortunately only lasted for a couple of months;

- Seeking the views of Members on a centralised count arrangement. There were advantages to decentralised counts in that candidates would receive the results relatively swiftly after the close of poll, but it might be beneficial to hold a centralised count to address various issues, balanced against a longer wait for the poll result.

Discussion by Members on undertaking the count included:

- Appreciation of the work ethic of the staff involved in a count under difficult conditions;
- Current council chamber had space issues and could easily become crowded, particularly during multiple counts, which could make it difficult for the candidates themselves to easily observe the count taking place;
- Consider if a combination of Blackdown House and the Exmouth Pavilion would deliver the balance between the necessary space and ability to control;
- Comment that Blackdown House would be too small as a count venue
- Ensuring fresh counters, even if that meant the count taking place on subsequent days;
- Comment that observations made by Elizabeth Gorst of the Electoral Commission on providing guidance hadn't been undertaken; and there did not appear to be a consistent approach to undertaking recounts;

In response, the Returning Officer acknowledged that the inadequacies of the current Council Chamber were well known, and so a compromise had to be reached to undertake counts from that location. Using an example from Teignbridge District Council, the RO outlined the importance of ensuring that adequate IT was available in the count venue, which was far less of a risk when held at Council Offices where IT support was on hand. Exmouth Pavilion had been used in the past, but needed to be reviewed again as the internal structure may have changed. He assured the committee that fresh counters are always used the following day; and that there was pressure on the counters switching between two methods for counting – one for a single seat, and another for multiple seats – that can be difficult to adjust between and therefore may initially slow the process down.

The Returning Officer also confirmed that whilst a two or more centre count may be feasible for Town, Parish and District Elections, a centralised venue would have to be deployed for a Parliamentary Election – that election would take precedence. Holding the count in a Council owned venue for a parliamentary or county election permitted the RO to claim for hire of that venue as, effectively, additional income for the Council – hiring another venue would only be claiming for hire to then pay the owner of that venue.

The observations by Elizabeth Gorst of the Electoral Commission were discussed with count supervisors and used for training purposes. Not all the observations were shared by the supervisors.

Discussion by Members on staffing, covering the existing Electoral Registration Team, and staff used at polling stations and count venues, included:

- Concern about recruiting staff to polling stations;
- Considering if an increase in the fee paid to polling staff would help as an incentive to retain existing, and attract new, staff;
- Look to recruit apprentices in the electoral registration team;
- Look to pushing recruitment to bank and retired bank staff, because of their skills as tellers;
- Look to recruit local people to minimise travel time for them and help reduce the cost of covering those claims for travel;



- Remind agents and candidates again of the rules they should follow in dealing with election staff; intimidation is not acceptable;
- Use of the Customer Service Centre (CSC) to assist with workload of the electoral services team;
- Why the employment of casual staff needed review to ensure all legal responsibilities were being met.

In response, the Returning Officer reminded the committee of the extent of preparation for polling station staff before polling day, as well as the long day itself, including training, travel, and dealing with confrontation. That was why a collaborative approach by the political parties and others was essential to help minimise the stress on those staff. Polling staff fees could now be set by the RO (in past years this had been prescribed) and across Devon they had reached a consensus on that fee, balanced against the overall budget. Rates of pay had an effect on recruitment to a degree, but staff also have made clear that they look for an element of enjoyment in being part of the democratic process, which has been impaired in recent elections.

Apprentices had been employed in the electoral services team, but had now moved onto other jobs. Recruitment to the team to bring it to four staff members was underway. The other suggestions for recruitment were noted. Work was already underway in enabling the CSC to assist during busy periods of both canvass and elections. Casual staff employment was under review because of the requirement to include elements such as pension and holiday pay. This was difficult to reconcile for staff employed for one day per year.

In response to questions about printing of ballot papers, the Returning Officer outlined the difficulties in dealing with a parliamentary election where a small number of printers had the capacity to deal with printing high volumes – and therefore all ROs would be competing for those printers. He also outlined the steps taken to have local printer as a failsafe option that the team could call on if a problem arose. He also outlined the tight timescale between the close of nominations and the guidance to send out postal votes ten days before the election, and how changes to the register for postal votes are still ongoing up to the deadline of a final register for the election.

The Returning Officer confirmed that he took personal responsibility for any errors associated with elections consistent with his legal powers and the ability to challenge in the courts his declarations.

### **RECOMMENDED to Cabinet**

1. That the excellent and hard work of the RO, Electoral Services Team, and staff in place for polling stations, verification and counts, be acknowledged;
2. To consider additional budget provision to undertake recruitment of staff for polling stations;
3. To consider the use of a suitable venues that deliver the necessary space for the counts to be conducted;
4. To consider further integration of existing staff from the Council in helping to deliver electoral services during peak periods.

### **RESOLVED that**

1. The Scrutiny Committee endorses the recommendations of the Association of Electoral Administrators in their report of February 2018 and receives an update on progress against those recommendations in October 2018;
2. The Scrutiny Committee endorses the proposed increase in permanent staff in the Electoral Registration Team.

**\*44 Draft Annual Report of the Scrutiny Committee**

The committee considered the draft report. The Chairman thanked the Democratic Services Officer for preparing the draft on behalf of the committee.

**RESOLVED** that final version of the Annual Report be agreed by the Chairman and Vice Chairman before submission to Annual Council.

**\*45 Forward plan**

The forward plan was noted and progress on outstanding items given. Street trading was suggested as a topic, and would be added to the items to be scoped.

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

**Scrutiny Members present:**

Eleanor Rylance  
Cherry Nicholas  
Maddy Chapman  
Roger Giles  
Alan Dent  
Bill Nash  
Marianne Rixson  
Bruce de Saram  
Douglas Hull  
Val Ranger

**Other Members**

Geoff Jung  
Pauline Stott  
Megan Armstrong  
Rob Longhurst  
David Barratt  
Dawn Manley

**Officers present:**

Mark Williams, Returning Officer  
Anita Williams, Principal Solicitor & Deputy Monitoring Officer  
Debbie Meakin, Democratic Services Officer

**Apologies from Scrutiny Members:**

Dean Barrow  
Cathy Gardner  
Darryl Nicholas

**Apologies from Non – Scrutiny Members:**

Ian Thomas  
Jill Elson

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

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 7 June 2018**

#### **Attendance list at end of document**

The meeting started at 6.00pm and ended at 9.00pm.

#### **\*1 Public speaking**

There were no members of the public present.

#### **\*2 Minutes**

The minutes of the Scrutiny Committee held on the 19 April 2018 were confirmed and signed as a true record, subject to the inclusion of the following wording under minute 43 Election report: In response to a question about printing of electoral papers the Returning Officer confirmed that no printing is done in house now.

Prior to the next item, the Chairman welcomed committee members to the first meeting of the new Council year. He stated that committee had said goodbye to Councillors Douglas Hull, John O'Leary, Dean Barrow and Alan Dent and he wished to thank Councillor Dent for all of his hard work as the previous Vice Chair. The Scrutiny Committee also wished to record their thanks to Debbie Meakin from Democratic Services for all her help and advice over recent years. He now wished to welcome a new Vice Chair, Councillor Cherry Nicholas, and new members to the committee, Councillors Eileen Wragg, Brian Bailey, Stuart Hughes and Graham Godbeer. He emphasized the value of Scrutiny in Local Authorities as being a critical friend of Council and Cabinet, as outlined in the Communities for Local Government Committee Report to be considered later in the meeting. He went on to say that the report had underlined the fact that failings of the Mid Staffordshire NHS Trust in 2013 and Rotherham Council in 2015 had indicated the lack of effective challenge by local authority scrutiny committees.

#### **\*3 Declarations of interest**

Councillor Graham Godbeer, Minute 49; personal interest – Chairman of Area of Outstanding Natural Beauty (AONB) Conservation Board

#### **4 Tree Team update**

The Chairman introduced Charles Plowden as Strategic Lead for Countryside & Leisure, and David Colman as Senior Arboricultural Officer, and invited them to update the committee on progress since the Tree Task and Finish Forum (TAFF) report was produced in 2015.

Charles Plowden stated that the TAFF had been instrumental in providing support and focus for the Tree Team. Although work had increased rather than reduced, they were more effective in dealing with planning applications and giving advice, but still had workload pressures. He outlined that there have been a number of significant changes and improvements made in the last three years all driven through an ongoing systems thinking review process alongside the team continuing to deliver its front line service. The systems thinking process is still ongoing with the team meeting fortnightly to help manage the changes required from the review process and managing a busy daily workload. This approach, though somewhat drawn out, has helped the team to work through the priorities required for improving the efficiency and effectiveness of the way the team works.

The Chairman suggested going through the recommendations in the progress report and invited members to ask questions.

Recommendation 1 Relating to pre planning application meetings. Questions included:

- What was the block to resolving the issue – was it an issue of resources or needing to adapt ways of working in departments?
- Was Scrutiny Committee in a position to assist with unblocking the issues?
- Who enforced conditions in a planning application?

Members expressed surprise that Recommendation 1 had not been implemented after three years but were informed that there had been dialogue between Development Management and Countryside over this period in seeking to get a more streamlined approach to pre-application. It was a reflection of capacity in the Development Management Department, and the volume of applications which had made it difficult to put the changes in place. However it was acknowledged that pre application advice is the preferred route for the majority of planning applications in due course. Members suggested inviting the Service Lead and Development Manager to a future Scrutiny meeting to discuss the plans for putting in a pre-application advice process and the timelines for this work.

Recommendation 2 relating to national guidance. Questions included:

- What national guidance is EDDC considering?
- What is the number of trees felled by EDDC?
- What is the response from EDDC to an application to trim a tree?
- Do Streetscene have to consult with the tree team before taking any action?
- What is the role of local councils?
- Is there a pre application charge for advice and would it be likely to deter people asking for advice?

In response, members were informed that EDDC does not cut down a lot of trees, as the role of the Council is to look to protect and conserve its tree stock through a managed programme of tree maintenance. The tree officer responsible for Council owned trees will consider a number of factors, such as the assessment of a tree's amenity value compared to the likely cost of undertaking work to keep the tree maintained. Once that assessment has been undertaken a recommendation is passed to the Streetscene operational team to undertake works recommended. Countryside and Streetscene teams work closely together and are reviewing working practices and any tree management policies that are not fully aligned. There was a collective pre application advice charge collected by Development Management. This applies only to pre application advice given for Development Management applications. There is no charge for pre application advice for TPO and Conservation Area applications. Councillor De Saram suggested that an officer from Streetscene be invited to a future meeting to discuss the work of the Streetscene tree operations and how they are managing and maintaining the Council's tree stock.

Recommendation 3 Relating to information provided on the EDDC website relating to arboriculture. This has been implemented.

Recommendation 4 Relating to Tree Protection Order (TPO) systems. This has been implemented.

Recommendation 5 Relating to EDDC developing a Tree Enforcement Policy. Questions or comments included:

- A tree enforcement policy is vital to include the screening of new developments and screening of planting. The use of Parish clerks in this process may be helpful.
- Does Development Management support the Tree Team in dealing with enforcement actions?
- The current level of fines imposed in enforcement actions does not deter tree felling.

- Is it possible to give local councils one week's notice of work being planned by contractors, to prevent breaches occurring of a deliberate or accidental nature?
- What happens in the case of trees being on the land of another council, such as Devon County Council (DCC)?

Councils are considered to be responsible landlords and it is not usually felt necessary to apply TPOs to trees on either the Councils' own land or that of another Council.

- In response, members were informed that a large proportion of requests for enforcement actions are not supported due to lack of resources or it not being considered to be in the public interest. Officers confirmed that the Forum had met recently and been made aware of the changes in the way the Tree team is working and that they were positive about the new on line facilities and plans for the future.

On the matter of fines, breaches can be referred to higher courts which could impose higher fines than in the magistrates court, particularly if 'material gain' was involved in the felling of a tree.

Officers stated that implementation of conditions in dealing with a breach was very difficult, and can only happen once the breach has occurred, that is, after the event.

Another approach to ensuring that enforcement occurs would be to have a greater resource within the Enforcement team that would enable more capacity to take action and prosecute where there were breaches of law. The function of enforcement lies within Development Management and so any additional resource would need to bolster this team and not within the Tree Team. The issue of trees being on the land of another council does not preclude EDDC being able to take enforcement action for breaches, although they are not likely to be TPO trees.

Recommendation 6 Relating to Neighbourhood Planning.

Officers stated that the systems thinking review work has identified that greater engagement with our local communities is key to improving the protection, understanding and management of the district's tree stock as there is not enough Council "resource" available to do it alone.

Councillor De Saram confirmed that he was now the Lead Councillor for Neighbourhood Plans at EDDC since the changes agreed at Annual Council.

Recommendation 7 Relating to protection of trees following site development. Comments included:

Tree protection was required during the development of a site and not just following it, since too many accidental breaches seemed to occur.

Officers reported that this is a significant piece of work to undertake and one that has been identified by the Tree Service as a priority area going forward once the majority of the TAFF recommendations are in place and additional capacity is put into the team.

A number of novel ways to secure compliance on development sites are being investigated, which include securing landscape and tree protection bonds. If development deviates from approved plans there would then be scope for retaining part of the bond, for EDDC to implement landscaping or mitigate for damage to retained trees. Tree protection conditions now also routinely require the applicant to commission their own site monitoring.

