

Agenda for Council

Wednesday, 24 October 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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Prior to the formal start of the meeting, the Chairman will invite Rev'd Hilary Dawson to say a prayer.

Dear Sir/Madam

Meeting of the Council of the District of East Devon on Wednesday 24 October 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", written in a cursive style.

Chief Executive

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

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

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

Agenda:

- 1 [Public speaking](#)
- 2 Minutes of the [Extra ordinary Council meeting](#) and [Council meeting](#) held on 25 July 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	39 – 58, 59 – 76
†Scrutiny Committee	Minutes	14 – 21, 22 – 28
†Overview Committee	Minutes	6 – 10, 11 - 16
Strategic Planning Committee	Minutes	8 – 14, 15 - 21
Development Management Committee	Minutes	9– 12, 13 - 16, 17 - 21
Audit & Governance Committee	Minutes	1 – 14, 15 - 24
Licensing and Enforcement Committee	Minutes	5 - 8
Licensing and Enforcement Sub Committee	Minutes	11–15,16–22, 23–25, 26-28
Standards Committee	Minutes	1 - 6

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

10 **Amendment to appointments on the Overview and Licensing & Enforcement Committees**

Following the by-election on 20 September and subsequent election of Councillor Geoff Pratt to the seat at Ottery St Mary Rural, Members are asked to confirm the following amendments to appointments.

- Councillor Geoff Pratt to replace Councillor Matt Booth on the Overview Committee
- Councillor Geoff Pratt to replace Councillor Matt Booth on the Licensing & Enforcement Committee

11 **Appointment of a non-voting Parish Council representative to the Standards Committee**

Members are asked to confirm the appointment of Councillor Bob Nelson (Broadhembury PC), as a non-voting Parish Council representative to the Standards Committee, following a recent recruitment process to fill the vacancy on the Committee.

12 Motion - Voluntary Disclosure and Barring Service (DBS) Checks

“That this Council supports elected Councillors from May 2019 obtaining their own basic Disclosure and Barring Service check and the voluntary disclosure of the result and further that the Council will facilitate the publication of the result of the check on the Councillor pages of the Council’s website.”

Proposed by Councillor Ian Hall
Seconded by Councillor Iain Chubb

Supported by Councillor Brian Bailey, Councillor Bruce De Saram, Councillor Mike Howe and Councillor Pauline Stott

13 Motion – Future housing provision in the East Devon District Council area

“This Council expresses its deep reservations at the government requirements for future housing delivery in the East Devon District Council area. The Council is concerned that the requirement for a minimum of 844 homes per year might be more than would be necessary to meet local housing need, would be damaging to the countryside, quality of life and would prove deeply unpopular with the people of East Devon. The Council therefore agrees to further consideration as to whether there are exceptional circumstances and more realistic assumptions of demographic growth that would justify a lower figure which would be required to be fully evidence based and which, if demonstrated, would be fed into the GESP process. A request is made for a budget for the Policy Team to commission expert evidence to assess in light of it being contrary to officer views as reported to Strategic Planning Committee in September. The public should be engaged as part of any assessment in the normal way”.

Proposed by Councillor Ben Ingham
Seconded by Councillor Roger Giles

Supported by Councillor Megan Armstrong, Councillor Susie Bond, Councillor Matthew Booth, Councillor Cathy Gardner, Councillor Peter Faithfull, Councillor Geoff Jung, Councillor Rob Longhurst, Councillor Dawn Manley, Councillor Geoff Pratt, Councillor Val Ranger, Councillor Marianne Rixson.

[Decision making and equalities](#)

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

EAST DEVON DISTRICT COUNCIL

Minutes of the Extra Ordinary Meeting of the Council held at Knowle, Sidmouth, on Wednesday, 25 July 2018

Attendance list at the end of document.

The meeting started at 5.30 pm and ended at 5.46pm

In the absence of the Chairman, Councillor David Key acted as Chairman for the meeting and Members confirmed their agreement that Councillor John O'Leary would act as Vice Chairman.

***19 Honorary Aldermen**

The Council was asked to consider conferring the title of Honorary Alderman on a former Councillor, Pat Graham, for her eminent service to East Devon District Council. The Chairman made individual reference to the service she had rendered to the Council and her valued contribution to the Council and community.

Councillor Steve Gazzard proposed that the title of 'Honorary Alderwoman' be conferred to Pat Graham. He recounted how she had mentored him when he first became an elected Member. He outlined two key issues that she had championed – that of developing a policy for dealing with travellers, and the original Exmouth Master Plan. He praised her for her representation of the District Council through that difficult period. He also gave his thanks to her husband, Keith, in "lending" her to the Council. He wished them both well for the future.

Councillor Eileen Wragg seconded the proposal and spoke of Pat's unfailing support to the town of Exmouth and its people. She described her as a stalwart of the town, epitomising the phrase of "strong and stable". Despite Pat's own personal circumstances, she was described as continuing to serve her local community with commitment, dedication and sincerity.

Councillors Pauline Stott and Philip Skinner also spoke about her approach to the work as a Councillor and wished her well.

The Chairman put the proposals to the vote.

RESOLVED: that the title of 'Honorary Alderman' be conferred on Pat Graham in recognition of her eminent service to East Devon District Council as a past Member.

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

The Chairman invited the nominee to come forward to receive the Honorary Alderman medallion, trophy and certificate from the Vice Chairman. The new Honorary Alderwoman spoke on her appointment and thanked the Council for granting this honour.

She thanked those that had continued to turn out to vote for her, but felt that she had made the right decision to step down from the role of councillor at the end of 2017. She outlined what she missed about the role, but made assurances that

she would not become a complainant – she felt it was key to focus on the positives that the Council delivered. She felt optimistic for the town of Exmouth as it continued to change and redevelop.

She made reference to the support of her husband Keith, describing him as her tower of strength. The two of them looked forward to enjoying more time together to take holidays, and spend time with family and friends. She would continue to take an interest in Exmouth, but she made clear to the Council that this would not involve her being out on the Exmouth streets in the early hours of the morning.

She wished Councillors well and offered advice to them in asking questions to find out what they do not know, and to listen to the answer. She also gave an account of her recent attendance at a garden party at Buckingham Palace. She concluded her acceptance speech with thanks to the Council, adding that she felt humble and proud to now be an Alderwoman.

She received a standing ovation for her acceptance speech.

Attendance list

Councillors present

Megan Armstrong
Brian Bailey
David Barratt
Dean Barrow
Susie Bond
Matthew Booth
Colin Brown
Peter Burrows
Paul Carter
Maddy Chapman
Iain Chubb
Alan Dent
Paul Diviani
Bruce de Saram
Tim Dumper
Jill Elson
Mark Evans-Martin
Peter Faithfull
Steve Gazzard
Graham Godbeer
Simon Grundy
Marcus Hartnell
Douglas Hull
Geoff Jung
Jim Knight
Rob Longhurst
Bill Nash
Dawn Manley
Cherry Nicholas
John O'Leary
Helen Parr
Christopher Pepper
Geoff Pook
Philip Skinner
Pauline Stott

Brenda Taylor
Mark Williamson
Eileen Wragg
Tom Wright

Honorary Aldermen:

Christine Drew
Graham Liverton
Ann Liverton
Steve Wragg

Also attending:

Pat Graham
Keith Graham

Officers:

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

Councillor apologies:

Ian Thomas
Ian Hall
Andrew Moulding
Brian Bailey
Steve Hall
Roger Giles
Stuart Hughes
Phil Twiss
Mike Howe
Eleanor Rylance

Honorary Aldermen apologies:

Frances Newth
David Atkins
Stephanie Jones
John Jefferies

Chairman

Date

EAST DEVON DISTRICT COUNCIL

Minutes of the Meeting of the Council held at Knowle, Sidmouth, on Wednesday, 25 July 2018

Attendance list at the end of document.

The meeting started at 6.00pm and ended at 6.42pm.

In the absence of the Chairman, Councillor David Key acted as Chairman for the meeting and Members confirmed their agreement that Councillor John O'Leary would act as Vice Chairman.

***20 Public speaking**

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

Gillian Mitchell had submitted a question in advance of the meeting, asking:

“Can the Council please confirm the extent of the land and buildings that are actually included in the proposed sale? In a meeting with JLL on 3 July, JLL's representative indicated that the Council would look favourably on proposals that included the site of the toilet block adjacent to the Drill Hall with the potential to relocate the toilets into any proposed development of the Drill Hall site itself. Does this mean that the Council is marketing an area larger than that occupied by the Drill Hall and the confines of its existing boundary fences?”

In response, the Chief Executive said:

The council has commissioned JLL to manage the marketing of the Drill Hall site and it is JLL's remit to work with potential bidders. It is the Drill Hall that is the asset for disposal. If however proposals come forward that also include part or all of the toilet block as part of securing their provision then these will be assessed as part of the process for determining what may constitute the best value offer.

Gillian Mitchell asked a supplementary question “Please clarify whether this means that bidders are encouraged to rehouse the public toilet facility within their proposed future use of the Drill Hall site, OR bid for the toilet block site as well as the Drill Hall. If the former, then what is the Council proposing to do with the land covered by the existing toilet facility? Understanding this future use is critical to understanding the extent to which any development immediately adjacent to the Drill Hall itself would impact bidders' plans”.

In response, the Chief Executive reiterated that the drill hall itself was the Council's asset which was to be disposed, but that the Council was not closed to any bidder including land outside of the Drill Hall with any bid.

Stephen Pemberton had submitted a question in advance of the meeting, asking:

“This question is in relation to the sale of the Sidmouth Drill Hall. The press release issued on 28 June says that: [Exeter-based JLL](#), who are experienced in commercial property, are the new appointees and on their advice the council will be marketing the building to non-commercial organisations immediately giving them a longer period to come up with their proposals, and the commercial property sector for a shorter period of time from the autumn. Local community groups who

may be interested in the site can approach JLL for guidance about the information required from them, if they want to put in a bid in six months' time.'

Can the council confirm when marketing material regarding the sale will be forthcoming and when JLL will be in a position to provide guidance about the information that will be required from bidders? To date no such material has been provided and very little guidance offered, despite being almost one month into the process. Indeed, access for surveyors is only being made available from 26 July onwards and confirmation of this access is not yet forthcoming from JLL."

In response, the Chief Executive said:

Our agents, JLL, are preparing guidance documentation to be issued shortly. To be clear, at that point in time the three months head start for community and non-commercial bid preparation will commence. Surveyors for at least one interested party are being given access to the site and there has already been contact between JLL and interested parties.

Stephen Pemberton asked a supplementary question, as to how the Council could ensure that a bid is not discriminated against, especially when evaluating the bids. He clarified this in terms of both market value and community value.

In response, the Chief Executive explained that the assessment process would involve councillors from both the District and Sidmouth Town Councils alongside JLL representatives and Council officers. It was confirmed that the process for evaluating the bids was currently being prepared.

***21 Minutes**

The minutes of the meeting of the Annual Council held on 16 May 2018 were confirmed and signed as a true record.

***22 Declarations of interest**

No declarations were made.

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

The Chairman had no announcements.

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

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

- a) Question 1 – The supplementary question queried the lack of reference to the Port Royal site being in a conservation area and sought confirmation that all aspects of the assessment of the development would include conservation concerns. Included in the question was reference to the Drill Hall, asking if it was possible at that stage to consider another use for the site.

In response, the Chief Executive agreed that it was correct to include reference to the site being in a conservation area. In relation to the Drill Hall, there would be a six month submission period (an initial three month head start for local community bids and then a further 3 months when private sector bids could be progressed) for tenders to be received; assessment will follow after that period.

- b) Question 2 – The supplementary question was if JLL would get paid by the Council and by their client tendering for the Drill Hall.

In response, Members were told that JLL had been instructed by the Council, and therefore the Council was their client in relation to this project.