Recommendation 8 Relating to data capture across the district. The service is content with progress on this recommendation.

Recommendation 9 Relating to arrangements for Councils with Quality Status. There was discussion about the potential for altering the way TPO applications are dealt with. Currently

with (former) Quality Councils the tree team have to pass the applications to the (former) QC's. This adds time and work into the process as the Parish Council usually agrees with the Tree Officer's report. It was discussed that removing this might save time. Cllr Barratt commented that Sidmouth TC did not deviate from the Tree Officer's advice.

It was considered that no progress had been made on this.

Recommendation 10 Relating to the development of a Tree Strategy for EDDC.

Officers reported that a Tree Strategy is the top priority for the Tree Team because it would rationalise all the issues discussed and outcomes to be achieved.

Recommendation 11 Relating to public awareness of trees and their value within the environment. Questions and comments included:

- Councillor Godbeer expressed surprise that there was no mention of AONB throughout the document, since 66% of East Devon fell within AONB. Officers confirmed that both AONBs are actively engaged in tree related issues such as impacts of Ash dieback, sustainable woodland management, woodland products etc and are an important partner in helping to raise the profile of the importance of the district's trees within the landscape.
- What was the number of trees in East Devon affected by ash dieback? Officers confirmed that there was a tree population of millions in the district with ash trees being approximately 20% of that population. The district had the largest ash population within Devon and the impact of the disease will be considerable on the landscape.
- Was there ongoing liaison between the Tree Team and the Tree Contractor Forum? Officers confirmed that the Forum had met recently and been made aware of the changes in the way the Tree team is working and that they were positive about the new on line facilities and plans for the future.

The Chairman thanked Charles Plowden and the Tree Team for their report and attendance at the meeting.

#### **RECOMMENDED to Council**

1. Scrutiny Committee are concerned that a large proportion of requests for enforcement actions from the Tree Team are not agreed and accordingly recommend that Council allocates greater resources to the enforcement team to improve the number of enforcement actions implemented.

#### **RECOMMENDED to Cabinet**

2. That greater liaison is encouraged between the Development Management Team, Legal Team and the Tree Team in order to implement improvements through the systems thinking process, including pre application processes and enforcement actions.
3. That the Development Management and Legal Teams (with technical support from the Tree Team) investigate effective ways to monitor the future protection of trees when sites are developed, including the securing of landscape and tree protection bonds, to secure compliance and ensure enforcement actions are implemented.

**RESOLVED that**

1. The Scrutiny Committee invite Service Leads from Development Management and Streetscene, and the Conservation Officer to a future meeting to discuss how they will implement the outstanding recommendations agreed by the TAFF in 2015.

**5 Effectiveness of local authority overview and scrutiny committees**

The Chairman stated that he saw no advantage in waiting until new guidance is published by the Government later this year.

Anita Williams as Legal Advisor, pointed out that within the Terms of Reference for Scrutiny Committee within the EDDC constitution, the committee already has powers to go to Council if they wish to do so. To specify that it wishes only to go to Council would effectively reduce the opportunities for the committee to refer items since Council meets less frequently than Cabinet.

Clarification was given that this meeting was only concerned with Scrutiny Committee and not Overview.

The committee considered the report.

In relation to Recommendation 1a) the committee wanted the constitution to be clarified to the effect that most recommendations would go to Full Council unless there is a matter of such urgency that the Committee would decide that the next meeting of Cabinet is more appropriate. This was agreed unanimously.

In relation to Recommendation 1b) the committee agreed unanimously that members of Cabinet should only participate by invitation of the committee, making the distinction between participation and attendance.

In relation to Recommendation 1c) the committee considered that they already had access to information they required.

In relation to Recommendation 1d) the committee was content that the Democratic Services Manager supported their work and that a Legal Advisor would be present in a Politically Exempt Role.

In relation to Recommendation 1e) the committee discussed ways in which the public and service users could play a role in the scrutiny process and how to encourage this. Providing notice to the public that items were going to be discussed in advance was put forward, as was the need to explore how IT could be used to support meetings if they were not held at the Knowle or in a council venue with equipment available. This recommendation was endorsed by the Chairman and agreed by a majority.

In relation to Recommendation 2, the committee did not express a view.

In relation to Recommendation 3, the committee was advised by the Legal Advisor that the council does not record the time taken to perform specific functions, and agreed to move on from this item.

In relation to Recommendation 4, the committee was advised that the role referred to in the CLG committee report would be like a Statutory Monitoring Officer role more applicable within a County Council structure, or a dedicated independent role at senior management team level. Given the discussion above in relation to recommendation 1d) the committee did not express a view.

In relation to Recommendation 5, the committee decided not to express a view.

In relation to Recommendation 6, the committee discussed the principle of being able to require rather than invite the attendance of other organisations providing services to local residents. This recommendation was endorsed.

The issue was raised in relation to how Scrutiny could be involved when councils are tendering contracts with external bodies which could include requirements to ensure transparency and accountability.

The Legal Advisor advised that this would be an issue for Overview Committee at a negotiation stage, and if a problem arises it would then become a Scrutiny issue. Councillor Godbeer confirmed that Overview would look into this and associated issues of how to make commercial companies accountable. It was discussed that it would be very difficult commercially to include a requirement in all contracts that contractors agreed to be subject to attending the Council's Scrutiny Committee. There is more interaction with regard to the larger contracts, such as the Waste Contract where contractors are experienced municipal suppliers but small suppliers are likely to resist.

**RECOMMENDED** to Cabinet

1. That the constitution should be amended to the effect that recommendations would be referred from Scrutiny Committee to Full Council unless there is a matter of such urgency that the Scrutiny Committee decides that the next meeting of Cabinet is more appropriate.
2. That the constitution be amended to the effect that members of Cabinet should only participate by invitation of the committee, making the distinction between participation and attendance.

**RESOLVED** that the committee explore ways in which the public and service users could play a role in the scrutiny process and how to encourage this through such mechanisms as giving notice of items in advance and using IT solutions.

- \*6 **Quarterly monitoring of performance – 4<sup>th</sup> quarter 2017/18 January to March 2018**  
Karen Jenkins, Strategic Lead for Organisational Development and Transformation gave a [presentation](#) for this item.

After the presentation discussion included the following points;

- The snapshot with headline statistics is very useful to take to Parish Councils.
- Unfortunately, Town & Parish Councils rarely have the equipment to show presentations.
- Councillor Nicholas confirmed that she would be taking on the role of looking at the Performance Monitoring reports in advance of Scrutiny meetings in future, and she outlined a number of concerns at present. For example, the term, 'On Track' did not seem to have a useful meaning without a start or end date indicated.
- Stating that 93% of invoices were paid in 10 days raises a number of queries about how many invoices this related to, how much money was involved, what was the value of the outstanding 7% and the reasons for non-payment.

In response, Karen Jenkins referred to the existing system used by EDDC, SPAR, which was very inflexible but would be replaced. An IT project to facilitate this was scheduled to commence in March 2019.

The Chairman suggested at 8.40pm that further discussion on this item be deferred to the next meeting.



**\*7 Forward plan**

The forward plan was discussed.

It was proposed that members consider requesting reports from Portfolio Holders and inviting them to attend meetings of the Committee throughout the year.

It was also suggested that given that there are a number of Service Plans, Committee could schedule a review of the plans with their associated budgets in advance of the Joint Budget meeting with Overview in January 2019, when there was always too much information to consider in one meeting. In this way, members could become familiar with budgets related to specific services well in advance of the meeting to consider the overall council budget. Members were also invited to suggest items for the Forward Plan alongside issues which may be referred from Cabinet or elsewhere.

Suggestions from members for topics for the Plan included the following;

- Charges for Fly tipping
- Broadband issues
- Community Asset Transfer – this will be picked up at Asset Management Forum on 14 June, with consideration being given to the development of a Policy within the next 6 months
- How health Authorities engage with EDDC and Local Planning Authorities – Councillor Ranger is to send information about a specific issue to the Deputy Monitoring Officer.
- Street trading was suggested as a topic, and would be added to the items to be scoped.

The Chairman reminded members that before items go on the agenda they needed to be scoped which needed the involvement of members and not just left with officers.

An update on the Elections Report was to be scheduled for October.

**RESOLVED** that the committee would ask the Democratic Services Manager to draft a paper with proposals for facilitating a review of EDDC service plans by both Scrutiny and Overview Committees, separately at meetings throughout the year but in parallel to reflect their respective perspectives on the same functional areas, in advance of the Joint Budget meeting in January 2019. Consideration to be given to the requirement for officer representation at such meetings and how the committee findings would be brought together.

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

**Scrutiny Members present:**

Brian Bailey  
Bruce De Saram  
Cathy Gardner  
Roger Giles  
Graham Godbeer  
Stuart Hughes  
Bill Nash  
Cherry Nicholas  
Val Ranger  
Eileen Wragg

**Other Members**

David Barratt  
Alan Dent  
Jill Elson  
Tom Wright

**Officers present:**

David Colman, Senior Arboricultural Officer  
Sue Howl, Democratic Services Manager  
Karen Jenkins, Strategic Lead – Organisational Development & Transformation  
Charles Plowden, Service Lead – Countryside & Leisure  
Tabitha Whitcombe, Democratic Services Officer  
Anita Williams, Principal Solicitor & Deputy Monitoring Officer

**Apologies from Scrutiny Members:**

Maddy Chapman  
Simon Grundy  
Darryl Nicholas  
Marianne Rixson  
Eleanor Rylance

**Apologies from Non – Scrutiny Members:**

Mike Allen  
Geoff Jung  
Pauline Stott  
Ian Thomas

**Apologies from Officers:**

Henry Gordon-Lennox – Strategic Lead - Governance & Licensing

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

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 5 July 2018**

#### **Attendance list at end of document**

The meeting started at 6.00pm and ended at 8.28pm.

#### **\*8 Public speaking**

There were no members of the public present.

#### **\*9 Minutes**

The minutes of the Scrutiny Committee held on the 7 June 2018 were confirmed and signed as a true record.

#### **\*10 Declarations of interest**

Councillor Graham Godbeer, Minute 13; personal interest – Chairman of Overview Committee

Councillor Maddy Chapman, Minute 11; personal interest – Lead Councillor, Environmental Health

#### **11 Information Paper on the food safety service provided by the Commercial Premises Team of Environmental Health**

The Chairman welcomed Allison Ferrero and Andrew Ennis who introduced the report. They spoke about the Commercial Premises Team and the work it is engaged in. Andrew referred to the Food Hygiene Rating Scheme as being the game changer to bring to the attention of the Committee. 800 local businesses have a score of 5, the top score, and work hard to keep it. Consumers should always expect to see scores of 5 and question why an establishment does not, before using it.

Cllr Gardner outlined her specific reasons for requesting this item, and referred to an article in the Guardian newspaper in February about meat. Accordingly, she was interested in the food businesses further back in the supply chain rather than just frontline establishments such as restaurants, and also in the numbers of producers who were sampled.

Officers confirmed that elements of the food chain such as abattoirs and cutting plants were covered by the Food Standards Agency. Sampling of approved premises including producers took place every month and there were few problems locally. EDDC staff visited most businesses to assess for risk every 12-18 months and there had been no reduction in the volume of sampling over recent months. Officers were aware of needing to have a greater focus on higher risk establishments, such as in businesses dealing with picked crab, for example.

Discussion arising from the report included the following;

- There were issues about products which were pre-packed in supermarkets, such as lobster.
- Whether EDDC officers had contact with urban farms where children were encouraged to touch animals – most of these have eating establishments attached, so there were issues of contact and controls.
- In response EDDC do have contact with such establishments eg Crealy and Farm Open Days locally, all of which fell under the Food Standards Agency umbrella of Animal Handling and Visitor Attractions. EDDC contact these establishments and work with farms.
- Whether it was compulsory to test food establishments, to which the response was that all food establishments need to be inspected, but it does not cost EDDC to do so based on the current system of sample credits which is in operation.