- c) Question 3 – The supplementary question related to statements on the condition of the structure of the Drill Hall in relation to safety and asbestos without surveys having been carried out.

In response, advice was given that the Council as owner undertook periodic condition surveys of assets and referred to the answer already provided in that it is up to potential bidders to satisfy themselves of the condition of the building.

- d) Question 4 – The supplementary question asked if a figure of £600,000, which was commented as referenced several times, could be confirmed as the valuation for the Drill Hall.

In response, the Chief Executive was clear that there was no set figure, and reiterated the process of assessment and recommendation to Cabinet on the asset.

- e) Question 5 – The supplementary question concerned what element of incorporating community concerns and wishes would be included in the assessment criteria of tenders for the Drill Hall, and who would be involved in those assessments.

In response, the Portfolio Holder outlined the bid process for the sale of the Drill Hall and highlighted there would be a scoring matrix which would include aspects such as the quality of the submission, environmental factors and sustainability alongside price. Recommendations on the bids in accordance with their scoring (the core group, consisting of councillors, JLL and officers, agreeing the criteria and scoring matrix) would be reported to the Asset Management Forum for further discussion and recommendation to Cabinet for the final decision. He felt that this was a fully democratic process for consideration of the tenders received.

- f) Question 6 – The supplementary question asked was were other agents had been asked to bid or were the wrong agents asked to bid to act as the agent for the marketing of the Drill Hall; as she felt that it was “Hobson’s choice” to have JLL selected as agent.

In response, it was reported that 5 agents were invited to apply to bid to act as agent for the Council. It was up to those agents to decide if they wanted to take up that invitation.

- g) Question 7 – The supplementary question contained a statement that there was no evidence on the success of the Premier Inn at Exmouth; and that she had been told the decision to appoint JLL was made by Cllrs Barratt of EDDC and Turner of Sidmouth Town Council, on advice from Town Clerk and EDDC’s Deputy Chief Executive. The question was if the contract had been signed by the Council’s legal advisor and that the Chief Executive and Deputy Chief Executive were happy to work with JLL again.

In response, the Chief Executive confirmed that he was happy to work with JLL again, and the contract has not yet been formally signed but the documentation is being assessed.

- h) Question 8 – The supplementary question suggests Council does not understand what a conflict of interest is, and it is key for an agent to avoid any appearance of conflict. Given that no potential bidder can trust the probity of the process, will the Council now immediately terminate the contract with JLL, and appoint another agent with no such conflict.

In response, the Chief Executive made clear that he was happy for any seriously interested parties to approach with their idea of how to acquire or develop the site, and those will be considered transparently, in an open process, where they will be treated equally.

- i) Question 9 – In response to the supplementary question, the statement was made that lip service had been made to the concept of community bids for the Drill Hall. Marketing of it commenced at date of the press release, with a set end date in January in that press release. The question was why is the Council dodging its responsibility of handling this sale in the public interest, and in the highest standards according to the Council's duty of care?

In response explanation was provided again that the process is in hand, and reiterated the 6 month period for submission of tender (an initial 3 months for the community led bids then a joint 3 months with private bids). JLL are handling this on behalf of the Council and will ensure that all submissions are dealt with fairly; the Council has given advance notification of the submission process coming up; and reiterated that the period for community led submissions has not yet started as paperwork for it is not yet ready to supply.

*25 **Minutes of Cabinet and Committees**

RESOLVED

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

Cabinet

Minutes 208-225, 1–20, 21–38

Scrutiny

Minutes 41–45, 1–7, 8-13

Overview

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

***26 Appointment of Tenant Representative on Housing Review Board**

Members formally co-opted Alek Williams to the Board.

***27 Exmouth Seawall Urgent works**

The report outlined 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.

Councillor Eileen Wragg felt that the work must be undertaken, and recounted her involvement both as a District and County councillor over previous years to mitigate the risk of flooding to the town. She outlined her concerns of the continued development that impacted on the sewer system, having to cope with increased volume of rainwater run-off and impacting on the coastal water flow as a result. She also welcomed the majority of the costs being recovered from the Environment Agency.

Other comments from Councillors included:

- seeking clear commitment on the proportion of costs that could be recovered;
- care in agreeing to £400K in light of the Council's budgetary pressures
- Site visit made clear of nature of emergency work to help protect the highway infrastructure.

Councillor Tom Wright, Portfolio Holder to Environment, confirmed to Members that it was for a short expanse of wall that had to be completed in a small time window. He reassured that a significant proportion of the costs would be recovered from the Environment Agency. He moved the recommendation, which was seconded by Cllr Steve Gazzard.

RESOLVED that authority be given to the Strategic Lead – Housing, Health and Environment to implement the project and works as set out in the report; and that a Contract Exemption in accordance with the Council's Standing Orders be agreed.

Attendance list

Councillors present:

David Key (Chairman)

John O'Leary (Acting Vice Chairman)

Mike Allen

Megan Armstrong

Brian Bailey

David Barratt

Dean Barrow

Susie Bond

Matthew Booth

Colin Brown

Peter Burrows

Paul Carter
Maddy Chapman
Iain Chubb
Alan Dent
Paul Diviani
Bruce de Saram
Tim Dumper
Jill Elson
Mark Evans-Martin
Peter Faithfull
Cathy Gardner
Steve Gazzard
Graham Godbeer
Simon Grundy
Marcus Hartnell
Douglas Hull
John Humphreys
Geoff Jung
Jim Knight
Rob Longhurst
Bill Nash
Dawn Manley
Cherry Nicholas
John O'Leary
Helen Parr
Christopher Pepper
Geoff Pook
Val Ranger
Marianne Rixson
Philip Skinner
Pauline Stott
Brenda Taylor
Phil Twiss
Mark Williamson
Eileen Wragg
Tom Wright

Honorary Aldermen:

Christine Drew
Graham Liverton
Ann Liverton
Steve Wragg

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Henry Gordon Lennox, Strategic Lead – Governance and Licensing
John Golding, Strategic Lead Housing, Health and Environment
Debbie Meakin, Democratic Services Officer

Councillor apologies:

Andrew Moulding
Ian Thomas
Ian Hall
Steve Hall

Roger Giles
Stuart Hughes
Mike Howe
Jenny Brown
Darryl Nicholas
Eleanor Rylance

Honorary Aldermen apologies:

Frances Newth
John Jefferies
Stephanie Jones
David Atkins

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Knowle, Sidmouth on 5 September 2018

Attendance list at end of document

The meeting started at 5.30pm and ended at 7.19pm

***39 Public Speaking**

There were two members of the public who wished to speak.

Mr Richard Eley representing Sidmouth Chamber of Commerce spoke on Minute 51 Review of Car Parking charges. He stated that he was happy with the overall changes proposed with the exception to Sidford. He claimed the consultation responses had not been taken into consideration and that no economic impact assessment had been made to consider the effect of the changes proposed. He was concerned about the possible damage to livelihoods and loss of village amenities. He stated there was no justification for the increased car parking charges and politely suggested they were disregarded.

The second speaker spoke on Minute 51 Review of Car Parking charges when the item was being discussed.

Councillor Val Ranger queried whether the Council was responding to a national consultation paper on the future of AONB's/National Parks. The Chief Executive replied that this would be looked into.

***40 Minutes**

The minutes of the Cabinet meeting held on 11 July 2018 were confirmed and signed as a true record.

***41 Declarations**

Cllr Geoff Pook, Minute 52: personal interest – Chair of the Beer Community Land Trust
Cllr Geoff Pook, Minute 55: personal interest – Sits on the Beer Neighbourhood Plan Steering Group.

42 Matters of urgency

None

***43 Matters referred to the Cabinet**

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

***44 Exclusion of the public**

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

***45 Forward Plan**

Members agreed the contents of the forward plan for key decisions for the period 1 October 2018 to 31 January 2019.

*46 **Minutes of the STRATA Joint Executive Committee held on 11 June 2018**

Members received the Minutes of the STRATA Joint Executive Committee held on 11 June 2018.

RESOLVED (1) that the following recommendations be agreed:

Minute 16 – Support of Councillor IT Programme

that option 4 be approved with implementation in May 2019. Councils would need to approve the budgets for this in their Council Budgets for 2019/2020

Discussion included the following:

- Equipment could be used for personal as well as business use
- This would make the whole operation simpler, easier to manage and maintain
- Would the equipment be 4G enabled to use at Parish Council meetings etc.
- Is the intention to go paperless?
- Concern over costs, was there a business plan?
- Was there an opt-out clause for Councillors who did not want to use IT?

*47 **Minutes of the Budget Working Party held on 28 June 2018**

Members received the Minutes of the Budget Working Party held on 28 June 2018.

RESOLVED (1) that the following recommendations be agreed:

Minute 8 - Clyst Honiton Parish Council Support

a grant payment to Clyst Honiton Parish Council of £9K per annum be paid for a five year period from January 2019 as a continuation of an agreed grant that ends in December 2018, for the purpose of supporting the cost of a parish clerk.

*48 **Minutes of the Scrutiny Committee held on 5 July 2018**

Members received the Minutes of the Scrutiny Committee held on 5 July 2018.

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

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

1. 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. a) the matter of the current staffing levels of the Commercial Premises Team be referred to SMT for further comment and explanation of process for considering budget increases.
3. 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.

Minute 13 - Review of Service Plans and associated budgets (part of the Forward Plan)

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.

*49 **Minutes of the Capital Strategy and Allocation Group held on 11 July 2018**

Members received the Minutes of the Capital Strategy and Allocation Group held on 11 July 2018.

*50 **Minutes of the Community Fund Panel held on 13 August 2018**

Members received the Minutes of the Community Fund Panel held on 13 August 2018.

RESOLVED (1) that the following recommendations be agreed:

Minute 4 - Consideration of applications received

1. Monkton Village Hall – general repairs and new kitchen and toilets - £5,000
2. Stockland Victory Hall – Replace a section of the cladding on the outside of hall that is rotten - £1,848
3. Uplyme Village Hall – Kitchen improvements to make the hall more sustainable. Including new appliances and flooring - £1,875.06
4. Colyton Library – The building was owned by Colyton Parish Council who wanted PV panels on the roof for the library building to become more sustainable. Members felt that the contribution should be reduced from the requested figure of £1,666 due to the low score given to the project. £1,000 was agreed to match the DCC Locality Budget contribution. Members stated that Colyton Parish Council, as owners of the building, should be encouraged to increase their £500 contribution to the project - £1000

*51 **Review of car parking charges**

John Robins Secretary to Phear Park Bowling Club stated the increased charges would have a negative effect on the Club. With membership fees as well as car parking charges during the 5-month bowling season, he could see a fall in numbers. He asked if the Club's members could have a free parking permit or member only parking at the front of the Bowling Club. He thought it would be sad for the Club, which started in 1911 possibly closing due to members of the public parking their cars inconsiderately.

The Portfolio Holder Asset Management stated the review intended to simplify the car parking offer, making both car parking tariffs and car parking permits fairer throughout the district whilst continuing to recognise the different needs and demands of residents and visitors.

Consideration included the desirability of making all coastal long stay car park tickets transferable to all other EDDC long stay car parks subject to being able to resolve some technical issues.

Proposals were to try and bring the majority of car parks in line with the 3 basic charging schemes:

- Coastal long stay
- Inland long stay
- Short stay

There would be the freedom to introduce special offer prices enabling seasonal discounts as appropriate. Another proposal to consider going forward was to introduce one simple car parking permit that would potentially give many residents access to a permit that meets their needs at a lower cost than previously. The report formally discussed a number of changes to existing car park tariffs and parking permits following a public consultation exercise that was carried out in April and May 2018.

Discussions included the following:

- Sidford changes could hasten the closures of local businesses
- Lympstone should not be included in the 'Towns' group as this was not fair to the village
- Promote permits. Parking charges were not simple, there were different needs for different car parks. Long and short stay tariffs worked in single car parks.

Phear Park

- The Phear Park Bowling club brought in a lot of tourism into Exmouth through visiting teams
- The proposed changes would discourage people using the leisure facilities
- Mixed age groups used the park presently
- Use the media and peer pressure to discourage inconsiderate car parking on pavements etc.
- EDDC had been encouraging the use of the Park with the outdoor gym and skate park so needed a bigger car park than the one proposed
- 30 car parking spaces were not enough to alleviate the problem
- Consideration to the effect of the health and well-being of park users
- Let Exmouth manage its own car parks
- The Park needed managing as many people use it, Exmouth Councillors could possibly help StreetScene in this matter

RESOLVED:

that from 1 April 2019:

1. to add Underhill car park in Lympstone to the group of car parks, charging the coastal long stay tariff,
2. to add Canaan Way car park, Ottery St Mary, Coombe Lane car park, Axminster and Dolphin Street car park in Colyton to the group of car parks charging the inland long stay tariff,
3. to designate up to an additional 8 car parking spaces in Temple Street car park in Sidmouth for reserved car parking and revise the rental charges for reserved spaces up to £300 per space per year,
4. to discontinue All-East Devon, Economy, Town/Area and Resident car parking permits and replace them with modular car parking permits valid for £100 per year for any single location plus additional locations at £20 per location per year,
5. to offer a two year introductory discount for single location permits purchased by customers who currently had a valid resident permit for Colyton, Lympstone or Exmouth. The discount would be 50% in 2019 and 25% in 2020 reverting to full price for permits purchased from 2021,
6. to introduce All-East Devon business permits for £500 per year,
7. to delegate to the Chief Executive and Asset Management Portfolio Holder the authority to enter into an agreement with LED to offer such subsidies and parking concessions that were found to be reasonably necessary to support the ongoing use of Exmouth Pavilion as an entertainment and community facility.

That the following be referred back to officers for further consideration:

8. to offer up to 15 car parking spaces for rent as reserved car parking spaces for £300 per space per year in Church Street car park in Sidford. To add Church Street car park in Sidford to the group of car parks charging the inland long stay tariff,

9. to introduce a pay and display parking management regime in Phear Park in Exmouth with a tariff of 50p per hour and £2 all day.

REASON:

Section 122 of the Road Traffic Regulation Act 1984 sets out the duties of all local authorities in respect of a range of traffic related functions including the provision of off-street parking. EDDC had always been careful to balance the needs of its residents alongside the demand for parking from visitors and to consider the impact of any changes on local businesses.

These proposals would not interfere with the security of (or access to) any other premises. The Council believed they would not be prejudicial to the amenity of the relevant localities and were in all other material respects consistent with other relevant factors, including the desire to support town centre economies.

52 **Request from Beer Community Land Trust to obtain development loan finance**

A request had been received from Beer Community Land Trust (CLT) asking the Council for a loan of up to £1.15m to enable development of 6 to 7 affordable homes in Beer.

Councillor Pook left the room while the debate was held.

RECOMMENDED:

1. that the Council supports Beer CLT by granting a loan of up to £1.15m to enable the development of affordable housing in Beer,
2. the loan to be secured on land, property and development owned by the CLT. The Council would borrow corresponding amounts as advanced to the CLT from the PWLB with the full loan repayment and interest incurred to be met by the CLT, including an additional uplift in interest to comply with state aid rules, and
3. that delegated authority be given to the Strategic Lead Finance in consultation with the Strategic Lead Governance & Licensing to enter into appropriate legal documentation to secure the loan having carried out appropriate due diligence.

REASON:

One of the Council priorities was to provide affordable housing which was the purpose of this proposal.

*53 **Monthly Performance reports – June & July 2018**

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

June

There were two indicators showing excellent performance:

1. Days taken to process changes to Housing Benefit claims.
2. Percentage of planning appeal decisions allowed against the authority's decision to refuse.

There were two performance indicators showing as concern:

1. Days taken to process new Housing Benefit claims – EDDC were continuing to revise its letters and forms to use behavioural insight to improve performance and customer experience. This was improving service delivery but the repetitious process took a while to be embedded.

2. Working days lost due to sickness absence - The reason for the increase in absence for this quarter was due the number of long term sickness cases. Compared to the same period last year long term absence had increased this quarter by 65.76%.

July

There were three indicators showing excellent performance:

1. Days taken to process changes to Housing Benefit claims.
2. Percentage of planning appeal decisions allowed against the authority's decision to refuse.
3. Percentage of Non-domestic Rates Collected.

There were two performance indicators showing as concern:

1. Days taken to process new Housing Benefit claims - EDDC were continuing to revise its letters and forms to use behavioural insight to improve performance and customer experience. This was improving service delivery but the repetitious process took a while to be embedded.
2. Working days lost due to sickness absence - There had been a significant increase this year in employees who have been absent for two months or more as a result of surgery and serious health issues for 2 or months– these cases were all being proactively managed through HR and reference to Occupational Health advice to facilitate a return to work as soon as possible.

The Portfolio Holder Sustainable Homes and Communities wished to congratulate the Countryside Team for their successful summer activities.

The Portfolio Holder Strategic Development wished to note the success of the Summer Play Season at the Manor Pavilion, Sidmouth.

RESOLVED:

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

***54 Review of Polling Districts, Polling Places and Polling Stations**

The Chief Executive presented the report which sought to confirm proposals of the Returning Officer following a review of Polling Districts and Polling Places within East Devon.

RESOLVED:

1. that the East Devon (Electoral Changes) Order 2017, was made by Parliament on 20 December 2017 and will be in effect from the local government elections on Thursday 2 May 2019 be noted, and
2. that the Returning Officer's proposals as set out in Appendix A, be agreed.

REASON:

To ensure that the Council meets the requirements of the new boundary arrangements and was fully prepared for the forthcoming elections in May 2019.

***55 Beer Neighbourhood Plan Examiner's Report**

To provide feedback and set out proposed changes following the examination of Beer Neighbourhood Plan.

RESOLVED:

1. that the Examiner's recommendations on Beer Neighbourhood Plan ('the Plan') be agreed,
2. that a 'referendum version' of the 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 Beer Neighbourhood Plan Steering Committee be congratulated on their hard work.

REASON:

Legislation required a decision notice to be produced at this stage in the process. The 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 Beer Parish Council.

***56 Clyst St George Neighbourhood Plan Examiner's Report**

To provide feedback and set out proposed changes following the examination of Clyst St George Neighbourhood Plan.

RESOLVED:

1. that the Examiner's recommendations on Clyst St George Neighbourhood Plan ('the Plan') be agreed,
2. that a 'referendum version' of the 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 Clyst St George Neighbourhood Plan Steering Committee be congratulated on their hard work.

REASON:

Legislation required a decision notice to be produced at this stage in the process. The 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 Clyst St George Parish Council.

***57 Award of the Integrated Asset Management Contract for housing repairs**

The Strategic Lead Housing, Health and Environment presented the report which outlined the procurement journey undertaken for the appointment of a building repairs and maintenance contractor to perform work on the Council's housing portfolio and tenants homes. The final stage in the process had been reached and approval was sought to enter into contract with the highest scoring bidder.

The tender had been referred to as an Integrated Asset Management Contract because it initially required a contractor to undertake responsive repairs and works to bring void properties up to the Council's lettable standard. This had the facility to be extended to include planned, cyclical and servicing work where the contractor was performing to an acceptable standard.

The Portfolio Holder Sustainable Homes and Communities congratulated the team for their hard work stating tenants were involved throughout the process.

RESOLVED:

1. that based on the evaluation of tenders for the Integrated Asset Management contract the Tender Evaluation Panel recommend the appointment of Bidder A, to deliver and operate the services specified in the contract and tender documents. This being subject to a satisfactory outcome of a statutory leaseholder consultation process, and
2. that delegated authority be given to the Strategic Lead Housing Health and Environment) and Strategic Lead Governance & Licensing to negotiate and complete the contract with Bidder A.

REASON:

As current repairs and works to voids contract comes to an end there was a need to retender the works to ensure that tenant's homes were maintained in good repair with modern facilities – A Decent Home for All.

*58 **Crowdfund Devon**

The report outlined the Crowdfund Devon pilot which had been funded by Devon and Cornwall Police and highlighted how East Devon could join the pilot.

RESOLVED:

1. that the Crowdfund Devon scheme be joined, with delegated authority given to the Strategic Lead Organisational Development and Transformation, in consultation with the Strategic Lead Governance and Licensing to finalise any necessary arrangements to facilitate this. As well as agree to amendments to the operation of the scheme while East Devon District Council was a part of it, be agreed
2. that £50,000 of the Transformation Fund be spent on community projects using the scheme with funding to be awarded on the basis of the criteria set out in Appendix A. That delegated authority be granted to the Strategic Lead Organisational Development and Transformation, in consultation with the Strategic Lead Governance and Licensing to vary the criteria where it was considered appropriate and necessary to do so, be agreed and
3. that delegated authority be granted to the Strategic Lead Governance and Licensing to review and if necessary revise the Community Fund Panel's terms of reference to permit email approval of the allocation of Crowdfund Devon grant payments due to time constraints in the process. Such approval to be in accordance with the rules of the scheme and the award criteria.

REASON:

- There was the opportunity to use the Crowdfund Devon crowdfunding platform for free for the financial year 2018/2019. The costs for the pilot were £26,000 which were being met by the police, but covered the costs of all the authorities.
- The pilot would specifically help determine if crowdfunding was a viable means to deliver local projects and priorities which unfortunately under the current financial constraints were unaffordable for local authorities to promote solely.
- By using crowdfunding the monies would be match funded, helping pay for more projects in the area than the initial amount could ever fund.

Attendance list

Present:

Portfolio Holders:

Ian Thomas	Leader
Phil Skinner	Deputy Leader / Economy
Dean Barrow	Finance
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:

Alan Dent Corporate Services

Non-Cabinet apologies:

Mark Williamson
Bill Nash
Simon Grundy
Mike Howe
Matt Booth
Steve Gazzard
Colin Brown
Steve Hall

Also present (for some or all of the meeting)

Councillors:

Brian Bailey
Bruce de Saram
Tim Dumper
Ian Hall
Pauline Stott
Cherry Nicholas
John O'Leary
Roger Giles
Eleanor Rylance
Peter Faithfull
Ben Ingham
Megan Armstrong
Brenda Taylor
Andrew Moulding
Val Ranger
Eileen Wragg
Graham Godbeer
Maddy Chapman
Susie Bond
Cathy Gardner
Marianne Rixson
John Humphreys

Also present:

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Simon Davey, Strategic Lead Finance
John Golding, Strategic Lead Housing, Health and Environment
Henry Gordon Lennox, Strategic Lead Governance and Licensing
Andrew Ennis, Service Lead Environmental Health and Car Parks
Amy Gilbert-Jeans, Property and Asset Manager
Amanda Coombes, Democratic Services Officer

Officer apologies:

Karen Jenkins, Strategic Lead Organisational Development and Transformation

Chairman Date.....

Appendix A

East Devon District Council Crowdfunding pilot 2018 / 2019

DRAFT CRITERIA:

1 Who can apply?

- Charities registered with the Charities Commission.
- Properly constituted and regulated Community Interest Companies registered with Companies House.
- Parish and town councils.
- Properly constituted voluntary and community groups and clubs.
- Properly constituted not for profit organisations.

Those applying must:

- Have the permission of all relevant organisations to carry out their project.
- Take responsibility for delivering their project.
- Be able to deliver their project.
- If relevant, commit to maintaining the project and keeping it going.
- If successful, be willing to agree to and sign a legal grant agreement and relevant terms and conditions for the funding before we hand it over.