- Whether it should be a legal requirement to display Food Hygiene Ratings rather than be a voluntary choice. The response was that in the officers' view it should be a legal requirement and this is the case across the UK with the exception of England currently.
- What are the available powers of redress against businesses who perform really badly, to which the response was that there are a number of actions which can be taken, including education, voluntary closure, seizing food, forced closures, serving of improvement notices. Reasons for closure can include active rat infestations in a kitchen; sewerage in a kitchen; staff being inadequately trained and a number of structural reasons. A closure will need to go through a magistrates court and be reported in the press.
- The last forced closure was two years ago and is rare. Temporary voluntary closures have occurred within the last six months but most businesses close, clean up and invite Environmental Health Officers back within two days to inspect them again so that they are able to re-open quickly.
- Whether EDDC is adequately resourced to do this work. The team spend more time with bad businesses.
- The recent hot weather does not affect the work of the team because food premises are required to be clean at all times, and there is also a short inspection cycle for bad businesses.
- There are no charges for inspections as part of the routine cycle. Establishments are charged for a re-inspection visit following a bad scoring. Establishments are keen to increase their scores and need to pay the re-rating charge.
- Training courses are targeted at establishments with low scores, in expectation of increasing their score and being able to publish it.
- Whether there was under reporting of food poisoning. Officers considered that there was a lot of under reporting of infectious diseases, but the majority of food poisoning incidents appear to be home generated rather than originating in establishments open to the public.
- The Food Standards Agency do a lot to tackle food poisoning at home, via such mechanisms as specific campaigns during the barbecue season. EDDC officers will also visit community groups to discuss these issues if asked.
- In relation to liaison with Health Authorities (HAs), there is an agreement that some infectious diseases will automatically be reported to Local Authorities by the HAs, and those reporting to GPs will be recorded and translated into statistical trends. EDDC work closely with Health Protection England.
- In terms of businesses which pose the most risk to the public, officers confirmed that it depended upon the size of the business (volume of customers, types of food handled) and levels of compliance relating to the management of the business.
- Establishments are not notified in advance of inspections and they are unannounced. Officers have power of entry.
- In terms of the EDDC team, two officers retired and were not replaced, so the team could not operate as it does currently with any fewer staff. More technical or sampling officers would enable them to visit the poorer establishments and possibly offer training to food businesses on a fee charged basis.
- Compared to other Devon District Authorities, EDDC has managed to keep most of its staff whilst others are not in this position and are unable to visit as many lower risk establishments as a result.
- Officers confirmed that it was hard to recruit young adequately qualified people for Environmental Health roles.

- It was noted that one of the most popular elements of the 'Takeover Challenge Day' run by EDDC for primary schools was the role play in a dirty kitchen hosted by Environmental Health.

**RECOMMENDED** to Cabinet

1. That Cabinet raise the issue through the LGA to press government for it to be a legal requirement for food businesses and eating establishments to display certificates and food hygiene rating scores.
2. That;
  - a) the current staffing levels of the Commercial Premises Team are maintained in order to protect residents and visitors, and
  - b) in recognition that the team could carry out more beneficial work with increased staffing, give consideration to whether the staffing establishment should be increased.
3. That the Commercial Premises Team be encouraged to continue their educational work with food businesses involved in high risk areas such as the handling of crab products, in order to protect the public.

**RESOLVED that**

4. The Scrutiny Committee encourage the Commercial Premises Team to request that the rolling screens at GP surgeries include messages about health and food hygiene at home, at their regular meetings with Public Health England.
5. The Scrutiny Committee wish to thank Allison Ferrero, Andrew Ennis and John Golding for their attendance and acknowledge the excellent work carried out by the team.

**\*12 Quarterly monitoring of performance – 4<sup>th</sup> quarter 2017/18 January to March 2018**

This item had been deferred from the last meeting when Karen Jenkins, Strategic Lead for Organisational Development and Transformation had given a [presentation](#) for this item.

Cllr Cherry Nicholas had raised a question following the meeting relating to the Performance Monitoring report, specifically Council priority 2 – Developing an outstanding local economy, and had received a response from the Income and Payments team which indicated the high amounts of money involved and reasons why 100% targets were difficult to achieve.

Henry Gordon-Lennox, Strategic Lead for Governance & Licensing, confirmed that there were a variety of reasons behind this, such as failure of delivery by suppliers which was difficult to control, as well as internal control issues, and regular reports and reminders are published to assist officers in ensuring they act promptly. The Senior Management Team (SMT) were given full details on areas causing concern.

Cllr Ranger asked for clarification about the situation with the Beach Safety Officer, which will be provided outside the meeting.

Cllr Ranger also asked about the reason for an increase in the number of level 2 complaints. Henry Gordon-Lennox explained that Cabinet received a report every year about complaints to the Ombudsman, and were due to report soon for the last year. He had instigated a management report about causes for concern which could be presented to Scrutiny and Cabinet, but pointed out that the number of complaints were a reflection of what happened in a particular year and didn't necessarily reflect a trend in more complaints generally.

Cllr Rylance asked where she could find the information about missed bin collections and John Golding, Strategic Lead for Housing, Health & Environment, confirmed that it is available data collected by Suez and would be provided outside the meeting.

Cllr Rylance asked about FOI requests made to the council and if an analysis had been done in relation to the types of request and how much officer time was utilised in responding.

Henry Gordon-Lennox confirmed that there were many repeat requests for information about issues such as car parking, burials, which officers were trying to respond to by putting information on the website in order to reduce this demand. There was also potential abuse of the system by people using this process for commercial purposes, the main increase being in relation to land charge requests.

Cllr De Saram and Cllr Chapman asked about vehicle checks and the recruitment of another officer within the Licensing Team. Henry Gordon-Lennox confirmed that an officer had been recruited and commenced work on Monday 2 July, but that the Street Trading work was bedding in well.

Cllr Gardner expressed concern in the rise in numbers of homeless people. Cllr Elson stated that Housing were about to employ an officer to deal with this, and John Golding confirmed that this situation had been reported to both Cabinet and Housing Review Board recently.

In relation to the Feniton Flood Alleviation Scheme, John Golding confirmed that they were still awaiting for permission to proceed and that EDDC had no control over this matter.

### **\*13 Review of Service Plans and associated budgets (part of the Forward Plan)**

At the request of the last committee meeting, the Democratic Services Manager had drafted a paper with proposals for facilitating a review of current EDDC service plans by both Scrutiny and Overview Committees, separately at meetings throughout the year but in parallel to reflect their respective perspectives on the same functional areas, in advance of the Joint Budget meeting in January 2019. She introduced the paper containing options for a way forward and reference to the discussion which took place at the Budget Working Group which met on 28 June.

The Chairman brought the committee's attention to the section on options, and discussion included the following points;

- Members were not in favour of having joint meetings. Separate meetings allowed them to be more focused and prepared in relation to their particular remit, and the committees had been separated for the reason that they had different roles and perspectives
- Daytime sessions would allow more time for debate but would mean that members who were working would be unlikely to be able to attend
- Overview committee could review the system via Portfolio Holders in their recently enhanced role in relation to council services, rather than requiring officers to attend a lot of meetings
- Reviewing Service Plans would be difficult to do without officers present and was a massive piece of work for both members and officers alike. Timing was also an issue in order to schedule a review in advance of budget setting.
- How plans get developed and what is included is critical, with objectives being defined effectively. Discussion at SMT was underway and had acknowledged the need for objectives to be smarter.
- The role for Scrutiny lies in looking at Section 3 key service objectives which have either been achieved or are on track to be delivered at the point of review to identify areas for improvement, but this has budgetary implications.
- Agreement that the Joint Overview and Scrutiny Budget meeting in January was not currently fit for purpose and members needed to understand the two processes of budget setting aligned to service planning much earlier.
- That Portfolio Holders and Service Leads should be present to support and work with Overview and Scrutiny Committees

After discussion the Chairman asked for members to refer to section 5.1 of the report and agree an order to reviewing the Service Plans, suggesting that Scrutiny commence with Environmental Health and Car Parks and prepare to trial a process which may need to be modified. This was agreed.

Henry Gordon-Lennox suggested that a meeting of the Chair of Scrutiny and Karen Jenkins prior to commencing a review would be helpful in deciding which specific aspects of service delivery they wish to scrutinise, by selecting from the Key Service Objectives section of the 2018/19 Service plans, with particular attention on those objectives that have been achieved.

The Chairman then referred members to the options outlined in section 5.5 of the report and asked them to express their preference.

Members expressed their preference for option 5.5a) but without necessarily involving Overview Committee members, and requested that further work be done on making arrangements for this to happen.

As a point of clarification, Cllr Gardner expressed a view that members would not expect to have big presentations from officers, on the basis that they would have familiarised themselves with service plans before undertaking a review and then ask officers to be available to answer questions. Portfolio Holders could also attend these sessions.

The Chairman then referred to the recommendations on agenda page 58.

**RESOLVED that;**

Members agree to review existing service plans ahead of the formal budget setting process, and specifically to receive presentations on existing service plans at the next four meetings of Scrutiny committee prior to February 2019.

**RECOMMENDED to Cabinet**

that a review of the budget setting process is carried out to reflect good practice elsewhere, enable wider member engagement and to help towards delivering a budget which meets members aspirations in future years.

Other items on the Forward Plan were then discussed.

Ed Freeman had confirmed that he would attend the next meeting on 6 September to respond to issues raised by the Tree Team.

Members asked if issues could be raised in advance of his attendance at the meeting such as contact between Health Authorities and EDDC as the Planning Authority; about complaints surrounding the impact of development works on neighbouring areas, and about the situation currently regarding a Section 106 officer.

Fly tipping was already on the Forward Plan and work would be done by officers and members on this.

Cllr Rylance requested that an item be included on STRATA service delivery which received support from other members.

The Chairman expressed disappointment in the lack of a response from Cllr Andrew Leadbetter and it was suggested that the Cabinet Member for Adult Social care & Health Services at Devon County Council be invited to attend Scrutiny Committee again. John Golding confirmed that District Councils were to have more of a role in well-being issues, particularly in relation to prevention.

Cllr Gardner requested that the Committee write to Karen Jenkins to re-iterate the previously expressed view in relation to press releases and the involvement of ward councillors beforehand. The response would be circulated to members before deciding whether further actions were required.

Cllr Gardner requested that Committee invite the Police & Crime Commissioner and Chief Constable back to give members an update on increasing anti-social behavior and vandalism, and the reducing visibility of police officers.

The Chairman reminded members that before items go on the agenda they needed to be scoped which needed the involvement of members and not just left with officers.

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

Brian Bailey  
Maddy Chapman  
Bruce De Saram  
Cathy Gardner  
Roger Giles  
Graham Godbeer  
Cherry Nicholas  
Val Ranger  
Marianne Rixson  
Eleanor Rylance

**Other Members**

John Dyson  
Jill Elson  
Peter Faithfull  
Ian Thomas

**Officers present:**

Henry Gordon-Lennox, Strategic Lead – Governance & Licensing  
John Golding, Strategic Lead – Housing, Health & Environment  
Allison Ferrero, Principal Environmental Health Officer  
Andrew Ennis, Service Lead, Environmental Health & Car Parks  
Sue Howl, Democratic Services Manager

**Apologies from Scrutiny Members:**

Simon Grundy  
Stuart Hughes  
Bill Nash  
Darryl Nicholas  
Eileen Wragg

**Apologies from Non – Scrutiny Members:**

Alan Dent  
Tom Wright

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



## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Overview Committee held at Knowle, Sidmouth on 31 May 2018**

#### **Attendance list at end of document**

The meeting started at 6.00pm and ended at 7.35pm.

#### **\*1 Public speaking**

There were no public speakers at the meeting.

#### **\*2 Minute confirmation**

The minutes of the Overview Committee held on the 13 March 2018, were confirmed as a true record.

#### **\*3 Declarations of interest**

Councillor Steve Hall

Minute \*3

Disclosable Personal Interest – Chairman of Licensing & Enforcement Committee

Councillor Graham Godbeer

Minute \*4

Disclosable Personal Interest – Chairman of East Devon AONB

Councillor Tim Dumper

Minute \*4

Disclosable Personal Interest – member of Transition Exmouth

#### **\*4 Business Development and Events planning on Council land**

The Strategic Lead for Housing, Health and Environment set out his case for an Events Strategy and a new post of Business Development and Events Officer.

The proposal has come forward as part of the Transformation Strategy to deliver increased income generation to fund council services. The proposed Events Strategy gives a clear purpose, direction and ambitions to maximise the potential of some of the Council's assets.

The report set out the work already achieved by services of the Council in delivering events, highlights being the Exmouth Big Wheel, Surf Championships, and an outdoor cinema and theatre. There have also been a number of successful events held on the Council's nature reserves, the Manor Pavilion Theatre and the Thelma Hulbert Gallery.

The proposed new post would provide the expertise on a commercial footing to coordinate with other service interests and liaise with event organisers. The expectation was that the post would quickly become self-funding and progress to providing an income to the Council.

The committee discussed the proposal, including:

- Possibility of creating £100k in additional income to the Council;
- The risks were considered to be quite low and the initial investment required quite modest;
- Opportunity to assist business in East Devon;
- Need to look at East Devon as a whole and where each event would be held;

- The need to attract a younger demographic to events in the district;
- Question over the potential profit margins contained in the report;
- Importance of having a third party partner for arranging larger events on Council land;
- East Devon had some significant assets that needed to be better used to create an income stream for the Council;
- Adopt a cautious approach building on what we have already established would be a good approach, particularly to avoid any potential reputational damage;
- Need for a detailed business plan in due course;
- Emphasise the importance of liaising with the Licensing Service when arranging any events;
- The events business could be developed over a number of years at a pace the authority was comfortable with and using an approach that avoided any damage to our reputation by offering a careful explanation of our motives;
- Post required a different skill set and there was the need to provide some additional capacity to realise the full potential from the project;
- Concerns about the level of work expected in the responsibilities and activities of the Business Development, Marketing & Events Officer;
- This was an excellent initiative for East Devon to put in place a person from outside with a professional budget to manage it.

- RECOMMENDED 1. that Cabinet approve the outline Events Strategy, and the recruitment of a Business Development & Events Officer to deliver the ambitions contained in the strategy;**
- 2. that the proposal go back to SMT to discuss where the Business Development & Events Officer would sit within the Council and the duration of Events and report back to a future meeting of the committee.**

## **\*5 Overview forward plan**

Councillor Rob Longhurst put forward a suggestion based on his drafted motion to Council, set out below:

### **East Devon seeks a 100% conversion to Renewable Energy by 2030**

That this Council orders a feasibility study, a cost benefit analysis and a final report, by suitably qualified consultants into the conversion of the whole of East Devon to 100% Renewable Energy (RE100). (This is to be strictly a fact-finding study with proposals and not a commitment by the Council to a full project). Special consideration must be given to AONB.

The study to be detailed and then overseen by the Overview Committee with a final report to be presented to Cabinet by the end of 2018.

- The move to RE100 is inevitable both economically and environmentally
- East Devon has an enviable record in waste management to the benefit of the Environment
- The initiative dovetails with the EDDC “Outstanding” strategic objectives
- The initiative supports the local Economy objectives since East Devon has one of the World’s Leading suppliers of Solar Lighting who manufacture in East Devon and export worldwide

- East Devon could be at the forefront of RE100 and derive income as a provider of services to other Councils
- Government grants are currently freely available as seed corn to this type of initiative.

The committee discussed the scale and extent of the work needed to deliver the study, cost analysis and final report requested. During discussions, the following points were noted:

- Possibility of asking town/parish councils to see what they wanted to do about introducing renewable energy in their parish;
- Government tariffs for renewable energy had reduced significantly in recent years;
- EDDC had plans for PV panels on the roof of Blackdown House and new council houses had a number of renewable energy measures added to their build;
- The Solar Range company was based in Whimble and would be happy to come to talk to the committee;
- Planning policies could reduce the possibilities of wind turbines in some areas;
- Possibility of adding solar panels to council housing properties when the roofs needed replacing.

- RESOLVED 1. that Richard Cohen or Andy Wood be requested to attend a meeting of the Overview Committee to talk about what they have been doing and what could be done regarding the use of Renewable Energy and achieving energy independence I the Growth Point;**
- 2. that Councillor Rob Longhurst be requested to ask Renewable First to attend a meeting of the Committee to discuss Renewable Energy;**
- 3. that the following additional items be added to the Forward Plan: Flat Pack Housing, Help with Seeking Grants, Exmouth Barrage.**

**Attendance list**

**Councillors Present:**

Graham Godbeer (Chairman)  
Ian Hall (Vice Chairman)  
Matt Booth  
Tim Dumper  
Mark Evans-Martin  
Peter Faithfull  
Steve Hall  
Douglas Hull  
Rob Longhurst

**Councillors Also Present:**

David Barratt  
Bruce de Saram  
John Dyson  
Jill Elson  
Pauline Stott  
Ian Thomas  
Tom Wright

**Officers**

John Golding, Strategic Lead for Housing, Health and Environment  
Anita Williams, Principal Solicitor and Deputy Monitoring Officer  
Chris Lane, Democratic Services Officer

**Councillor Apologies:**

- Dean Barrow
- Chris Pepper
- Mark Williamson

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

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Housing Review Board held at Exmouth Town Hall, Exmouth on 21 June 2018**

#### **Attendance list at end of document**

The meeting started at 2.30pm and ended at 4.50pm.

#### **\*1 Public speaking**

Councillor Steve Gazzard declared a personal interest as a council tenant. He then raised the issue of the method of payment for tenants to pay their rent. The previous rent book had been replaced by a card, which he reported was causing some tenants problems when paying with the card at the post office. He asked whether the change from rent book to card had ever been consulted with tenants and formally agreed through the committee decision making process.

The Rental Manager explained that the cards had to be implemented quickly as the computer software running the rent books was no longer supported by the IT system, as there was no longer anyone in Strata that could run the interface. It was not possible to put the tenants' rent payment information on the cards as these were produced by an outside company, which raised data protection issues, and the rent amount changed annually.

Officers reported that they were not aware of any problems in terms of tenants paying their rents, as rental income performance remained very high, and would be interested to know of the specific issues experienced by tenants paying rent via the Post Office. The Strategic Lead – Housing, Health and Environment apologised that the Board had not been informed of the change and agreed to bring a report to the next Board meeting to explain the rationale and process behind the change.

**RESOLVED:** that a report explaining the rationale and process behind changing some tenants from rent books to cards be brought to the next meeting of the Housing Review Board.

#### **\*2 Appointment of vice-chairman**

The Chairman welcomed all those present to the meeting and invited everyone to introduce themselves.

Nominations for Vice Chairman were received for co-opted tenant member Peter Sullivan.

**RESOLVED:** that tenant representative Peter Sullivan be appointed Vice Chairman of the Board for the ensuing year.

#### **\*3 Minutes**

The minutes of the Housing Review Board meeting held on 8 March 2018 were confirmed and signed as a true record.

#### **\*4 Declarations of Interest**

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

Peter Sullivan: Personal interest – housing tenant.

**\*5 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.

During the meeting the following items were added to the forward plan:

- Explanation of the change from the use of rent books to rent cards.
- Update report on the integrated asset management procurement exercise.
- Further implications from the Grenfell Tower fire enquiry,
- Modular homes in East Devon.

**RESOLVED:** that the forward plan be noted and updated.

**\*6 Tenant Scrutiny Panel report – scrutinising community centres**

Sylvia Martin, tenant representative of the Tenant Scrutiny Panel (TSP) presented the TSP report reviewing the recommendations of scrutinising community centres. The previous review and report had found that community centres had largely been neglected and looked sad, outdated and unwelcoming. Upon review the TSP found a vast improvement, with evidence of efficient management and good organisation. Upcoming events were well advertised and there was an improvement in the use of the premises.

A continuing problem was with the cleaning of the community centres, particularly after events, as cleaning was done on a timetable which did not necessarily always coincide with bookings. It was hoped that the profile of the community centres could continue to be raised as there was a common misconception that they were only available to council tenants.

In conclusion the report made the following recommendations:

1. Make a 5 year plan for the refurbishment and modernisation of community centres a matter of urgency.
2. Make the financial statement easier to comprehend with more detail on individual centres, including utility usage.
3. Clarify the contractual cleaning responsibilities of StreetScene and their implementation.

The TSP thanked and congratulated all the officers that they had worked with on the project for their contribution and support. On behalf of the Board the Chairman thanked the TSP for their fantastic work.

**RESOLVED:** that the Tenant Scrutiny Panel report and its recommendations be noted.

**\*7 Homelessness in East Devon**

The Board received the Strategic Lead – Housing, Health and Environment's report which had been presented to Cabinet in June. The report highlighted the challenges EDDC were facing with rising levels of homelessness and securing temporary accommodation and long term affordable housing for homeless households. This had implications on the Housing Revenue Account and was therefore important for the Board to be aware of.

East Devon had experienced an increase in homelessness consistent with national trends, and an extended set of statutory duties to tackle homelessness. Homelessness had always been a priority for the Council and had been managed through prevention, timely advice

and assistance, early intervention, resulting in relatively low numbers of homeless cases and the minimal use of temporary accommodation.

There had been an increase in homeless approaches, more complex cases and a reduction in available accommodation, resulting in a build-up of homeless cases in temporary accommodation. This did not appear to be a seasonal or short-term variation, and when the impact of the Homelessness Reduction Act 2017 and welfare benefits reductions was factored in, there was a need to plan for a continuation of this trend. A careful review of the Homelessness Strategy was also needed.

It was noted that it was costing more to provide temporary accommodation and the budget had increased significantly. There was a shortfall between the amount the benefits system would pay and the actual cost of providing accommodation. However the Council had a statutory duty to meet any overspend resulting from the implementation of homelessness duties. It was essential that good value for money was achieved and to optimise subsidy claims when securing temporary accommodation. There was a need to ensure a greater supply of temporary accommodation available, to expand the rent deposit and bond scheme to get more people into the private rented sector and try to create more shared houses.

Concern was expressed that other agencies were not providing enough support and that a whole review of help and support was needed. East Devon were frequently being asked to provide not just a property, but one 'with help', with no additional support available to offer to people with a greater complexity of needs. For example, for people coming out of prison and hospital discharges. It was noted that the housing officers met with other agencies when there were particular crisis's with individuals, but other agencies tended to refer to EDDC rather than help with solving the issues. There needed to be an awareness with other partner agencies that EDDC was struggling with its duty. In particular it was felt that housing associations could do more to house homeless applicants.

The Strategic Lead – Housing, Health and Environment's report proposed (and Cabinet had agreed) to the creation of a temporary or homeless accommodation officer post to support households in temporary accommodation and source new temporary accommodation for homeless households.

The Strategic Lead – Housing, Health and Environment was congratulated for his excellent report and the housing service was thanked for all the work they undertook.

**RESOLVED:** that the report on Homelessness in East Devon and the recommendations approved by Cabinet be noted.

**\*8 Housing and safeguarding report to Devon Safeguarding Adults Board**

The Strategic Lead – Housing, Health and Environment presented to the HRB a report he had produced for the Devon Safeguarding Adults Board on housing and safeguarding. He wanted EDDC to be seen as an exemplar in terms of good practice.

It was noted that safeguarding was the core responsibility and business for a housing provider. There was a lot of good practice amongst housing providers, but there was still room for improvement. Safeguarding for adults was a relatively new responsibility for social housing providers and there was still a lot of learning. This also involved good leadership at a senior level, and good training at all levels, including with partners and contractors.

On behalf of the Board the Chairman thanked the Strategic Lead – Housing, Health and Environment for his report.

**RESOLVED:** that the report to the Devon Safeguarding Adults Board be noted by the Housing Review Board.

**\*9 Rental exchange scheme**

The Landlord Services Manager's report updated the Housing Review Board on the effects of the General Data Protection (GDPR) on the Rental Exchange Scheme.

It was reported that under the new GDPR regulations it was unfair to expect tenants to opt out of the scheme and that Experian were unable to offer a suitable opt in scheme.

**RECOMMENDED:** that Cabinet approve that no further (previously agreed) action be taken towards implementation of the Rental Exchange Scheme.

**\*10 Integrated asset management procurement update**

The Board considered the report of the Property and Asset Manager, which updated members on the progress of the integrated asset management procurement process, which was still on track with the timetable.

A three stage procurement process was being used:

- Standard Selection Questionnaire (SQQ)
- Invitation to Submit Initial Tender (ISIT)
- Negotiation stage leading to an Invitation to Submit a Final Tender (ISFT)

A bidders day took place on 28 February 2018, with representatives from seven companies attending. Expressions of interest were received from 21 different companies, with seven bidders submitting their SQQ by the deadline. A successful ISIT bidders day was held on 25 April. Subsequently, one of the incumbent providers announced that they would be withdrawing from the process as they felt the new model did not fit in with their future business plans. The six remaining bidders submitted their ISIT responses by the deadline with the three highest scoring bids moving through to the final stage of evaluation.

The negotiation stage began on 11 June and consisted of an initial one day of negotiations with each bidder. Bidders would then be asked to submit their final tender (ISFT), incorporating any adjustments that had arisen during the negotiation phase. Officers had attended the Tenant Involvement Forum to ensure that tenants were kept informed of progress and thanked those tenants that had been involved to date. Members wanting further information relating to the procurement between HRB meetings were invited to contact the Property and Asset Manager directly with any queries or concerns.

It was noted that additional support had been required from procurement consultants, echelon, and that therefore the procurement costs had increased, but this additional investment was worthwhile and vital to ensure the most suitable partner to work with over the next 10 years was selected.

**RESOLVED:** that progress made by officers in relation to the procurement of the new integrated asset management contract be noted by the Housing Review Board.



**\*11 Void property – 4 Camperdown Terrace, Exmouth**

The Housing Enabling and Allocations Manager's report sought a decision on how to deal with the void process of a council property when taking into consideration possible Exmouth regeneration aspirations.

4 Camperdown Terrace was a three bedroom detached house standing in large grounds. The property was in a poor condition and required almost complete refurbishment, since becoming vacant at the end of October 2017. The property/grounds had always been considered as having the potential to unlock further redevelopment of that part of Exmouth, including demolition and building of affordable homes. Since the property had become vacant officers had been looking into various options: treat as a standard void and rent to a family, to convert into a shared house for single people, or demolish and develop for council housing.

The options outlined in the report for the property were:

**Option 1** – Make secure and leave the property empty.

**Option 2** - Demolish and leave the site redundant for years whilst waiting for any possible regeneration works to commence. This was likely to cost circa £26,000 plus vat. Plus additional costs to fence off the site.

**Option 3** – The housing department / housing company to develop the site independently of any future plans to regenerate this area, this could be to the serious detriment of any future regeneration redevelopment opportunities in this area.

**Option 4** – To convert into a shared house for three single people. Conversion costs around £1,200 - £1,800 m2. Estimated area of 90m2 at an average figure of £1,500 m2 = approx. £135,000.

**Option 5** - To commit approximately £40,000 and rent it to families under a licence or flexible tenancy agreement. This may only be for five years, but maybe longer. If the potential arose to redevelop the site in conjunction with any regeneration proposal this could then be fully considered without the implications of a standard tenancy being in place. Weekly rent £90.07 = £4,683 per annum over five years = £23,418 less costs for void periods, rent loss and management and maintenance costs. Bed and Breakfast / temporary accommodation costs for a three bedroom property is on average £250 per week, £12,000 per annum with a potential saving to the council over five years of around £52,000.