2 What we will fund?

Projects where at least 75% of the benefits are to communities and people within East Devon.

Projects must help to achieve one or more of the following priorities as listed in our council plan <http://eastdevon.gov.uk/council-and-democracy/council-business/our-plans/council-plans/> :

- Encouraging communities to be outstanding.
- Developing an outstanding local economy.
- Delivering and promoting our outstanding environment.
- Continuously improving to be an outstanding council.

Projects must also be:

- Registered on Crowdfund Devon as 'all or nothing' schemes. Monies pledged will only be released if the full fundraising target is reached within the timeframe.
- Long lasting, capital projects or revenue costs where the benefits are long lasting. Capital projects are for material things like trees and buildings. Revenue costs can include things like salaries and events.
- Sustainable projects, projects in a transition phase with an evidenced plan in place to become sustainable, or just starting up with an evidenced plan in place to become sustainable.
- All grant money awarded must realistically be able to be spent within 12 months of receiving the grant offer letter.

3 What we won't fund:

- Retrospective projects. Projects where work has already started before we've confirmed we've received back the signed grant offer letter.
- Unsustainable projects. For example, projects that need to continue beyond the life of the funding but are unlikely to be able to.
- Projects working with vulnerable people where there isn't a Safeguarding Policy and / or appropriately trained staff / volunteers.
- Projects for organisations that have more than 12 months running costs in reserves.
- Projects where planning permission is required but hasn't yet been given.
- Funds that are required to help pay off debts.
- Projects that promote religion or politics.
- Projects that directly benefit individuals.
- Ongoing costs including ongoing maintenance costs, regular activities such as grass cutting, ongoing salaries, costs for the day to day running of an organisation, unless this is during a transition phase with documented evidence of how the project will become sustainable post transition.
- Work that a statutory organisation has to do by law, for example Devon County Council, the Church or the NHS, unless this is over and above what they would ever provide.
- Projects that have a negative effect on one or more of the priorities listed in our council plan. <http://eastdevon.gov.uk/council-and-democracy/council-business/our-plans/council-plans/>
- We can't fund projects from more than one of our funding streams. So:
 - If your project has already received funding from East Devon District Council's Crowdfund Devon scheme you can't receive anymore funding through it.
 - If your project has been previously funded by the Parishes Together Fund you can't apply to this fund: <http://eastdevon.gov.uk/grants-and-funding/parishes-together-fund/>
 - If your project is eligible for our Community Buildings Grants you can't apply to this fund: <http://eastdevon.gov.uk/grants-and-funding/community-buildings-fund/>
 - If your project is funded by our Communities Together Fund you won't receive a grant from us on Crowdfund Devon. If your project is funded by us on Crowdfund Devon you won't receive a grant from the Communities Together Fund. <http://eastdevon.gov.uk/grants-and-funding/communities-together-fund/>

4 How much you can apply for

- Those eligible can apply for a maximum of 50% of total project costs, with a minimum of 50% of total project costs being funded from elsewhere.
- Those eligible can apply for a minimum of £2,000 (so a minimum total project cost of £4,000) and a maximum of £10,000 (which would be a minimum of a £20,000 project, projects above this could receive funding but East Devon District Council's contribution would be £10,000 maximum).

5 Additional information

- We reserve the right not to make a funding pledge to particular projects.
- Depending on the nature of the project and the information given we may request additional information and assurances; requiring additional terms and conditions to apply, and will require in writing acceptance of any additional terms and conditions before agreeing to provide a grant.
- Our fund is limited and will be allocated on a first come first served basis. Once it runs out we will not be able to fund subsequent projects.
- Repayment of the fund can be required at the sole discretion of East Devon District Council if false information is supplied; there is a failure to spend the money in the allotted time period; the organisation becomes insolvent or there are any other breaches of the conditions or eligibility criteria.

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Knowle, Sidmouth on 3 October 2018

Attendance list at end of document

The meeting started at 5.30pm and ended at 6.30pm

***59 Public Speaking**

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

***60 Minutes**

The minutes of the Cabinet meeting held on 5 September 2018 were confirmed and signed as a true record.

***61 Declarations**

Cllr Philip Skinner, Minute 76: personal interest – Exeter Science Park Board of Directors
Cllr Pauline Stott, Minute 74; personal interest – Director of Water Sports Centre
Cllr Cherry Nicholas, Minute 68; personal interest – Member of Neighbourhood Plan Group.

***62 Matters of urgency**

Two items were submitted and listed on the agenda; considered under Minute 74 and 76 respectively.

***63 Matters referred to the Cabinet**

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

***64 Exclusion of the public**

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

***65 Forward Plan**

Members agreed the contents of the forward plan for key decisions for the period 1 November 2018 to 28 February 2019.

***66 Minutes of the Overview Committee held on 30 August 2018**

Members received the Minutes of the Overview Committee held on 30 August 2018.

***67 Minutes of the Scrutiny Committee held on 6 September 2018**

Members received the Minutes of the Scrutiny Committee held on 6 September 2018.

RESOLVED

that no further action required as the advice was that this was the position already.

***68 Response to Exmouth Neighbourhood Plan Submission**

The report set out to agree the response by the Council to the current Regulation 16 submission consultation for the Exmouth Neighbourhood Plan.

The Service Lead for Planning updated the report to include the following:

“EN3 is considered overly restrictive, limiting potential development inside the Built-up Area Boundary (BUAB), contrary to Strategy 6 of the Local Plan. The ‘non-prescriptive

boundary' shown in figure 8 crosses the BUAB and includes the Maer road car park, cricket ground, the Maer, tennis courts and play area. We suggest that the boundary is limited to those areas outside of the BUAB, retaining the potential to provide a green corridor connected to the sea front in line with community aspirations, supported by Strategy 5 of the Local Plan. We suggest that those valuable areas identified (the Maer, cricket ground, tennis courts and play area) are considered for alternative designation (ie. Local Green Space) if the group feels that extra protection for these areas is warranted."

Comments made from Councillor Tim Dumper, who was unable to attend the meeting, were read out. These covered EN1; EE2; EE5; H2; GAA4; CF1; and P92. The comments were noted and can be referred to the Independent Examiner.

Councillor Bruce De Saram endorsed the submission and thanked those parties involved in its production.

RESOLVED:

1. that Members note the formal submission of the Exmouth Neighbourhood Plan and the producers of the plan be congratulated on their dedicated hard work and commitment in producing the document, and
2. that this council make the proposed representation set out at paragraph 5.2 in the report, together with the additional comment on EN3, in response to the consultation.

REASON:

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

***69 The Rockbeare Neighbourhood Plan to be formally 'made'**

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

RESOLVED:

1. that the Rockbeare Neighbourhood Plan is 'made' so it forms part of the development plan, and
2. that the Neighbourhood Plan group be congratulated on their hard work and advised that once 'made' the Neighbourhood Plan would carry full weight in the planning decision making process.

REASON:

The Rockbeare 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.

***70 Monthly Performance reports – August 2018**

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

1. Days taken to process changes to Housing Benefit claims

2. Percentage of planning appeal decisions allowed against the authority's decision to refuse
3. Percentage of Non-domestic Rates Collected

There were two performance indicators showing as concern:

1. Days taken to process new Housing Benefit claims - Current working through a transition period to Universal Credit was impacting on performance indicators.
2. Working days lost due to sickness absence - There had been a significant increase this year in employees who had been absent for two months or more as a result of surgery and serious health issues for 2 or months – these cases were all being proactively managed through HR and reference to Occupational Health advice to facilitate a return to work as soon as possible.

RESOLVED:

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

***71 Formal and Ombudsman complaints 2017/18**

The report provided information on complaints received during 2017/18. Fewer complaints had been received at “stage 1” of the complaints process compared to the previous year. Of the 23 complaints closed by the Local Government Ombudsman during the year, 5 were upheld.

A trend identified from complaints submitted related to keeping customers informed. The Strategic Management Team has picked this up for action.

RESOLVED:

that Cabinet noted the report and continued to encourage the local resolution of complaints.

REASON:

To continue to improve the way the Council handled; and learned from, complaints.

***72 Exemption to Standing Orders for Audio Visual equipment at Blackdown House**

To note an Exemption to Contract Standing Orders had been approved to enter into a contract with Public-i for the supply, installation, commissioning and satisfactory completion of the Audio Visual equipment and to seek Cabinet support for the action taken.

Councillor Steve Gazzard was given confirmation that provision for those with visual impairment had been made.

RESOLVED:

that the action taken of an Exemption from Contract Standing Orders for Audio Visual Installation at Blackdown House, be supported.

REASON:

Exemption from Contract Standing Orders had been sought and approved.

73 **Modern.gov software and extending functions to existing conference system**

The report outlined a business case for the purchase and implementation of Modern.gov and its associated tablet app for accessing meeting documentation. This dovetails with the Council's Transformation Strategy to improve efficiency, as well as continue to further improve the agreed position of operating "paper light" meetings for both Members and Officers. The report also covered enhancing the current conference system for committee meetings to enable voting functionality and queuing of speakers.

The Leader commented on the advantage of the software and welcomed the benefits, including standardising calendar appointments. The Portfolio Holder for Corporate Services had received unprompted comments from Exeter City Council Members on the ease of use of the app in accessing agendas.

RESOLVED:

that the adoption of Modern.gov software to deliver the improved functionality around the governance arrangements (meeting documentation, timetables, register of interests and the gift and hospitality register) and the extension of functions to the existing Chamber conference system, be agreed.

RECOMMENDED:

That monies be allocated to implement the adoption of Modern.gov software, and the extension of functions to the existing conference system from the Transformation Budget, and to agree to the annual licence costs on an ongoing basis.

REASON:

1. There are clear efficiencies that can be delivered in utilising the software, as well as reaching the target for paper light meetings;
2. Extending the functionality will enable improved management of meetings and therefore a more positive meeting experience for both Members and the public.

*74 **House of Lords Select Committee on Regenerating Seaside Towns and Communities – call for evidence**

The House of Lords Select Committee on Regenerating Seaside Towns and Communities was appointed by the House on 17 May 2018. The remit of the Committee is "to consider the regeneration of seaside towns and communities". The Committee will explore a number of key issues in detail and has issued a public call for written evidence to a list of questions. Overview Committee considered and debated a draft submission on the 27 September 2018 and asked the Deputy Chief Executive to bring forward a further draft to Cabinet. The final document will be submitted to both the House of Lords Select Committee before the 9 October 2018, and to the Local Government Association Coastal Special Interest Group workshop on 31 October 2018.

RESOLVED:

that the agreed response is submitted to both The House of Lords Select Committee before the 9 October 2018 and to the Local Government Association Coastal Special Interest Group workshop on the 31 October 2018.

REASON:

The Council has a wealth of information and experience to offer The House of Lords Select Committee on Regenerating Seaside Towns and Communities.

***75 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).

76 Commercial Property Investment: V-Sim Building, Science Park

The Cabinet explored an opportunity to fund the construction of a purpose built facility on Exeter Science Park.

RECOMMENDED:

That a sum up to £5,815,000 be made available for investment in the V-Sim Building at Exeter Science Park.

RESOLVED:

That authority be delegated to the Deputy Chief Executive, in consultation with Strategic Lead for Finance and Strategic Lead for Governance and Licensing, to undertake due diligence, negotiate, and agree detailed terms and conditions and complete related documentation to enable the investment to proceed.

REASON:

1. To provide funding for investment;
2. To support the Council in generating the £450,000 additional net income from property investment as per the Medium Term Financial Plan and Transformation Strategy;
3. To enable the Council to act in a commercial and agile manner to ensure this investment is deliverable within the required timeframe and to the required investment objectives.