**RECOMMENDED:** that Cabinet agree to the progression of option 5 – to agree an appropriate level of funding from the HRA to complete necessary works to make the void property habitable, whilst taking into consideration the potential regeneration plans for Exmouth.

**\*12 Financial monitoring report – HRA draft accounts 2017/18**

The Strategic Lead – Housing, Health and Environment presented the Housing Accountant's report which provided the Board with an extract from the draft statement of accounts for 2017/18 for items relating to the Housing Revenue Account (HRA). The HRA showed the main areas of anticipated income and expenditure on landlord activities for the year. Producing a HRA had been a statutory requirement for Councils who manage and own their own stock for some time, and therefore a key document for the Board to influence.

The 2017/18 budget was set to achieve a surplus of £0.522m. The final position gave a surplus for the year of £0.801m. This leads to an increase in the HRA balance of £0.662m.

The adopted range for the HRA balance was £2.1m to £3.1, which leaves the HRA £0.801m above the adopted range and it was recommended to members that this sum be transferred to the Future Housing Development Fund.

The main variants in the outturn position were set out in the report and noted.

**RECOMMENDED:** that Cabinet agree the recommendation within the narrative report from the Strategic Lead Finance to add the £0.8m in year surplus to the New Housing Development Fund.

**RESOLVED:** that the extract report from the 2017/18 Statement of Accounts relating to the Housing Revenue Account be noted.

**\*13 Modular homes in social housing**

The Board had previously expressed an interest in learning more about the potential for using modular homes as part of the Council's response to housing need. The Property and Asset Manager presented her report, which raised awareness of this alternative form of housing supply. Modular housing was factory-produced housing, which was fabricated off site, then completed once put into position.

The advantages of modular construction were:

- speed of building
- cost
- efficient use of space
- construction quality

However, there were many issues to be taken into account when considering modular housing for the social housing sector, with much to be learnt from studying the experiences of other providers.

The Chairman commented that it was interesting to know the approaches that other housing providers in the country took with regard to modular homes. There were small parcels of land available in the district and acquisition opportunities available to consider. It was suggested that modular homes be added to the list of housing considerations, particularly in view of the need for urgent accommodation in the district. It was noted that the Overview Committee had also been investigating the provision of modular homes.

**RESOLVED:** that the modular homes be added to the forward plan and a provider of modular housing be invited to a future meeting of the Housing Review Board.

**\*14 Dame Judith Hackitt's final report**

Dame Judith Hackitt's final report on her review of Building Regulations and Fire Safety, following the Grenfell Tower tragedy, was brought to the Board's attention. It acted as a reminder to EDDC as a housing authority and responsible landlord of its responsibility for fire safety in its buildings.

The Compliance Surveyor outlined a number of fire safety actions being taken by EDDC to keep tenants safe. She advised that all tenants and leaseholders would be written to and offered guidance. It was suggested that the fire safety checks to be undertaken by a specialist consultant be video recorded and shown to the Board in a future meeting

The Hackitt review showed that in too many cases people who should be accountable for fire safety had failed in their duties. In future, the Government would ensure that those

responsible for a building must demonstrate that they have taken decisive action to reduce building safety risks and would be held to account.

**RESOLVED:** that Dame Judith Hackitt's final report be noted by the Board.

**\*15 Request for exemption to contract standing orders – extension to Homemaker contract**

The Board considered the Rental Manager's report, which asked them to recommend to Cabinet the approval for Landlord Services to request an exemption to contract standing orders so that the Homemaker support contract, which came to an end in March 2018, could be extended. This would allow the time needed to prepare for a tender of the service in a years' time. This would mean that residents would not be put at risk by having nothing in place in the meantime. The exemption would give transparency to the decision and involve members in the decision making.

Homemaker was a non-profit organisation who had been providing support services to EDDC's Housing department since 2010. The primary purpose of Homemaker was to prevent homelessness and promote independence. They offered specialist advice and support to individuals and families who may be at risk of losing their home. They also offered support to people who may be moving into new accommodation and living independently for the first time.

**RECOMMENDED:** that Cabinet extend the Homemaker contract, which ended in 2018.

**\*16 Dates of the forthcoming Housing Review Board meetings**

The Board noted the dates of the HRB meetings for the forthcoming civic year:  
Thursday 20 September 2018 – 2:30pm, Council Chamber, Exmouth Town Hall  
Thursday 22 November 2018 – 2:30pm, Council Chamber, Exmouth Town Hall  
Thursday 24 January 2019 – 2:30pm, Council Chamber, Exmouth Town Hall  
Thursday 28 March 2019 – 2:30pm, Council Chamber, Exmouth Town Hall

The Chairman suggested that a tour of some of the housing estates, community centres, garages and parking issues across the district be arranged for the Housing Review Board, preferably in September 2018.

**RESOLVED:** that a housing tour be arranged for members of the Housing Review Board.

**Attendance list**

**Present:**

Cllr Pauline Stott (Chairman)  
Cllr Megan Armstrong  
Cllr John O'Leary  
Cllr Helen Parr  
Cllr Brenda Taylor

**Co-opted tenant members:**

Mike Berridge  
Peter Sullivan

**Officers:**

Michelle Davidson, Compliance Surveyor  
Danielle Furzey, Housing Options Manager  
Amy Gilbert, Property and Asset Manager

John Golding, Strategic Lead - Housing, Health and Environment  
Andi Loosemoore, Rental Manager  
Paul Lowe, Housing Enabling and Allocations Manager  
Alethea Thompson, Democratic Services Officer  
Debbie Wills, Rental Officer

**Also present:**

Cllr Jill Elson, Portfolio Holder – Sustainable Homes and Communities  
Cllr Brian Bailey  
Cllr Alan Dent  
Sylvia Martin, tenant  
Alek Williams, tenant

**Apologies:**

Cllr Tom Wright  
Cllr David Barratt  
Sue Saunders, tenant representative  
Heather Salter, tenant  
Julie Bingham, independent community representative  
Sue Bewes, Landlord Services Manager  
Giles Salter, Solicitor  
Rob Ward, Housing Accountant

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

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a meeting of the Strategic Planning Committee held at Knowle, Sidmouth on 24 April 2018**

#### **Attendance list at end of document**

The meeting started at 2:00pm and ended at 4.37pm.

#### **\*37 Public speaking**

The Chairman welcomed everyone present to the meeting. There were no members of the public present who wished to address the Committee.

#### **\*38 Minutes**

The minutes of the Strategic Planning Committee meeting held on 20 March 2018 were confirmed and signed as a true record.

#### **\*39 Declarations of interest**

Councillor Geoff Pook – minute 40, 41 and 43 – personal interest – involved in the construction industry

#### **\*40 Consultation on Proposed Changes to the National Planning Policy Framework**

The report presented to the committee outlined a proposed response, by this Council, to the consultation document: National Planning Policy Framework: consultation proposals. A response has been drafted for each of the consultation questions, as set out in the on-line form. The consultation closes on Thursday 10 May 2018. There have been an array of changes proposed to the National planning Policy. Key points for the Council to consider were:

- Encouragement of partnerships in planning and the creation of joint strategic plans;
- A greater emphasis on viability testing of sites at allocation stage through plan making to minimise issues at application stage and the introduction of greater public transparency of viability assessments at the application stage;
- Determining housing needs through a standard methodology calculated by government with a requirement on Council's to set out the size, type and tenure of homes required to meet the identified need in the local plan, as well as designating levels of housing growth in neighbourhood plan areas;
- To set a minimum affordable housing requirement on any given major development site at a minimum of 10% of homes to be available for affordable home ownership, as well as a change in the definition of affordable housing including starter homes and rent to buy products;
- Bringing in Vacant Building Credit into formal policy. This will give it greater weight than at present, which subsequently requires local planning authorities to apply the Vacant Building Credit to all land where vacant buildings are being reused or redeveloped.
- Changes to the housing delivery test which sets out the proportion of housing the district need to provide under the national calculator; with at least 20% of these sites being designated as small sites to encourage smaller building companies;
- The relaxation of the term sustainable development in rural areas;
- The push for increasingly efficient use of land in town centres with the introduction of higher densities than in existing development.

Discussion covered:

- The welcomed change to statutory and non-statutory consultees; there is still a need to engage with the NHS and CCG in future planning;
- Issue of affordable housing and building balanced communities; 10% of affordable housing on any given development needs to be the minimum value; alterations to the definition of affordable housing with regard to their sale value compared to market value;
- Lack of supportive housing;
- Concerns around the increase in community density and high rise building; the need to be numerically specific regarding density per hectare; although some members raised the need for higher densities to support vibrant high streets and towns;
- Issues with housing delivery as it is beyond the control of the Council; developers need to be held accountable when they do not build schemes out;
- The welcomed relaxation to sustainable development in rural areas;
- The consideration of land value in the pre-application stage;
- Concerns over the joint assessment of housing needs between the four neighbouring districts; members highlighted the possible negative impact on this Council and the need for individual assessments;
- Concerns over the weighting of Neighbourhood Plans in planning decisions. In response, the committee were advised that Neighbourhood Plans do hold a material consideration;
- Issue of time taken for Parish and Town Councils to produce Neighbourhood Plans due to the lengthy process; to consider changing the revision date for Neighbourhood Plans from two years to five years with only amendments;
- Concerns of whether Areas of Outstanding Natural Beauty (AONB) will still be covered within the NPPF. In response, the committee were advised that AONB sites are still covered within the NPPF, as well as in the Local Plan;
- Concerns of whether the evidence for the Greater Exeter Strategic Plan (GESP) will be out of date before it is submitted. In response, the committee were advised that before the GESP is submitted the older evidence and reports will undergo a refresh where necessary. This is common practice;
- Members sought a clarification of the definition of a Major Development. In response, the committee were advised that Major Developments are those that had 10 dwellings or more, or covered 1000 square metres;
- Issue of sequential tests of Cranbrook Town Centre and the distance to larger retail parks on the outskirts of Exeter. In response, the committee were advised that the requirements in the NPPF for sequential and impact tests are not limited by administrative boundaries and so developers in Exeter must still consider sites in East Devon when undertaking their assessments ;

**RESOLVED: that the submission of the proposed response to the Government consultation on the National Planning Policy Framework: consultation proposals be endorsed.**

- \*41 Consultation on Proposed Government Reform to Developers Contributions**  
The report outlined a proposed response, by this Council, to the consultation document: Supporting housing delivery through developer contributions – Reforming developer contributions to affordable housing and infrastructure. A response has been drafted for each of the consultation questions, as set out in the on-line form.

Key points were highlighted as:

- Simplifying the CIL contributions process by relaxing the evidence and engagement requirements;
- The removal of S106 pooling restrictions which will allow developers to deliver infrastructure tied to specific developments;
- Allowing CIL to be set based on the existing use of land which will allow the capture of value uplift from granted planning permission;
- Removes the requirement of the Regulation 123 list and makes it more about infrastructure funding statements which enables greater flexibility in how money is spent;
- Introduction of the Strategic Infrastructure Tariff which enables cross boundary CIL use. This could be utilised through the GESP and the delivery of infrastructure.

Discussion covered:

- Clarification on the changes in CIL to allow developments such as Cranbrook to come out of CIL and be dealt with under Section 106 agreements. In response, the committee were advised that the changes mean that rather than key infrastructure such as schools being delivered by this Council using CIL; the developer, at key trigger points, would deliver the school during the development. Delivering infrastructure this way is more cost effective, efficient and ensures developments are not stalled waiting for us to deliver infrastructure.;
- The provision of medical facilities should be within S106 agreements;
- Clarification on where capital can be spent depending on whether it comes from CIL or S106 agreements. In response, the committee were advised that capital from CIL can be spent on infrastructure anywhere in the district whereas capital from S106 agreements can only be spent on infrastructure for that specific development;

**RESOLVED: that the submission of the proposed response to the Government consultation on 'reform to developer's contribution' as set out in this report be endorsed.**

**\*42 Update on Timetable to Produce the Greater Exeter Strategic Plan**

The report provided the committee with an update on the timetable for production of the Greater Exeter Strategic Plan. The consultation on the draft plan is now scheduled for June 2019, with the adoption of the plan to be expected in December 2021.

In discussion, debate included:

- Concern that the advisory reference forum has not met for nearly a year with very little information since. In response, the committee were advised that the GESP is still in its infancy and there is a need to first understand the capacities of the four local authorities involved with regards to housing, transport, employment, health and other infrastructures.
- Issue of waiting for the revision of this Council's Local Plan to incorporate the GESP. In response, the committee were advised that the Local Plan had not been adopted until 2016 which gives a revision date of 2021. This is in keeping with the adoption of the GESP. The Planning Teams have anticipated this and

are currently working on evidence gathering and tracking issues with the current Local Plan. Before the Local Plan is updated, the Council needs clarity of the GESP.

- Concern over member involvement in the GESP. In response, the committee were advised that the Chief Executive has been pushing for member involvement in robust debate at the Principal Officers Group; with the outcome of consideration being given to engaging with members and communities of all four local authorities as part of production of the project plan.
- This Council agreed to staff the GESP and with the delay comes the need for their contractual extension.

**RESOLVED: that the revised timetable for production of the Greater Exeter Strategic Plan be noted.**

**\*43 Housing Optional Technical Standards**

The report presented to the committee outlined the national system of optional technical housing standards introduced by the Government relating to accessibility and adaptability, water use and internal space. The accompanying briefing paper contextualised and identified issues in East Devon relating to these standards, and options for addressing them.

It was highlighted that following concerns from Councillors and a recommendation from Cabinet, the costing and timing of introducing internal space standards has been assessed. An analysis of the size of new homes (based on total floor area only) in 12 developments permitted over the last few years has been undertaken within Cranbrook and the wider district. Of the dwellings assessed at Cranbrook, 26% were of a size that met the nationally described standards. Elsewhere in East Devon, 35% of new dwellings met the national standards. Furthermore, of those houses that have been built, a proportion are of a size that is significantly above the national standard however, there is a proportion that are below the national standard by up to 25%.

Discussion covered:

- Issue over the lack of concern for water efficiency standards by this Council and other relevant organisations; with the changing climate comes hotter summers and water shortages. Members highlighted that East Devon has a 'moderate' stress on water supply. However, grey water reuse can be implemented in houses but it comes down to occupier behaviour which is not something planning policy can cover;
- Issue with the current lack of garden space in newer developments;
- There is a fine balance between housing needs and housing numbers;
- The need to have high design standards of houses;
- The need for accessible and adaptable homes for an ageing population in East Devon; Strategy 36 in the Local Plan needs to be examined with regards to its wording to make it more robust. In response, the committee were advised that the inspector changed the wording of Strategy 36 from 'must' to 'should' to show how the strategy is intended to be applied, which is a more discretionary.
- The inspection of housing quality and the need for an independent inspectorate.

**RESOLVED:**

- 1. that the accompanying briefing paper relating to Housing: Optional Technical Standards be considered;**



2. that further work is undertaken to consider including the nationally described space standard in the Cranbrook Plan Development Plan Document, including collecting further evidence on need and viability be agreed;
3. that the nationally described space standard can only be applied in the rest of East Devon (outside Cranbrook) through a revision of the Local Plan or through the Greater Exeter Strategic plan be noted.
4. that officers are encouraged to pay special regard to Strategy 36 and to seek to ensure its application wherever possible.

**Attendance list**

**Committee Members:**

Councillors:

Phil Twiss - Chairman

Graham Godbeer – Vice Chairman

Mike Allen

Colin Brown

Mike Howe

Philip Skinner

Mark Williamson

Jill Elson

Rob Longhurst

Geoff Jung

Geoff Pook

Brenda Taylor

Ian Hall

Susie Bond

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

Councillors:

David Barratt

Paul Diviani

Ian Thomas

Peter Faithfull

Alan Dent

Roger Giles

Brian Bailey

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

Mark Williams, Chief Executive

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

Ed Freeman, Service Lead – Planning Strategy and Development Management

Chris Rose, Development Manager

Tabitha Whitcombe, Democratic Services Officer

**Apologies:**

Councillors

Andrew Moulding

John Dyson

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

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a meeting of the Strategic Planning Committee held at Knowle, Sidmouth on 26 June 2018**

#### **Attendance list at end of document**

The meeting started at 9am and ended at 10.10am.

#### **\*1 Public speaking**

The Chairman welcomed everyone present to the meeting. There were no members of the public present who wished to address the Committee.

#### **\*2 Minutes**

The minutes of the Strategic Planning Committee meeting held on 24 April 2018 were confirmed and signed as a true record.

In response to a question from Cllr Jung regarding minute 42, the Service Lead for Planning Strategy and Development Management advised the committee that a series of meetings for the Advisory Reference Forum would begin in September 2018 and run to the summer of 2019.

In response to a question from Cllr Bond regarding minute 42, the Chief Executive advised the committee that members of the Principal Officers Group and the Growth and Development Board met last week. There are no substantial updates at present, only that there is a need to work with Exeter City Council to promote the desirability of development in the city. Exeter City Council will be undertaking a branding campaign to promote this and it is key to the progression of the GESP outside of the city.

#### **\*3 Declarations of interest**

None

#### **4 East Devon Villages Plan – Inspector’s Report and Proposed Plan Adoption**

The report presented to the committee outlined the Inspector’s final report into the East Devon Villages Plan (EDVP). This concludes that, with the ‘main modifications’ (MM) set out in an Appendix to the report, the plan meets the legal requirements and is ‘sound’.

The Villages Plan has been prepared in line with the East Devon Local Plan, which set out that it would define development boundaries around certain villages, include any policies that may be applicable for villages and prepare inset maps for Greendale and Hill Barton Business Parks.

Since the adoption of the Local Plan, several rounds of consultation have been undertaken to guide the development of the Villages Plan and it was formally submitted for consideration by the Secretary of State on 28 June 2017. The Inspector held formal hearing sessions in November 2017 and a consultation on proposed modifications ended on 2 February 2018. The Inspector considered all comments that were submitted during this consultation period. However, paragraph 36 of the Inspector’s report highlights that amendments to the two main modifications relating to the policies for Greendale Business Park and Hill Barton Business Park, as suggested by this committee, were not adopted.

**RESOLVED:** that the receipt of the final report from the Planning Inspector be noted.

**RECOMMENDED that Council:**

1. approve the incorporation of the proposed main modifications into the Villages Plan,
2. approve the minor changes to detailed wording of the Sidbury Chapter and the Greendale inset map be incorporated into the Villages Plan,
3. adopt the Villages Plan on 26<sup>th</sup> July 2018.

**\*5 New Local Development Scheme for East Devon**

The report presented to the committee introduced the new Local Development Scheme (LDS), which sets out a programme and timetable for production of future planning policy documents. The previous LDS dates from July 2017 and requires an update.

The LDS advises of production of four Development Plan Documents (DPDs) which comprise the Villages Plan, Cranbrook Plan, Gypsy and Traveller Plan and the Greater Exeter Strategic Plan.

There are a number of Supplementary Planning Policy Documents set out in the report. However, the Council is restricted in progressing a select few ahead of the GESP. A project plan for the GESP is being created which includes engaging with the Strategic Planning Committee.

Discussion covered:

- The need to include the development of supported housing due to current pressure on sheltered housing. In response, the committee were advised that there is a draft scoping document that has been sent to key housing officers for review. As part of the review of the draft scope, officer's will consider how to address issues of delivering affordable sheltered housing.
- The need to work with other partners involved in the Greater Exeter Strategic Plan (GESP) on self-build. In response, the committee were advised that communications have taken place with the Right to Build Task Force which is a body currently working with Teignbridge District Council on Self Build. The Service Lead for Planning Strategy and Development Management advised that this Council is already working in partnership with the Right to Build Task Force in the Cranbrook area. As part of the commission the task force are to make a presentation to Members on self and custom build and how the council could help to bring forward sites.
- Concerns around viability issues and the lack of affordable housing development. In response, the committee were advised that the Government are finally acknowledging these issues and the fundamental problem of high land value. The Service Lead for Planning Strategy and Development Management also advised that changes in the National Planning Policy Framework (NPPF) could mean that viability assessments would be undertaken much earlier in the application process.
- Concerns that high value single property developments (self build houses) are exempt from the Community Infrastructure Levy; this needs to be addressed.
- Concerns over the imminent changes to the NPPF and whether this allows enough time for possible changes to be made to the East Devon Local Plan. In

response, the committee were advised that transitional arrangements would be made if the East Devon Local Plan needed be altered although it is unlikely that the changes would lead to the plan being out of conformity with the NPPF.

- Clarification on whether Supplementary Planning Guidance (SPG) documents automatically become Supplementary Planning Documents (SPD), whether there are any undergoing this process and the weighting that they hold. In response, the committee were advised that an SPG will not automatically become a SPD. The lack of current resources will not allow for older SPGs to be translated into SPDs however, they are still endorsed and hold a weight in decision making.
- Concerns that the GESP is not going to incorporate small scale industrial sites. In response, the committee were advised that the GESP only looks at larger strategic sites and that the smaller scale industrial sites will be reviewed through the East Devon Local Plan Review which will follow the GESP.

**RESOLVED: that the new Local Development Scheme be approved with effect from 2 July 2018.**

**\*6 Updated Statement of Community Involvement (SCI)**

The report presented to the committee outlined the updated Statement of Community Involvement (SCI). The SCI is a document that Local Planning Authorities are required to produce, setting out how the Council will consult the local community and other interested parties on Planning Policy documents (including Local Plans, Supplementary Planning Documents and other guidance), Neighbourhood Plans and Planning Applications.

From 6 April 2018, local planning authorities must review Statements of Community Involvement at least once every five years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community. The last East Devon SCI was produced in 2013, at a time when major changes to the planning system were being introduced. Since then, further changes have occurred and it is timely to update it again.

From 31st July 2018, authorities are expected to set out in their Statement of Community Involvement how they will engage communities on the preliminary stages of plan making, specifically the survey stage and local development scheme.

The report also reflects the need for, and actively encourages, Developers to undertake consultation with Town and Parish Councils and the community prior to submission.

The Statement of Community Involvement will need to undergo a six-week consultation period before it is presented to this committee in September 2018.

Discussion covered:

- The need to ensure planning officers receive the updated ward boundaries to guarantee that ward members are consulted on relevant planning applications. In response, the committee were assured that the system will be updated.
- Whether businesses will be consulted directly regarding development. In response, the committee were advised that businesses are not specifically targeted but consultations would be advertised widely locally.

- It was noted that the section on Neighbourhood Plans and Neighbourhood Development Orders was very clear.
- Request for clarification on Neighbourhood Planning Orders. In response, the committee were advised that it is an involved process and requires an agreement with the relevant landowner. This will bypass the normal planning process.

**RESOLVED: that Members agree that the Statement of Community Involvement be updated and that consultation be undertaken to commence the process.**

**\*7 Planning Appeals Status Report**

The Service Lead – Strategic Planning and Development Management presented the report and provided an update on the current situation regarding planning appeal decisions and an overview of the results of planning appeals from 1 April 2017 to 31 March 2018. It was highlighted that the Council had achieved an appeal success rate close to the national average; the figures for the last twelve months represented a drop in the number of appeals dismissed when compared to the Council's performance over the past three years, where the success rate had been consistently above the national average.

The Service Lead – Strategic Planning and Development Management highlighted that although planning decisions taken on larger developments have been in tune with the Inspector's view, it has been identified that the Inspector is taking an increasingly flexible view on smaller infill developments and extensions. The Inspectorate is less concerned with these types of developments when historically they would have taken a more critical view. In response to this, a shift in approach is needed to ensure the right decisions are made whilst being mindful of public resources.

Discussion covered:

- The need to ensure Town and Parish Councils are kept informed of the trend in planning appeals and the Inspector's view. In response, the committee were advised that a possible Planning Newsletter could be put together and disseminated to Town and Parish Councils.
- Concern over the appeal relating to equestrian development. In response, the committee were advised that there was a miss communication between the Council and the Inspector regarding specifics of the application. Furthermore, the Council does not have a specific Equestrian Planning Policy, only a guidance document from the AONB team.

(Councillor Mike Howe left the chamber for this item)

**RESOLVED: that the Planning Appeals Status report be noted.**

**Attendance list**

**Committee Members:**

Councillors:

Paul Diviani - Chairman

Mike Allen – Vice Chairman

Susie Bond

Colin Brown

Jill Elson  
Graham Godbeer  
Ian Hall  
Mike Howe  
Geoff Jung  
Rob Longhurst  
Philip Skinner  
Mark Williamson

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

Councillors:  
David Barratt  
Alan Dent  
Bruce de Saram  
Tom Wright

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

Mark Williams, Chief Executive  
Ed Freeman, Service Lead – Planning Strategy and Development Management  
Chris Rose, Development Manager  
Shirley Shaw, Planning Barrister  
Tabitha Whitcombe, Democratic Services Officer

**Apologies:**

Councillors  
Stuart Hughes  
Geoff Pook  
Ian Thomas

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

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 1 May 2018**

#### **Attendance list at end of document**

The meeting started at 10.05am and ended at 1.15pm

#### **\*49 Minutes**

The minutes of the Development Management Committee meeting held on 3 April 2018 were confirmed and signed as a true record.

#### **\*50 Declarations of interest**

The Chairman noted, on behalf of all committee members, that they had been lobbied in respect of application 17/2850/MFUL.

Cllr David Barratt; 17/2850/MFUL; Personal interest; Sidmouth Town Councillor

Cllr Colin Brown; 17/1201/MFUL; Personal interest; train the Chef apprentices for River Cottage Ltd.

Cllr Colin Brown; 17/2850/MFUL; Personal interest; previously sold land to the applicant

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution, Cllr Bruce de Saram, Cllr Susie Bond, Cllr Mike Allen, Cllr Steve Gazzard, Cllr Paul Carter, Cllr Brian Bailey, Cllr David Key, Cllr Alan Dent, Cllr Mike Howe and Cllr Mark Williamson advised that they had been lobbied in respect of application 17/2473/MOUT.

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 that he was the Ward Member in respect of application 17/2319/FUL so the Vice Chairman chaired the item.

#### **\*51 Appeal statistics**

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

The Development Manager drew Members' attention to the appeal of application 17/1345/FUL which had been allowed as the Inspector felt that the impact on the amenity of adjoining occupiers was acceptable. The Development Manager drew Members' attention to the lodged appeal of application 17/1270/FUL which had been determined by the committee.