Attendance list

Present:

Portfolio Holders:

Ian Thomas	Leader
Phil Skinner	Deputy Leader / Economy
Dean Barrow	Finance
Alan Dent	Corporate Services
Paul Diviani	Strategic Development
Jill Elson	Sustainable Homes and Communities
Tom Wright	Environment

Cabinet apologies:

Geoff Pook	Asset Management
Marcus Hartnell	Deputy Portfolio Holder Environment

Non-Cabinet apologies:

Mark Williamson
Tim Dumper
Ian Hall
Eileen Wragg
Roger Giles
Simon Grundy
John O'Leary
Brenda Taylor

Also present (for some or all of the meeting)

Councillors:

Brian Bailey
Bruce de Saram
Pauline Stott
Cherry Nicholas
Eleanor Rylance
Peter Faithfull
Ben Ingham
Megan Armstrong
Andrew Moulding
Graham Godbeer
Maddy Chapman
Marianne Rixson
Steve Gazzard
Geoff Jung
Colin Brown
Mike Howe
Helen Parr
John Dyson
Steve Hall

Also present:

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Simon Davey, Strategic Lead Finance
John Golding, Strategic Lead Housing, Health and Environment
Henry Gordon Lennox, Strategic Lead Governance and Licensing
Ed Freeman, Service Lead Planning
Tim Child, Property and Estates Manager
Anita Williams, Principal Solicitor and Deputy Monitoring Officer
Debbie Meakin, Democratic Services Officer

Officer apologies:

Karen Jenkins, Strategic Lead Organisational Development and Transformation

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 6 September 2018

Attendance list at end of document

The meeting started at 6.00pm and ended at 8.23 pm.

***14 Public speaking**

There were no members of the public present.

***15 Minutes**

The minutes of the Scrutiny Committee held on the 5 July 2018 were confirmed and signed as a true record.

***16 Declarations of interest**

No interests were declared.

***17 Questions in advance of the meeting from Members of Scrutiny Committee**

In response to a request by the Chairman for Questions to be received from members in advance of the meeting, 9 questions had been submitted, and the printed [questions and answers](#) were circulated prior to the meeting. The Chairman read through the questions and answers and asked Councillors submitting questions to put any related supplementary questions to the meeting. The response to the supplementary questions asked are set out below.

- a) Question 1 – The supplementary question queried the definition of the term ‘that it is in the public interest to prosecute the offence’, referred to in point 2 of the response to the first question from Cllr Chapman.

In response, Ed Freeman, the Service Lead for Planning Strategy & Development Management gave a comprehensive explanation about the assessment made by officers to establish the nature of the harm caused.

- b) Question 2 – The supplementary question related to the fourth question from Cllr Chapman, and was whether there was a disincentive to the Council in taking cases to court.

In response, Members were told that an assessment would be made about any cases which could be taken to court based on a variety of criteria, including whether it was expedient to do so and proportionate to take such action, in order to make a balanced judgement. The Chief Executive stated that it was a good thing for the Council to pursue prosecutions in order to show that it would take action and also to assist magistrates understand the issues involved. However, it was important to choose the cases to take to prosecution.

Although there was no formal comparison of Councils which pursued actions, it is understood that EDDC may take one or two forward each year which was similar to other Councils.

- c) Question 3 - The supplementary question queried whether there was a sufficient deterrent at present.

In response, the Chief Executive stated that there were unscrupulous developers who may not be put off by the fines at present. Ed Freeman stated that EDDC will try to publicise instances where this occurs, which can be more of a deterrent to developers. Cllr Mike Howe stated that it was possible to insist that when trees are felled by developers, they are replaced so that it is impossible for them to use the land as anticipated.

The Chief Executive confirmed that a lot of work was involved in taking forward prosecutions, such as evidence gathering, and following up witnesses and landowners before a public interest test was undertaken, because some cases were very difficult to prove in court.

The Chairman asked when the few outstanding recommendations from the TAFF will be completed. In response Ed Freeman informed members that a Planning Enforcement Policy was currently being developed, which would include tree works. It is well advanced and will shortly be sent to the Tree Team for consultation.

Cllr Darryl Nicholas commented that there appeared to be a lack of information about cases coming from the Tree Team and asked about the possibility of developing a register of complaints which could be accompanied by a brief explanation for the public in relation to subsequent action or non-action. Ed Freeman stated that Tree Enforcement cases were entered onto the same system as all the other Planning Enforcement cases, and it would be difficult to separate them out numerically. There were currently 643 enforcement cases and very few would relate to trees. However, any local residents putting in a complaint would have the case logged and numbered, and be able to check progress on their individual case.

Cllr Howe stated that he did not recall signing off any non-action orders as Chair of Development Management Committee (DMC). Ed Freeman responded by informing members that if there were proven breaches, they would be submitted to the Chair of DMC and the fact was that there are very few compared to all other planning enforcement actions. Following further discussion, Cllr Howe's request for more involvement in future cases was endorsed.

Ed Freeman explained that all officers needed to understand the system and the reasons for actions in some cases but not others. Documenting the process would assist in providing a rationale for outcomes, and understanding that there are other actions which can be pursued apart from prosecutions, such as cautions and replacement planting. The Planning Enforcement Policy will soon be completed and presented to DMC or Strategic Planning Committee for approval.

In response to Cllr Howe's suggestion that an officer from the Tree Team could sit with the planning team as part of the systems thinking process, the Chief Executive responded that different lines of reporting for officers in the Tree Team and Planning were built in to provide constructive challenge within the system.

The Chairman asked if there were any further supplementary questions. He confirmed that Cllr De Saram was happy with the answers he had received for his questions in advance.

***18 Update from the Service Lead for Planning Strategy & Development Management following the Scrutiny Committee meeting of 7 June**

The Chairman welcomed Cllr Mike Howe as the chair of the TAFF, and Ed Freeman for this item. He stated that in hindsight it would have been better if officers from both the Tree Team and Planning Team had been present at the meeting on 7 June but thanked those for attending this meeting.

Scrutiny Committee had requested an update from Planning relating to Minute 49; Tree Team Update, from the meeting of 7 June, about how outstanding recommendations agreed by the Tree Task and Finish Forum (TAFF) in 2015, will be implemented. In the light of discussion arising from the questions in advance, the Chairman asked if there were further comments relating to this issue and reiterated that a Planning Enforcement Policy was currently being developed, which would include tree works and which it was understood was due to be completed in the near future. There were no further comments.

***19 Resolution by Cabinet of 11 July to refer recommendations back to Scrutiny Committee**

At its meeting on 7 June the Scrutiny Committee made two recommendations to Cabinet on 11 July relating to Minute 49; Tree Team Update, and also a further two recommendations to Cabinet relating to Minute 50; Effectiveness of local authority overview and scrutiny committees.

The recommendations were sent back to Scrutiny.

In relation to Cabinet Minute 49, there were no further comments from members relating to the first recommendation. In relation to the second recommendation for Minute 49, Ed Freeman reassured members that the Tree Team were involved in all of the relevant planning processes.

In relation to Minute 50, the Chairman referred to the Communities & Local Government's Select Committee report on the effectiveness of local authority overview and scrutiny committees, the Government's response to the report and the view of Scrutiny Members having considered both. He stated that Cabinet appeared not to be in agreement with the findings and recommendations. The Chief Executive clarified that the matter was not one of disagreement by Cabinet but a communication issue. Cabinet had been clear in its response. As a result of EDDC operating through a Cabinet political model rather than a Committee model, certain functions are reserved for Cabinet as executive matters and reports should be submitted to Cabinet. However, the input into reports to Cabinet include legal and financial considerations and an analysis of issues in full before they are submitted to Cabinet. Some matters will go to Scrutiny before going on to Cabinet, but the process for Scrutiny to send reports and recommendations directly to Council is not yet practised sufficiently for members other than those on Scrutiny Committee to understand fully what has been taken into account, before Scrutiny Committee makes recommendations. Cabinet would currently be at a disadvantage if Scrutiny Committee made a recommendation to Council because it would not be clear about the information which had been taken into account. The outcome could be that Council send it back which would build in delays. The Chairman asked if Cabinet were happy for Scrutiny to send recommendations to Council on some occasions and to Cabinet on others. The Chief Executive confirmed that legally, Cabinet cannot stop reports and recommendations from Scrutiny to Council, but they would need to include inputs from legal and financial officers, members of the senior management team and any relevant experts if appropriate.

The Chairman then asked members to consider whether a further response is required, and if so what it should be.

Cllr Gardner sought clarification about why the second recommendation under Minute 50 had been rejected since there was no explanation in the text from Cabinet. The Chief Executive stated that Cabinet would probably have regarded the two recommendations as connected rather than as separate items, and referred them back together.

Cllr Darryl Nicholas confirmed that he understood the purpose of Cabinet comments in terms of preventing spurious reports being presented without strong recommendations, and that to report to Council meant that what is sent by Scrutiny is robust and shows the thought process involved.

Cllr Godbeer stated that he did not consider that Cabinet were attempting to gag Scrutiny as a Committee, but that it needed to follow set procedures.

As Legal Advisor, Anita Williams outlined that reports going to Cabinet were dealt with very differently to reports going to Scrutiny. Using the Tree Team report as an example, she stated that if it had been going to cabinet, the draft would have been circulated to get comments from both Planning and Tree Teams, before obtaining financial and legal comments prior to being submitted to Cabinet.

The Chief Executive confirmed that Scrutiny had a right to challenge, but this carried a responsibility to go through a rigorous process beforehand. This operated at two levels. One which reflected that Scrutiny Committee had a concern which it wanted to take to Cabinet for consideration or action, and which Cabinet could then respond to. Another which results in a report to Council through the same quality assurance process as if going to Cabinet.

The Chairman asked the Chief Executive to explain where EDDC and its scrutiny function stood, if it were not to follow Government guidance that scrutiny recommendations should go to full Council rather than to Cabinet.

Further discussion took place about the obligation to challenge placed on local authorities by government and reference was made to situations such as at Rotherham, when it was not considered that this had been done effectively by local authorities in their scrutiny role. Clarification was sought by Cllr Moulding about executive items needing to go to Cabinet, and those items which could go directly to Council. The Chief Executive clarified that issues relating to a new policy or monies not budgeted for were examples of items which could go to Council, as outlined in the Constitution.

The Legal Advisor stated that the Constitution was clear already that Scrutiny Committee could report to Council or Cabinet, and advised that there was no need to recommend changes.

The Chairman asked for a proposition to close the debate.

Cllr Darryl Nicholas proposed and Cllr Chapman seconded as follows:

‘That where Scrutiny considered that a recommendation(s) should be made to Council rather than Cabinet then as a matter of good practice it should ensure that any such recommendation(s) were made following consideration of a full report from officers that addressed all the relevant corporate, legal, financial and any other material matters’.

This was agreed by members.

In addition Cllr Gardner proposed the second recommendation under Minute 50 be adopted as a Scrutiny procedure rule and recommend to Cabinet that the Constitution be amended accordingly. Cllr Darryl Nicholas seconded the proposal and members agreed. The Chief Executive pointed out that technically this was the legal position currently.

RECOMMENDED to Cabinet

“That the constitution be amended to the effect that there will be a local scrutiny procedure rule that members of Cabinet should only participate by invitation of the committee, making the distinction between participation and attendance”.

RESOLVED;

‘that where Scrutiny considered that a recommendation(s) should be made to Council rather than Cabinet then as a matter of good practice it should ensure that any such recommendation(s) were made following consideration of a full report from officers that addressed all the relevant corporate, legal, financial and any other material matters’.

***20 Review of Environmental Health & Car Parks Service Plan 2018/19**

The Chairman welcomed Councillor Marcus Hartnell as Deputy Portfolio Holder for the Environment; Councillor Jill Elson as Portfolio Holder for Sustainable Homes & Communities; John Golding as Strategic Lead for Health, Housing and the Environment and Andrew Ennis as Service Lead for Environment & Car Parks.