#### **\*52 Applications for Planning Permission and matters for determination**

##### **RESOLVED:**

that the applications before the Committee be determined as set out in Schedule 12 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  
Brain Bailey  
David Barratt  
Susie Bond  
Paul Carter  
Alan Dent  
Bruce de Saram  
Steve Gazzard  
Ben Ingham  
David Key  
Helen Parr  
Mark Williamson

Officers present for all or part of the meeting

Henry Gordon Lennox, Strategic Lead – Governance and Licensing  
Chris Rose, Development Manager  
Jeremy Ebdon, Principal Planning Officer (East)  
Janet Wallace, Principal Environmental Health Officer  
Tabitha Whitcombe, Democratic Services Officer

Also present for all or part of the meeting

Councillors:

Ian Chubb  
Geoff Jung  
Marianne Rixson  
Phil Twiss

**Apologies:**

Committee Members

Councillors

Peter Burrows

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



## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 5 June 2018**

#### **Attendance list at end of document**

The meeting started at 10.00am and ended at 3.10pm

#### **\*1 Minutes**

The minutes of the Development Management Committee meeting held on 1 May 2018 were confirmed and signed as a true record.

#### **\*2 Declarations of interest**

The Chairman noted, on behalf of all committee members, that East Devon District Council is the landowner of application 18/0376/MFUL.

Cllr Brian Bailey; 18/0376/MFUL; Personal interest; Exmouth Town Councillor

Cllr Paul Carter; 18/0309/FUL; Personal interest; Ottery St Mary Town Councillor

Cllr Geoff Jung; 18/0376/MFUL; Personal interest; attended meetings of the 'Save Exmouth Seafont' group

Cllr Geoff Jung; 18/0462/VAR and 18/0319/VAR; Personal interest; member of Lympstone Flood Alleviation Group

Cllr Mark Williamson; 18/0376/MFUL; Personal interest; Director of the Queen's Drive Exmouth Community Interest Company

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution Cllr Howe (on behalf of the Committee) advised of lobbying in respect of application 18/0376/MFUL and 18/0749/FUL.

Cllr Ben Ingham and Cllr Mike Howe advised that they had been lobbied in respect of applications 18/0462/VAR and 18/0319/VAR. Cllr Bruce de Saram, Cllr Jim Knight and Cllr David Key advised that they had been lobbied in respect of application 18/0394/VAR.

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution Cllr Mark Williamson withdrew from the debate and the vote with respect to application 18/0376/MFUL.

#### **\*3 Appeal statistics**

The Committee received and noted the report written by the Development Manager setting out appeals recently lodged and outlining the ten decisions notified of which – five had been dismissed, four had been allowed and one had been invalid.

The Development Manager drew Members' attention to the appeals of applications 17/2321/FUL, 17/1986/FUL and 17/1026/COU, which had been allowed and advised that the Inspectorate is becoming increasingly flexible and that for extensions to dwellings to be refused, the harm caused has to be severe before the Inspectorate will dismiss an appeal. The Development Manager drew Members' attention to the lodged appeal of application 15/2886/LBC, which had been invalid. The applicant submitted a listed building consent with a related planning application, however the Inspector concluded that the building was

not curtilage listed and therefore an application for listed building consent was not required; consequently making the appeal invalid.

In response to a question from Cllr Carter, the Development Manager clarified that the applicant of the invalid application submitted the listed building consent at the time of application, which was agreed by planning officers. However the Inspector felt that the building was not curtilage listed and as such made the appeal invalid. The Development Manager also clarified that the Inspectorate currently has a build-up of applications and that often a number of decisions are released together.

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

**RESOLVED:**

that the applications before the Committee be determined as set out in Schedule 1 2018/2019.

**Attendance list**

**Present:**

Committee Members present for all or part of the meeting

Councillors

Mike Howe (Chairman)

Colin Brown (Vice Chairman)

Mike Allen

Brain Bailey

David Barratt

Susie Bond

Peter Burrows

Paul Carter

Bruce de Saram

Ben Ingham

Geoff Jung

David Key

Jim Knight

Helen Parr

Mark Williamson

Officers present for all or part of the meeting

Richard Cohen, Deputy Chief Executive

Henry Gordon Lennox, Strategic Lead – Governance and Licensing

Chris Rose, Development Manager

Alison Hayward, Senior Manager – Regeneration and Economic Development

Linda Perry, Regeneration Officer

Stephen Sartain, West Team Enforcement Officer

Tabitha Whitcombe, Democratic Services Officer

Also present for all or part of the meeting

Councillors:

Megan Armstrong

Alan Dent

Paul Diviani

Peter Faithfull

Ian Hall

Rob Longhurst

Andrew Moulding

Pauline Stott

**Apologies:**  
Committee Members  
Councillors  
Steve Gazzard

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

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 3 July 2018**

#### **Attendance list at end of document**

The meeting started at 10am and ended at 12.20pm.

#### **\*5 Minutes**

The minutes of the Development Management Committee meeting held on 5 June 2018 were confirmed and signed as a true record.

#### **\*6 Declarations of interest**

Cllr David Barratt; 18/0607/FUL; Personal interest; Sidmouth Town Councillor  
Cllr Brian Bailey; 14/0330/MOUT; Personal interest; Exmouth Town Councillor  
Cllr Geoff Jung; 18/0520/FUL; Personal interest; Woodbury Parish Councillor  
Cllr Geoff Jung; 18/0760/COU; Personal interest; Woodbury Parish Councillor  
Cllr Steven Gazzard; 14/0330/MOUT; Personal interest; Exmouth Town Councillor  
Cllr Bruce de Saram; 14/0330/MOUT; Personal interest; Exmouth Town Councillor  
Cllr Paul Carter; 18/0520/FUL; Personal interest; acquaintance of the applicant  
Cllr Paul Carter; 18/0760/COU; Personal interest; applicant is a distant family member  
Cllr Mike Allen; 18/0760/COU; Personal interest; acquaintance of the applicant  
Cllr David Key; 18/0520/FUL; Personal interest; acquaintance of the applicant  
Cllr Mark Williamson; 14/0330/MOUT; 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 that he had been lobbied in respect of applications 14/0330/MOUT and 18/0520/FUL.

#### **\*7 Appeal statistics**

The Committee received and noted the report written by the Development Manager setting out appeals recently lodged and outlining the two decisions notified of which – both had been dismissed.

The Development Manager drew Members' attention to the appeal of application 17/1168/FUL which had been dismissed and advised that although the site was partly located within a green wedge, the appeal was dismissed on the basis of the lack of a suitable undertaking to secure habitat mitigation.

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

##### **RESOLVED:**

that the applications before the Committee be determined as set out in Schedule 2 2018/2019.

#### **Attendance list**

##### **Present:**

Committee Members present for all or part of the meeting

Councillors

Mike Howe (Chairman)

Colin Brown (Vice Chairman)  
Mike Allen  
Brain Bailey  
David Barratt  
Susie Bond  
Paul Carter  
Bruce de Saram  
Steve Gazzard  
Ben Ingham  
Geoff Jung  
David Key  
Mark Williamson

Officers present for all or part of the meeting

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

Also present for all or part of the meeting

Councillors:

Megan Armstrong  
Maddy Chapman  
Alan Dent  
Rob Longhurst  
Marianne Rixson

**Apologies:**

Committee Members

Councillors  
Peter Burrows  
Jim Knight  
Helen Parr

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

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Licensing & Enforcement Committee held at Knowle, Sidmouth on Wednesday, 23 May 2018**

Attendance list at the end of the document

The meeting started at 9.30am and ended at 10.10 am

#### **\*1 Minutes**

The minutes of the meeting of the Licensing & Enforcement Committee held on 21 March 2018, were confirmed and signed as a true record.

#### **\*2 Declarations of interest**

Councillor Steve Hall

Minute \*3

Disclosable Pecuniary Interest – Private Hire Licence Holder

Councillor John O’Leary

Minute \*3

Disclosable Pecuniary Interest – Designated Premises Supervisor

Councillor Geoff Jung

Minute \*3

Disclosable Pecuniary Interest – Designated Personal Licence Holder

Councillor Steve Gazzard

Minute \*3

Disclosable Personal Interest – Organised Street Trading Event

#### **\*3 Committee update – Licensing Act 2003, Gambling Act 2005 and General Licensing**

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

##### **1. Licensing Act 2003**

Following a request for licensing statistics from the Home Office (DCMS) an annual mandatory return was provided giving data for all alcohol and late night licences up to 31 March 2018. The data showed the following licences were administered by the licensing team over the previous financial year.

- 642 Premises Licences (compared with 621 in 2016/17).
- 49 Club Premises (compared with 51 2016/17).
- 2310 Personal Alcohol Licences (compared with 2197 in 2016/17).
- 858 Temporary Event Notices (compared with 837 in 2016/17).

Part of the work undertaken by the licensing team involved compliance inspections through visiting licensed premises within East Devon to ensure that licensing laws were adhered to by licence holders and their staff. In order to achieve this work, the Scrutiny Committee had previously set performance indicators for the number of compliance visits to be achieved by the team each financial year. For the year 2017/18 the team completed 182 compliance visits achieving the required number set at 150. The team also identified and visited those licenced premises assessed as ‘high risk’ and have also achieved the majority of these inspections with any that are still to be visited being included in the year ahead.

## 2. Gambling Act 2005

Figures provided on 1 May 2018 showed that the licensing authority currently administered 2 Bingo Premises Licences, 4 Adult Gaming Centre Premises Licences, 2 bingo premises licences, 4 Adult Gaming Centre Premises Licences, 9 Family Entertainment Centre Gaming Centre Machine Permits, 10 Betting Premises Licences, 16 Club Machine Permits, 1 Prize Gaming Permit, 11 Alcohol Licensed Premises Gaming Machine Permits and 154 Small Society Lotteries.

The past year of saw a number of gaming permits for premises that were licensed 10 years ago coming to the end of their maximum term and licensing officers supported renewal applications from the licensees concerned. The licensing team would continue to work in conjunction with the Gambling Commission to ensure that legally required standards are maintained for all permit renewals.

## 3. Taxis

Figures taken on 1 May 2018 showed that the licensing authority currently administered 195 hackney carriage driver licences (compared to 206 in 2016/17), 165 hackney carriage vehicle licences (compared to 170 in 2016/17), 13 private hire operator licences (compared to 15 in 2016/17), 20 private hire vehicle licences (compared to 18 in 2016/17) and 26 private hire driver licences, being the same as the previous 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 the previous year compliance inspections for vehicles had been undertaken at ranks in Exmouth, Sidmouth, Axminster and Honiton. The licensing team was able to complete 103 vehicle checks in 2017/18. This work would continue as the programme of vehicle inspections assists in ensuring the safety of the public being carried.

The previous trend reported twelve months go involving some East Devon licensed vehicles working routinely in Exeter whilst not displaying the East Devon roof sign has ceased after officers compliance visit work in Exeter.

There had been a request made by some sections of the taxi trade in past meeting between them and members of the Licensing and Enforcement Committee over an increase in the current East Devon fare tariff. This would be via the issuing of a ballot to the holders of a hackney carriage licence seeking their response as to whether a rise in taxi fares is required.

Over the previous year there had been five taxi licensing matters referred to the Licensing Sub Committee. Two matters related to private hire vehicles being submitted for licensing over four years from date of registration with one application granted and the other refused. There have been three matters relating to new hackney carriage driver applications, two of which were granted and one refused.

## 4. General Licensing

Following the introduction of a new street trading regime in October 2017 with further revisions to the policy approved by the Committee in March 2018, there has been dramatic uptake and submission of applications from event organisers and

individual traders. The changes that were approved at the last meeting included the withdrawal of charges (unless hiring land owned by East Devon) the shortened consultation period and also streamlining applications under block arrangements.

As with any new or revised policy, the street trading process was still in the early stages and was bedding in after only six months from being fully introduced. Experience was showing that representations were more likely to be received regarding mobile commercial traders rather than markets or festivals that occur over a short period of a few days. Some applications from mobile traders seeking unsuitable locations had been refused upon the basis of representations received and all applications were treated on the basis of their own merits. The cost of applying for a street trading licence had been removed which had resulted in a great deal of new applications. The possibility of reintroducing a charge in forthcoming years would be given due consideration.

#### 5. Safeguarding Awareness Training

Members noted that Licensing staff were researching options to inform the Committee in order to introduce safeguarding awareness briefings for new and existing licence holders, this being a development introduced by some other authorities in Devon. It was recognised that protecting and safeguarding children and vulnerable adults in society was essential and that the taxi trade could provide vital support through the work they achieve at various hours of the day and night. To start this it was necessary to identify a suitable training provider to deliver safeguarding sessions to groups of licensed drivers and new applicants. It was considered an aim for EDDC to develop a strategy over the forthcoming year.

#### 6. Consultations and Partnership Working

Officers attend Licensees meetings within the East Devon area whenever possible as it was felt that these meetings should be supported and were a useful forum for the exchange of ideas, information and keeping up to date with issues within each area. Officers also attend licensing liaison meetings on a regular basis with the police licensing team to exchange information and discuss licensing issues within the East Devon area. This exchange of information is considered useful when specific problems or incidents involving licensed premises require joint investigation or premises visits.

The Licensing Manager made particular mention of the retirement of Mr Barry Sleight from Devon & Cornwall Police who in the previous ten years had worked closely and in support of EDDC to provide a high level of service in the field of licensing.

#### 7. Licensing Team update

The structure of the team was now one manager, three licensing officers and two licensing support officers, with additional administrative support being provided by a temporary staff member. The recruitment of an officer to oversee Street Trading Consents and applications was shortly due to conclude with a recruitment process involving interviews during the week ahead.

#### **RESOLVED:**

1. that the report be noted;
2. that the Gambling Commission bulletin be added to future Committee update reports.



**\*4 Gambling Act 2005 – To seek approval to consult on the draft Gambling Policy**

The report updated the Licensing & Enforcement Committee on the review of the Council’s Gambling Act 2005 Policy and sought approval to commence the consultation process on the draft policy which had been updated in the light of recent changes in legislation and experience over the last three years.

**RESOLVED:** that the Licensing Service be given approval to start the formal public consultation process that was required by the legislation for the draft Statement of Gambling Policy as attached to the report.

**Attendance list**

**Councillors present**

Steve Hall (Chairman)  
John O’Leary (Vice Chairman)  
Megan Armstrong  
Brian Bailey  
Colin Brown  
Maddy Chapman  
John Dyson  
Steve Gazzard  
Geoff Jung  
Jim Knight  
Cherry Nicholas

**Councillors present**

Bruce de Saram

**Officers present**

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

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

# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Wednesday, 23 May 2018**

- Present:** Councillors:  
Steve Hall (Chairman)  
John O'Leary (Vice Chairman)  
Megan Armstrong
- Also Present:** Brian Bailey  
Bruce de Saram
- Officers:** Giles Salter – Solicitor  
Steve Saunders – Licensing Manager  
Lesley Carlo – Licensing Officer  
Chris Lane – Democratic Services Officer

The meeting started at 10.30 am and ended at 1.10 pm.

\*1 **Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 11 April 2018, were confirmed and signed as a true record.

\*2 **Declarations of interest**

Councillor Steve Hall  
Minute \*7  
Disclosable Pecuniary Interest – Private Hire Licence Holder

Councillor John O'Leary  
Minute \*4  
Disclosable Pecuniary Interest – Designated Premises Supervisor

\*3 **Exempt Information**

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

\*4 **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 an application for a grant of a premise licence 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 application 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:**

Mocha Restaurant, Prospect Place, Sidmouth, EX12 2TB.

**Agreed position reached by the parties:**

Following mediation the applicant, Devon and Cornwall Constabulary had agreed that they considered 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:

Additional Conditions

1. The supply of alcohol will be by waiter or waitress service only for consumption on the Premises.
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 21 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 then, the Police and East Devon Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book.
5. The premises will adopt a Challenge 25 policy. The only acceptable forms of ID will be passport, Photo Driving Licence or Government Approved PASS Card.

\*5 **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 an application for a grant of a premise licence 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 application 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:**

Hook Farm Campsite, Gore Lane, Uplyme, DT7 3UU.

**Agreed position reached by the parties:**

Following mediation the applicant, Devon and Cornwall Constabulary had agreed that they considered 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:

Additional Conditions

1. Alcohol will only be sold or supplied between the 1<sup>st</sup> March and 31<sup>st</sup> October each year.
2. The premises will adopt a Challenge 25 policy. The only acceptable forms of ID will be Passport, Photo Driving Licence or Government Approved PASS Card.
3. The licence holder must ensure that all staff receive appropriate training regarding emergency and general safety precautions and procedures.
4. The licence holder must ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.
5. Training records will be retained for at least 12 months and made available for inspection by officers of both the Licensing Authority and the Police.
6. An incident book must be maintained within which full details of all occurrences of disorder and refused alcohol sales at the premises must be recorded. The incident book must be kept on the premises at all times and must be made available for inspection by officers of both the Licensing Authority and the police.

\*6 **Exclusion of the Public**

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

\*7 **Hackney Carriage Driver Suitability**

Consideration was given to whether an applicant, Mr SAM, was a fit and proper person to continue to be licensed as a Hackney Carriage Driver. Members considered a complaint received by the authority regarding the conduct of the driver who has not and does not work in the East Devon District.

**RESOLVED**

that, Mr SAM's Hackney Carriage Drivers licence be revoked as it was considered that he was not a fit and proper person to hold a Hackney Carriage Drivers Licence as set out in the Local Government (Miscellaneous Provisions) Act 1976 at Section 61 (1) (b) 'any other reasonable cause.'

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

# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Wednesday, 13 June 2018**

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

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

The meeting started at 9.00 am and ended at 9.06 am.

\*8 **Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 23 May 2018, were confirmed and signed as a true record.

\*9 **Declarations of interest**

Councillor John O'Leary

Minute \*10

Disclosable Pecuniary Interest – Designated Premises Supervisor

\*10 **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 an application for a grant of a premise licence 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 application 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:**

Le Pisani, 1 Fore Street, Seaton, EX12 2LE.

**Agreed position reached by the parties:**

Following mediation the applicant, Devon and Cornwall Constabulary had agreed that they considered 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:

Additional Conditions

1. The outdoor area to the front of the premises will not be used after 2200 hours.

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

## **East Devon District Council meeting on 25 July 2018**

### **Agenda Item No 8**

#### **Question 1: Procedure Rule 9.2 to the Leader from Councillor Booth**

“Can the Leader or CEO please explain why the council were so willing to drop the mixed use development for the Port Royal site from the Local Plan, following the consultant's report in January 2018, which is in stark comparison to how tenaciously the council has stuck to their plans for sale or development of other sites such as at Knowle and in Exmouth?”.

#### **Answer:**

As was reported to members of both East Devon District and Sidmouth Town Councils in February this year, the viability of a more extensive development of Port Royal was challenged on multiple counts of flood risk, financial viability and covenant uncertainty. Therefore, both councils agreed that they should focus on the most pressing and possible opportunities which were the Drill Hall and, for Sidmouth Town Council, the Fishermen's shed and fish shop area. To me that seems like an innovative and, dare I say, tenacious approach.

This is not to say that other development for Port Royal may not come forward and it is a cause for optimism to think that a high quality redevelopment of the Drill Hall site could well generate interest in surrounding improvements at later dates.

It's good that we can agree that this is a tenacious council and one that doesn't shy away from making good things happen whether it is the progressive phased improvement to Exmouth's seafront or the strategic savings and improved services that our relocation is bringing about.

#### **Question 2: Procedure Rule 9.2 to the Leader from Councillor Rixson**

“Agents are motivated to sell property based on the nature of their fee or commission structure. Is JLL going to be paid on a fixed fee, on a percentage basis related to the final sum achieved for the Drill Hall, or is the contract not yet finalised?”

#### **Answer:**

The detail of contract is a confidential matter between the council and JLL. A standard approach would be a combination of fixed fee and percentage but it is the council that will decide on the best bid from those we receive and we will consider both price and quality in that decision.

#### **Question 3: Procedure Rule 9.2 to the Leader from Councillor Rixson**

“Have any independent or EDDC surveys on the condition or structural integrity of the Drill Hall been carried out at all at any point since the council took it over from Wessex Cadets in 2012 and before it went on the market to community organisations this June?”



**Answer:**

With the advice of our agents we will make appropriate information available to interested parties. It is up to any potential bidders to satisfy themselves of the condition of the building and factor their findings into their plan and proposals.

Now that we are in a formal process that is potentially open to challenge, such questions should be directed to our agents since they are our experts in these matters and they can ensure that all potential and actual bidders receive the same information.

**Question 4: Procedure Rule 9.2 to the Leader from Councillor Rixson**

“Has a Red Book valuation been obtained for the Drill Hall and will this be used as the guide price or will the process be by sealed bids, offers over or some other terms?”

**Answer:**

I refer to the answer from the previous question.

**Question 5: Procedure Rule 9.2 to the Portfolio Holder for Asset Management from Councillor Rixson**

“What criteria will be used to determine who the successful bidder for the Drill Hall will be and will members of the Asset Management Forum set these criteria?”

**Answer:**

The core group of East Devon and Sidmouth Town Councils will work with JLL to ensure a rigorous and even consideration of bids, giving both member, officer and professional input to the outcome. JLL are advising on criteria and what information should be made available to bidders to assist their preparations.

The core group's work will be supported by professional officers of the council who will report to me as Portfolio Holder and Chair of AMF. I may then ask for the report to be taken to AMF itself or direct to Cabinet.

**Question 6: Procedure Rule 9.2 to the Leader from Councillor Gardner**

“EDDC appointed JLL to sell the Drill Hall, yet their website focuses on their expertise as property finders for clients, not as sales agents and they do not quote any experience of selling public assets for local authorities (although they have of course already sold at least one asset for EDDC). Given that there are many commercial property agents to choose from with wider sales expertise, why did JLL make the shortlist for EDDC in the first place and why was no effort put in to secure an agent that does not have major potential purchasers of the Drill Hall as clients?”

**Answer:**

On their website you may have missed JLL's advice that they worked with 250 public sector clients last year. Also, it's unfortunate that you weren't able to be at Overview Committee on 13 March this year where JLL sat with the committee and explained in detail to your fellow councillors all about their extensive partnership work with local authorities. The minutes and a link to JLL's presentation were sent to you and other members.

JLL were appointed to the Drill Hall commission by a group made up of councillors from East Devon and Sidmouth Town Councils with advice from EDDC officers and the Sidmouth Town Clerk. JLL are an experienced and multi-skilled company well versed in marketing and managing land and property sales and are also locally based so understand the local market. It is entirely reasonable and appropriate that they were among the companies invited to pitch for the role.

Furthermore, we would expect property agents worth their while to have good contacts among relevant investors. That may include having specific clients who the agent, in this case JLL, are open and transparent about. An agent that did not have links to potential investors wouldn't be a very good agent.

### **Question 7: Procedure Rule 9.2 to the Leader from Councillor Gardner**

“Did you consider the impression it would make to the public to select JLL as the sales agent for the Drill Hall, given that they act for Whitbread, handled the sale of Elizabeth Hall in Exmouth for EDDC to their client Whitbread for Premier Inn and were also involved in the selection of Morai (now dropped) as preferred developer for Queens Drive for EDDC?”

#### **Answer:**

The Premier Inn in Exmouth created 40 local jobs where there were none before and a 60 bed hotel that is hugely popular with visitors who then spend their time and money in our fair town of Exmouth. We reinvested receipts from that land sale back into Exmouth through the new Mamhead Slipway to re-establish Exmouth as a centre of maritime leisure. This is regeneration at work.

It is only a part of the story to pick on the development proposed by Morai Capital which the Council subsequently brought to an end. Perhaps we should be more positive and celebrate JLL and their marketing of the Exmouth Queens Drive site that has succeeded in bringing a unique and much anticipated Watersports Centre to Exmouth seafront. The Centre will be a community owned asset and able to reinvest in community benefits for the town. JLL did well. The Watersports Centre is the investment that will be delivered and that will be the impression that lasts.

### **Question 8: Procedure Rule 9.2 to the Leader from Councillor Gardner**

“Those responsible for appointing JLL to sell the Drill Hall are aware that JLL has Whitbread as a client and that John Kinsey, the person liaising with potential bidders, is the same person who, according to JLL's website, actively searches for sites for Premier Inn. This surely represents a serious conflict of interest. Did you not consider it would be more prudent to prevent the possibility for sharing of highly sensitive information, both from this Council to a potential bidder and from other bidders to Whitbread via JLL?”

#### **Answer:**

This question seems to be premised on a fundamental misunderstanding of the relationship of agent and client. JLL's commitment is to seek out and bring forward the best proposals they can for the councils to consider whether those bids are community or commercial. JLL has a client base that it seeks sites for and they are open about that. Their marketing work reaches a broad range of potential investors and developers.

JLL are also professional and scrupulous in their protection of privileged information in the process. I would hope that this question is not suggesting otherwise since that would cast aspersions toward our agents which they might reasonably take issue with.

### **Question 9: Procedure Rule 9.2 to the Leader from Councillor Gardner**

“The press release announcing the commencement of the marketing of the Drill Hall was issued about one month before any sales materials are apparently going to be made available to potential community bidders. With no guide price, terms of sale, access for a survey or written materials of any kind, the initiation of ‘marketing’ was surely an illusion. Will the three-month exclusivity period for community bids be restarted and the closing date extended once all the essential information is available?”

#### **Answer:**

Advising Sidmouth and its community that agents had been appointed and encouraging bid preparation at the earliest opportunity is a good thing bearing in mind the importance of the Drill Hall site and local interest in its successful redevelopment.

I understand that at least one surveyor has already been given access to the building on behalf of a community interest and our agents are arranging another opportunity. JLL advise that this week there will be guidance given by them for any parties thinking about a community based bid and they are in correspondence with some interests already. The three month period will start with the issue of guidance. I think it is also important to point out that bidders, community and then commercial, will be expected to carry out work themselves in the preparation of their bids according to the guidance from JLL. We will take our advice from our professional advisers as to what we should reasonably expect the council to provide and what work bidders should be doing on their own behalf.