At its meeting on 5 July, Scrutiny Committee agreed to review existing service plans ahead of the formal budget setting process, and specifically to receive presentations on existing service plans at its forthcoming meetings prior to February 2019. It was also agreed to commence this review with the current [Environmental Health & Car Parks Plan](#), inviting the Portfolio Holder for the Environment, Strategic Lead and Service Lead to attend.

This item is the first of a series of reviews of existing Service Plans which may result in recommendations from members related to service planning in the future.

John Golding gave a broad overview of the service and that its overall purpose was to protect and improve people's health, undertaking a series of activities under the umbrella of Environmental Health, which also incorporated public health; health and safety; food safety and a range of other work such as car parks. The Service Plan is linked directly to the Council Plan, Transformation Strategy and Finance Strategy.

Discussion included the following points;

- Members sought clarification about the use of surplus funds of £2+m generated from car parks, and commented that it was not used solely for the purposes of managing car parking.
- Simon Davey, Strategic Lead for Finance, confirmed that this income was a significant part of the Council's income, and the level of it was important for the running of other services. Car parking charges were an income generator at EDDC and for many councils.
- Service Planning starts within each service but is part of the budget setting process. The Service Plan will be submitted to Senior Management Team (SMT) to ensure there is no competition or duplication. Service Plans need to sit together as a whole. In October, the Medium Term Financial Plan (MTFP) will be drawn up to reflect the actions required to put a balanced budget together for the Council as a whole.
- Members raised the issue of how significant it was to set objectives and how they can be more SMART (Specific, Measurable, Achievable, Realistic and Timebound).
- Officers stated that it was necessary to be clearer about what we wanted to achieve, and that good ideas needed to be backed up by robust business cases.
- Members asked why there were no Performance Indicators (PIs) for some Key Service Objectives (KSOs). The Chief Executive explained that previous governments had made an industry of PIs and targets, under initiatives such as Best Value, but very few had a real impact on service delivery. As a result the coalition government had got rid of the majority of PIs and cut budgets, in favour of introducing measures most meaningful to the service being delivered. Performance is very different now to when PIs were mandatory, and EDDC has been rigorous in implementing a systems thinking process. Transactional areas are more difficult to measure than others, such as Revenues & Benefits.
- Money from car parks is not ring-fenced and goes towards trying to balance the budget overall.
- Vandalism and theft in car parks has resulted in installing upgraded machines in some areas in order to future proof. The future budget will include an allowance to facilitate upgraded machines in more car parks.
- Comparisons will be done of charges in other coastal areas.

- Members queried the future Digital Data Platform to be introduced which was referred to by Karen Jenkins, Strategic Lead for Organisational Development & Transformation, and how the new platform would incorporate new PIs if Service Planning was already underway. What benchmarks would be used to measure achievement?
Karen Jenkins clarified that the system would be more automated and with customers able to interact online. The old system of benchmarking with other councils did not always allow comparisons with the same items, and was ineffective and lacking in clarity.
- Members queried why District Councils did not have a formal place on public health boards, such as the Sustainability & Transformation Partnerships, when they are being required to do more on this agenda.
The Chief Executive clarified that the Council had to use its influence, as at Cranbrook's Health & New Town Initiative, where the ability to influence the NHS may be minimal but it is possible to influence other key partners.
- John Golding confirmed that the District had always had a statutory role to work with Devon County Council on health issues, which allowed us to concentrate effort and a limited budget on what could be achieved locally.
- Members asked about charging for campervans on car parks, and what were the mechanisms for getting rid of waste? Andrew Ennis confirmed that a trial was being undertaken in Exmouth, including consideration of charging points and water supplies. It was difficult to identify suitable sites.
- Members asked about Section 6 of the Service Plan relating to risk, and how EDDC addressed risks. Simon Davey, as the responsible officer for risk overall, stated that there was a complex process for dealing with risk and financial implications. Once identified they were reviewed quarterly, were submitted to SMT to check strategic and operational risks, before being presented to Audit & Governance Committee.
- The issue of risk in Service Plans was addressed in a risk register which was reviewed regularly by Simon Davey and other officers, and also by both internal and external audits.
- The Chairman asked what consideration had been given to the impact of Brexit on the service.
Officers were not yet aware of government's plans in relation to regulations in future, but there is an option to replicate EU regulations. Emergency situations may create future challenges if they take place across borders, such as an oil tanker crisis. Brexit was not identified on the risk register.
- There is expected to be a £700K deficit across the Council next year which should be manageable. However, for the 2020/21 budget, Government has indicated that there will be changes to the Business Rate and a re-evaluation of business charges, which may lead to a reduction in council income.

Members asked whether officers and portfolio holders considered that the questions put forward at the meeting were helpful in terms of service planning, because the Committee will be conducting a similar process for each service plan. Karen Jenkins stated that the focus on Service Plans had given officers a renewed interest, and that points made about SMART objectives made a difference to quarterly and annual reporting. The work will feed into the Council Plan.

Cllr Hartnell confirmed that looking at service plans will generate more information for members about how the Council is performing which is helpful and also which PIs can be of most use in driving service delivery.

The Chief Executive stated that the Council was complex and that officers appreciated opportunities to explain how services work with members.

Cllr Godbeer told members that he would be having a meeting with Karen Jenkins about how to approach Service Plans from the perspective of Overview Committee, and wanted to involve services via the Portfolio Holders.

The Chairman concluded the debate by thanking senior officers for their input and attending the meeting.

***21 Scrutiny forward plan**

Members agreed that at the forthcoming meeting in October they would consider the Service Plans for Economy & Regeneration Services, and the Growth Point team.

Since Cllr De Saram had sent questions in advance which appeared to have been answered to his satisfaction, the Chairman suggested clearing the penultimate point from the Forward Plan.

An invite and dates of future meetings of the Scrutiny Committee had been sent to the Police & Crime Commissioner and a response is currently awaited.

The Street Trading report was due to come to the October meeting, but members agreed that the agenda for 4 October should be restricted to the Service Plans agreed and the Election report. The report on Street Trading would be re-arranged.

Cllr Rylance suggested putting an item on council housing on the Forward Plan, but after a brief discussion involving Cllr Jill Elson as Portfolio Holder for Sustainable Homes & Communities, it was agreed that these issues were addressed at Housing Review Board which Scrutiny members were welcome to attend.

The Chairman closed the meeting at 8.23pm.

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

Scrutiny Members present:

Maddy Chapman
Cathy Gardner
Roger Giles
Graham Godbeer
Cherry Nicholas
Darryl Nicholas
Val Ranger
Eleanor Rylance
Eileen Wragg

Other Members

Colin Brown
John Dyson
Jill Elson
Marcus Hartnell
Mike Howe
Andrew Moulding

Officers present:

Mark Williams – Chief Executive
Simon Davey – Strategic Lead - Finance
Karen Jenkins – Strategic Lead – Organisational Development & Transformation
Anita Williams - Principal Solicitor & Deputy Monitoring Officer
John Golding - Strategic Lead – Housing, Health & Environment
Andrew Ennis - Service Lead, Environmental Health & Car Parks
Sue Howl - Democratic Services Manager

Apologies from Scrutiny Members:

Brian Bailey
Bruce De Saram
Simon Grundy
Stuart Hughes
Bill Nash
Marianne Rixson

Apologies from Non – Scrutiny Members:

Geoff Pook
Ian Thomas
Tom Wright

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 4 October 2018

Attendance list at end of document

The meeting started at 6.00pm and ended at 8.11pm.

***22 Public speaking**

There were no members of the public present.

***23 Minutes**

The minutes of the Scrutiny Committee held on the 6 September 2018 were confirmed and signed as a true record.

***24 Declarations of interest**

No interests were declared.

***25 Electoral Services Update**

Mark Williams was unable to attend the meeting since he was representing EDDC, at an event convened by South West Councils. Henry Gordon-Lennox was present to address any issues arising from the report.

At the meeting on 19 April 2018, the Scrutiny Committee requested an update on progress made on the recommendations of the Association of Electoral Administrators (AEA) in their report of February 2018.

This report was to update members on progress made following the recommendations received.

Comments and questions raised by members included the following;

A question was asked in relation to use of the Council Chamber which will be smaller in the new building at Honiton, and whether a confirmed booking had been made for the 2019 elections if required. The response to this was that Exmouth Pavilion has been provisionally booked and Westpoint has also been considered, so that adequate contingencies are in place. Until Blackdown House is in operation, it will remain difficult to assess fully its appropriateness for election purposes, but other options are available as indicated.

A question about whether the Electoral services staff have the right sort of space to work within at the new building, received the response that they will have a dedicated space solely for their purposes, which includes a secure office within the building and lockable rooms with high security measures in place. Secure off site storage facilities are also being investigated.

A question was asked relating to issues raised by the Electoral Commission about proofing and checking procedures for printed materials to ensure accuracy of information, and to prevent undue pressure on staff involved in elections if errors occur. Henry Gordon-Lennox confirmed that he had had discussions with Mark Williams about the need for such procedures, and this would be progressed.

A question about printing was raised further to discussion at previous meetings, and the current decision in place. Henry Gordon-Lennox confirmed that as far as he was aware there had been no change to the previously stated intention to outsource the printing of election information. He would seek an update from Mark Williams in relation to printing and bundling.

The Chairman asked about print providers and received the response that different providers offered different services in relation to canvassing and registration and the elections process.

A question was asked about the cost of elections. Officers explained that the cost of the Electoral Services team is a cost to the Council, while the cost of an Election is separate to that and can be charged back to the respective authority, such as the Government in the case of a General Election. If additional staff are required whose time is connected directly to the work of an election, this could also be charged back.

The Chairman referred to the recommendation made to increase the establishment to four full – time members of staff. Henry Gordon-Lennox stated that a fourth member of staff had been appointed on a part-time basis, with the option of it becoming full-time should work volumes require it. The recommendation was a reflection of the situation at the time, and if all the other measures in response to recommendations which have been put in place have a positive effect, it may not be necessary to make this a full-time post, but the option is available if circumstances deem it appropriate.

The question was asked about whether the Council would be fully prepared if there was a snap decision to hold an election. The response was that it would be. Having a General Election in May 2019 alongside District and other elections would increase the pressure of work, but it is a requirement upon all officers to assist with an election as a priority if the Returning Officer requires assistance.

Members pointed out that whilst there has been discussion about technical issues relating to elections, there was also a need to consider the conduct of political parties at elections, and issues such as voter intimidation and problems outside polling stations. That all parties should behave in a fit and proper manner as outlined in the guidance from the Electoral Commission, and be aware of the expectations required of them. Officers confirmed that guidance would be issued to agents and that there would be briefings sessions for them prior to the elections and to provide clarity for all those involved.

In response to questions about availability during the evening of the elections, it was confirmed that the Returning Officer and Elections Services team would be available throughout the election, and all presiding officers should have mobile phones with them or access to a phone. Presiding Officers would have had a comprehensive briefing from the Returning Officer and a set of Electoral Commission guidance papers to guide them.

It was pointed out that mobile phone coverage in Devon at times can be unreliable, but that there should be network coverage near polling stations and other means for getting in contact during an election, and that there will be someone to contact at all times.

In relation to emergencies or anomalies, such as checking where someone is registered to votes or proxy votes, the central contact point would be the Elections Services team.

In response to questions about whether a public address (PA) system will be available and checks on the door where the counts occur, it was confirmed that a PA system will be available and that only authorised people will be allowed to be present at the count and a process put in place at various venues to ensure that this is the case as happens currently. Further comments were made about staffing and it was acknowledged that it is the duty of the Returning Officer to provide for the delivery of an election and all the processes required to do so, including ensuring adequate staffing is in place and that the Council has an obligation to provide the necessary resources. The option for increasing the current complement of staff as outlined in the recommendations of the AEA is fully budgeted for.

RECOMMENDED to the Returning Officer;

This Committee recognises the report of the AEA and this report of the Returning Officer to update members on progress made in relation to all of the recommendations received, including the responsibility of the Returning Officer to have sufficient staff in place. Further;

1. That consideration be given to offering training to agents and candidates of political parties in line with Electoral Commission guidelines on the requirements and expectations for the smooth running of an election process including conduct of those involved to ensure any election is conducted in a positive manner.

2. That the Committee endorse the increase in staffing resource when necessary to secure the effective running of elections.
3. That a documented proofing procedure for the printing of election materials is developed.

***26 Review of Economy & Regeneration Services, and the Growth Point Team service plans 2018/19**

The Chairman welcomed Cllr Philip Skinner as Portfolio Holder for Economy; Richard Cohen as Deputy Chief Executive who leads on Development, Regeneration & Partnerships; Robert Murray, as Economic Development Manager; Tim Child, as Senior Manager for Property & Estates; Andrew Wood, as East of Exeter Projects Director, Growth Point Team and Alison Hayward, as Senior Manager for Regeneration & Economic Development.

Also attending are Karen Jenkins, Strategic Lead for Organisational Development & Transformation, and Simon Davey, Strategic Lead for Finance.

This item is the second of a series of reviews of existing Service Plans at Scrutiny Committee meetings which may result in recommendations from members related to service planning and budget setting in the future.

Update on Enforcement issues in relation to trees;

Before considering the Service Plans for [Economy & Regeneration Services](#) and the [Growth Point](#) service plan, the Chairman outlined to members that following the last meeting of the Scrutiny Committee, there had been a meeting on 10th September between himself and the Vice Chair with Karen Jenkins, who has the overall responsibility for ensuring that the Service Plans are produced and that performance monitoring against them takes place on a regular basis, by Scrutiny.

Following that meeting, the Chairman formally made a request on behalf of members that Karen raise an issue at the next Senior Management Team (SMT) meeting on 19th September, in relation to issues raised by Scrutiny members.

In order to have more detail on the volumes of prosecutions relating to TPO breaches which are considered by the Development Management team, and facilitate a better understanding of the numbers of potential breaches which are not considered to warrant further action, SMT were asked to consider the introduction of a Key Performance Indicator (KPI) relating to damage/removal of trees and initiation of legal proceedings.

Karen Jenkins confirmed that this was discussed and considered a good idea, and Service Leads are currently considering the wording of a KPI which the Committee will be made aware of.

The Chairman introduced this review by reiterating that service planning for 2019/20 is underway and Service Leads have been asked to draft their preliminary future service plans by early December. Accordingly, it is good timing for the Committee to do this work.

Committee trialled this approach at its last meeting in order to become better informed and be able to influence at an earlier stage of the Service Planning and budget setting process. Discussion included the following points and questions;

- Members asked Richard Cohen whether we would know that stated aims had been met without having many PIs, for example in relation to the delivery of infrastructure at Cranbrook. Officers referred to a number of PIs, such as the volume of Floor space for employment use being delivered, and a number of other trigger points for delivery which would need to be monitored variously by teams engaged in growth and regeneration work, and in line with the Planning framework.
- Members referred to the Growth Point Development Prospectus and noted the comments about how to improve the infrastructure, including work with Devon County Council (DCC) in relation to connectivity. Officers outlined that the Council

had agreed to extend the borrowing for infrastructure, including an extension of the Bus service in order to get people to the Met Office, the Science Park and Airport. Opportunities for new enterprise development was very important and connecting local people to local jobs matters, so the development of the Construction Academy is significant in this context.

- There were comments about the mismatch between local demand and growth projected, and the need for local jobs which does not transpire. Officers confirmed that they were aware of the opportunities for developers to seek more value out of land by change of use, and defended sites for employment purposes against housing developments as part of the commitment to balanced communities by delivering employment alongside housing.
- Reference was made to a recent survey in Axminster Business Park where businesses were asked about their future aspirations. The majority confirmed that there was currently no land to expand their businesses into. The next Service Plan will be taking this into account and preventing loss of land suitable for employment purposes as much as possible.
- Comments were made about the opportunities for farmers to state they are diversifying and then use land for non-agricultural use. Officers outlined that they were supportive of agricultural businesses and communities if they wished to diversify, but not to use land associated with agricultural purposes for building large factories or similar. Many lie within Areas of Outstanding Natural Beauty (AONB) in which specific criteria apply. There will be close liaison with planning colleagues on these issues.
- Questions were asked about the challenge of delivering bigger projects in an area where both large and small scale projects were required in rural areas. Officers confirmed that it was not plain sailing but the Enterprise Zone Designation assisted with this. This was a five year programme and potentially very powerful in accelerating the delivery of increased commercial activity, through mechanisms such as the Business Rate incentivisation period aimed at encouraging new business development.
- A number of members referred to staffing and resourcing issues within the Council to address issues identified within the Service Plans. Richard Cohen confirmed that communications between the Growth Point and Economic Development Teams are strong and resourcing is kept under constant review. The relationship with Greater Exeter requires the Council to ensure adequate resourcing is available and appropriate to the task.
- Questions about whether heavy discounts in the growth area will be skewing the market received the response that that was the intention, in terms of encouraging businesses to expand and/or relocate.
- With reference to the Economy & Regeneration service plan, it was indicated that several Regional Development Funds (RDF) bids would be made. It was confirmed that a bid had been made in relation to the East Devon Business Centre which was unsuccessful. In the light of BREXIT, no further bids will be made.
- The Chairman asked what impact BREXIT will have on Service Plans. Officers replied by confirming that whatever the outcomes were, EDDC would be seeking to strengthen resilience and employment opportunities within East Devon. This could be done at key sites in the Enterprise Zone and supporting local businesses. Considering the availability of workforce skills and capability so that the area is able to deal with a range of external variables. There are already staffing difficulties in the construction industry with the flight of workers who came from the EU, so that EDDC will be promoting local skills development. A National Review of skills called 'The Burning Platform' outlined difficulties ahead. EDDC are working with Exeter College

and looking at Construction Industry training in order to train local people on site and retain them for the future.

- The Chairman asked what gaps there were in services for the future. Officers responded that local Businesses indicated they needed places to grow, so EDDC were trying to encourage indigenous investment, through mechanisms such as the Enterprise Zone and a Commercial Investment Fund to create investors, allocate land and generate interest.
- Members asked why there was no reference to medical centres or hospitals in the Growth Point Service Plan. Officers said that there were references to healthy lifestyles and what infrastructure is required in places like Cranbrook. These issues are being actively addressed with the Clinical Commissioning Group (CCG) and the Royal Devon & Exeter Hospital Trust, acknowledging that infrastructure is required.
- In relation to questions about regeneration in Honiton, officers confirmed that the Council have a number of current and ongoing commitments within resources available to undertake regeneration activities, including at Exmouth, Seaton and east of Axminster.
- Officers outlined that almost £100m had been invested in infrastructure, including the DCC Phased Access Strategy which had contributed £50m and been put towards Cranbrook Railway Station. There was a deliberate focus in the Service Plans to look at what is required in future and see how it can be delivered in advance of need, for example, routes to schools, stations and other facilities.
- In relation to transport infrastructure, this was a key element of the plans, working closely with Exeter City Council and encouraging employment opportunities closer to where people live to minimise the need for commuting.
- There are ongoing negotiations with GWR and Network Rail about the possibility of doubling the number of trains along some routes, including running trains through Cranbrook with a ten-minute journey time into Exeter Central.
- The Chairman asked if the PIs are adequate in telling members what the service is trying to achieve. Officers responded that they do reflect the key aims of the Council and the opportunities to promote economic growth and local prosperity. There are targeted outputs which can help monitor the range of support for local businesses, job creation, new activity and key infrastructure projects and the PIs will be reviewed.
- A question was asked about how decisions are made in terms of determining the need for space for local micro and SME businesses. Officers responded with reference to the survey in Axminster Business Park where all businesses were approached about growth aspirations, whether they employed more than 280 people or were single person businesses. This was a proactive initiative and yielded important evidence of demand outstripping supply as a result of there being no vacant premises. What was currently lacking was a District-wide understanding of where demand lies and more comprehensive work was required to address this.
- In terms of promoting the work and achievements of the Growth Point, Regeneration and Economic Development teams, more could probably be done to publicise their work. For example, through publicity at local events such as 'Gate to Plate' and the use of dedicated Public Relations expertise available in the Growth Point Team

Recommended to Cabinet

1. that this committee acknowledges the risk identified in the Growth Point Service Plan that housing and employment development should not be out of kilter and will be monitored closely by the Growth point Team.
2. that this Council should aim to boost resilience of the local economy and develop a self-sufficient economy as much as possible, whilst maintaining an international focus.

Recommended to the Economy & Regeneration Service

that the Economy & Regeneration Service explores a mechanism for the coming year to examine Neighbourhood Plans to establish what local need is identified for local business support and to enable the Council to take a proactive approach.

Resolved;

that the Scrutiny Committee request that the Planning Service consider land use associated with infrastructure requirements and specifically the provision of appropriate health care services, in line with NHS recommendations for future hospital growth, within the Growth Point area.

***27 Item for information – Broadband in rural areas**

At its meeting on 22nd March 2018, the Scrutiny Committee discussed Broadband issues in rural areas (Minute 37, Broadband update refers) and made three recommendations to Cabinet. When it met next on 2nd May, Cabinet considered the recommendations and resolved that all of the recommendations be agreed.

One of the recommendations was to ask the Diocese for their continued support using church premises in providing the infrastructure necessary for a broadband solution for rural parishes.

This was followed up the Economic Development Manager, Robert Murray, who contacted Louise Bartlett (Senior Church Buildings Adviser) to discuss Diocese support for broadband provision in rural parishes.

The main updates were that:

- The Diocese are already actively engaged in enabling rural broadband provision via approving use of church buildings to host equipment.
- The principle of support is well established. They have so far permitted the use of 9 churches (including in Talaton) to host antennas.
- Applications from companies representing rural community beneficiaries are sent to Louise for her team to carry out the initial assessment.
- These have primarily been with Airband via the CDS programme rollout to date.
- Each application received is assessed on its own merit with the condition, setting and listed status of each relevant church building being taken into consideration.
- Once approved, the application then goes to 'Faculty' for 2nd stage/final approval.
- Louise has provided assurance that they remain actively engaged and look forward to receiving and considering new applications for church use.

The Chairman considered this to be a very positive response by the church authorities to an approach from EDDC, and suggested that information be provided to the Press Office to enable them to send out a press release. This was agreed.

***28 Scrutiny forward plan**

Members agreed that at the forthcoming meeting in November they would consider the Service Plans for the Planning & Planning Policy Service, and Streetscene.

The next review of service plans would be in February and consider the Countryside & Arts Service Plans.

In relation to fly tipping, Cllr Rylance stated that she would need to progress this with Cllr Tom Wright, since he was waiting for information not yet available. He had requested that all fly tipping incidents were logged since January this year and was awaiting an update on this.

Broadband had been covered in the last item and would be reviewed again in about six months' time.

The issues relating to lack of hospital provision raised by Cllr Bailey, and Enforcement Policy raised by Cllr De Saram could be put to Ed Freeman at the next meeting when he attends to discuss the Service Plan.

The Chairman closed the meeting at 8.11pm.

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

Scrutiny Members present:

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

Other Members

Mike Allen
David Barratt
Susie Bond
John Dyson
Peter Faithfull
Ben Ingham
Geoff Jung
Philip Skinner

Officers present:

Richard Cohen - Deputy Chief Executive, Development, Regeneration & Partnerships.
Andrew Wood - East of Exeter Projects Director, Growth Point Team
Robert Murray - Economic Development Manager.
Alison Hayward – Senior Manager, Regeneration & Economic Development
Tim Child - Senior Manager, Property & Estates
Steve Pratten – Relocation Manager
Henry Gordon – Lennox – Strategic Lead – Governance & Licensing
Simon Davey – Strategic Lead - Finance
Karen Jenkins – Strategic Lead – Organisational Development & Transformation
Anita Williams - Principal Solicitor & Deputy Monitoring Officer
Sue Howl - Democratic Services Manager

Apologies from Scrutiny Members:

Maddy Chapman
Stuart Hughes
Bill Nash
Darryl Nicholas
Eileen Wragg

Apologies from Non – Scrutiny Members:

Jill Elson
Geoff Pook
Ian Thomas

Tom Wright

Apologies from officers:

Mark Williams – Chief Executive and Returning Officer

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Overview Committee held at Knowle, Sidmouth on 30 August 2018

Attendance list at end of document

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

***6 Public speaking**

There were no public speakers at the meeting.

***7 Minute confirmation**

The minutes of the Overview Committee held on the 31 May 2018, were confirmed as a true record.

***8 Declarations of interest**

No declarations were made at the meeting.

***9 Conversion to renewable energy**

The Chairman welcomed Tony Norton, Head of the Centre for Energy and the Environment, College of Engineering, Mathematics and Physical Sciences at the University of Exeter. Mr Norton presented the report prepared by Andy Wood, East of Exeter Projects Director, alongside some [slides of the data presented in the report relating to the deployment of renewable energy.](#)

Mr Norton reminded the committee of the work already underway within the District and into Exeter, such as:

- the roll out of heat networks in the West End of the District;
- adopting passivhaus standards for Council housing refurbishment;
- privately led projects such as wind turbines and the deployment of solar photovoltaic technology (PV);
- planned France-Alderney-Britain sub-sea connector has the potential to harness both low carbon nuclear and tidal power and will come ashore at Budleigh Salterton and connect through to the main national grid sub-station at Broadclyst.

Whilst local energy projects at Cranbrook and Monkerton were to be commended, particularly as the largest of such projects in the country, consideration had to be given to reducing energy demand, for example through a retrofit programme of energy efficiency measures to the existing housing stock, in order to achieve the wider objective.

National policy position was set out in the report, but the committee were advised that it was unlikely it will deliver the “inevitable” renewable energy option that seemed to be widely expected. The current policies would deliver some improvement, such as through the recently published Clean Growth Strategy. This recognises that the UK will need to nurture low carbon technologies, processes and systems that are as cheap as possible.

Locally, the committee were taken through some of the information derived from “The Low Carbon and Climate Change Evidence Base for the Greater Exeter Strategic Plan”, outlining that the GESP area will need to reduce emissions from approximately 2.8MtCO₂ (2014) to approximately 1.1MtCO₂ by the end of the plan period in 2040 (equivalent to a 60.7% reduction on 2014 levels) in order to be on track to meet the legally binding UK target for

2050. The relevant Planning Acts bind Local Authorities to ensuring that local plans include policies that contribute to the mitigation of, and adaptation to, climate change.

[Slides were shared with the committee relating to the progress report to parliament](#), showing how the current policies would not deliver enough to meet the targets set by Government - "policy deficit" – and that regular amendment or replacement of policies was detrimental to delivery too. This policy deficit had been taken into account as part of the evidence base for the GESP process.

The potential for each renewable energy technology was examined for the GESP area, covering:

- Electricity
 - Onshore wind: Highest unconstrained RE resource but highly constrained
 - Photovoltaic (PV): The South West has the best solar resource in the UK. Ground mounted PV is the highest constrained RE resource
 - Run of river hydro: Small scale. Negligible resource. Abstraction licences a constraint. Economics difficult without existing civils infrastructure in place
- Electricity and Heat
 - Biomass energy: Resource not directly linked to location of technology which, to maximise efficiency, needs to be heat led
 - EfW energy: as above, resource not directly linked to location of technology which, to maximise efficiency, needs to be heat led
 - Anaerobic Digestion: Resource not directly linked to location of technology. Biogas export is the preferred technical solution to electricity generation (only). Combined heat and power (CHP) requires an adjacent heat load
- Heat
 - Heat networks: Heat demand led
 - Solar thermal: The South West has the best solar resource in the UK. Large scale solar thermal arrays will play increasing role where there are heat networks as evidenced in Denmark and elsewhere in continental Europe
 - Heat pumps: Large scale HP important in FAB Link type waste heat recovery opportunities. Potential for increasing standalone role as electricity grid decarbonises subject to electricity prices and grid constraints.

The committee were shown maps of the potential for wind and PV sites, based on detailed criteria and constraint of 2km maximum distance from the WPD electricity distribution grid. PV had many more potential sites across the GESP area than wind. Theoretically, if all the potential sites for PV and wind were developed, this would save 373 ktCO₂ compared to 2014 emissions of 821 ktCO₂ – 45%. Whilst this was a significant reduction, it was still not enough to meet the target. The committee were asked to bear in mind that it was just as important to consider how demand could be reduced.

The committee discussed the implications for the Council and the district as a whole, including:

- Welcoming the consideration of CO₂ emissions and the reality of providing additional energy in the GESP study;
- Commissioning a study for the district may only duplicate work elsewhere, and therefore continuing such research should be done across the GESP area; work was already underway by the GESP team including on potential sites and what the energy pros and cons would be;
- Existing grid capacity issue, in that the local distribution network had some constraints;

- Need to raise awareness of the impact both of energy use and CO₂ emissions;
- Implications of adding electric car charging points to car parks – what cost would producing that electricity bring and would it outweigh the benefit of an electric car;
- Member concern on impact of expanded PV use, such as aesthetics, and rain run-off. Technology needed to be sufficiently advanced to deliver as effectively as possible with minimal impact;
- Involving parishes in how they can contribute;
- Flat hilltop use for wind turbines may have less of a visual impact on surrounding area;
- Take the report and findings, particularly in respect of possible PV locations, to the Strategic Planning Committee to take into consideration for deliberating planning policy on PV installations, both as stand alone and for adding to existing structures;
- With a predominantly rural aspect, it would be unrealistic to expect communities to give up personal transport;
- Need to educate the public on what is available and how they can reduce demand;
- Concern on lifespan of PV units and what happens to the waste product of those;
- Personal and collective responsibility needed.

The Portfolio Holder for Economy spoke about the changes already in place but voiced that there was a clear need for further work on how the Council can contribute towards the goals of the GESP and look at own practices. He proposed that a step forward could be that he held a think tank on the topic, with an open invitation to any Members interested in the subject to contribute.

The Chairman agreed this as a way forward, asking the Portfolio Holder to provide a report back to the committee on the findings of the think tank, so that the committee continued to debate the issue and make proposals to the Cabinet in due course. He would raise the report with the Strategic Planning Committee at their next meeting to alert them to the value of the evidence within it.

The Chairman also thanked Mr Norton for his comprehensive presentation, which had raised more questions for Members to further pursue.

**RESOLVED: 1. The considerable evidence that underpins the potential for the renewable energy generation in the District be noted;
2. A further report on renewable energy will be made by the Portfolio Holder for Economy on completion of his think tank.**

***10 Overview forward plan**

In addition to the published forward plan for the committee, a draft response to a government call for evidence would be considered at the September meeting of the committee. A House of Lords Select Committee is considering Regenerating Seaside Towns and Communities, with the call for evidence currently open until 9 October. The draft response with comments from the committee will go forward for Cabinet approval before submission.

RESOLVED that the forward plan be noted.

Attendance list

Councillors Present:

Graham Godbeer (Chairman)
Ian Hall (Vice Chairman)
Peter Faithfull
Mike Allen
John Humphreys
Douglas Hull
Rob Longhurst

Councillors Also Present:

Philip Skinner
John Dyson
Pauline Stott
Brian Bailey

Officers

Richard Cohen, Deputy Chief Executive
Graeme Thompson, Senior Planning Officer
Anita Williams, Principal Solicitor and Deputy Monitoring Officer
Debbie Meakin, Democratic Services Officer

Councillor Apologies:

Mark Williamson
Steve Gazzard
Matt Booth
Tim Dumper
Chris Pepper
Jill Elson
Alan Dent
Ian Thomas

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Overview Committee held at Knowle, Sidmouth on 27 September 2018

Attendance list at end of document

The meeting started at 6.00pm and ended at 7.40pm.

***11 Public speaking**

There were no public speakers at the meeting.

***12 Minute confirmation**

The minutes of the Overview Committee held on the 30 August 2018, were confirmed as a true record.

***13 Declarations of interest**

No declarations were made at the meeting.

***14 Commercial Property Investment Framework**

The Chairman welcomed Tim Child, Senior Manager for Property and Estates. The committee received a short presentation summarising the process which led to a draft Commercial Property Investment Framework being prepared, the work to date in drafting the Framework for the Council to operate under and the fundamental principles contained within, along with next steps.

The Framework is set to deliver £450K additional net rental income per annum by 2020/21 through circa £20,000,000 investment. Aside from income, additional benefits would come from regeneration, business rates income, New Homes Bonus, employment, prosperity and the unlocking and accelerating delivery of sites. The approach was set out to the committee as:

- Circa £10,000,000 investment within Income Only Fund (IOF) – minimum 3% net rental return. Inside or outside of District
- Circa £10,000,000 Income Plus Fund (IPF) – wider District benefits, therefore minimum 1.5% net rental return. Inside District
- Types of Investment:
 - Management of existing assets (IPF)
 - Acquisition for Commercial income (IOF)
 - Acquisition for District benefits (IPF)
 - Direct development (IPF)
 - Strategic Partnerships / Joint Ventures (IPF)

The Framework had been drawn up to provide a clear, costed, risk managed and structured programme of investment, using rigorous criteria and with the appropriate decision making capabilities to respond to market opportunities in an agile but safe manner.

Detail on the scoring matrix and the decision making process would be provided to a Special Asset Management Forum meeting before going to Cabinet and onto Council in December 2018.

Debate by the committee included:

- How the workshop projects at Seaton fitted in with the framework proposed and the prospect of delivery; in response from both officers and the Chairman of the Asset Management Forum (AMF), the projects were still credible but further due diligence

was needed, not least around strategy, before these could be progressed. Moving forward the projects will be delivered as capital projects and in line with the Council's governance and project management of such projects. Involvement of audit would happen once the framework had been implemented and some projects progressed through it. This would become part of the working programme for the South West Audit Partnership (SWAP) with reporting to the Audit and Governance Committee;

- Some proposals were already been reviewed in line with the draft framework to commercial property investment and as per the steer already provided by Members;
- Need to see clear reporting and decision making process in the delivery of this framework, with the involvement of Members as well as officers;
- The investments should not be for new housing, but mixed use development was acceptable;
- If opportunities to invest beyond the boundary of the District arose, they should only be considered if falling within the south west area;
- Skill sets required for the implementation and delivery of the framework would need to be in place, with recruitment specifically for this commercial mind-set undertaken if necessary;
- Whilst the proposed framework was modest, there was still a risk to the Council in competing in a competitive market and investing in commercial property;
- Assessing where to look for such investment opportunities – local knowledge was invaluable for local opportunities;
- The Council had already approved funding for external consultants to support the commercial investment.

The Chairman of the AMF reminded the committee of the work of his Forum. Projects were closely monitored, with further scrutiny by the Capital Strategy and Allocation Group for major projects funded from the Capital Programme. The framework proposed retained a democratic element for Members to be involved, but was not so protracted that it hindered the decision making progress, should the need to act on an opportunity present itself.

The Chairman of the committee welcomed the progress made following the debates held earlier in the year on commercial property investment.

RESOLVED that the Overview Committee:

- 1. Notes the work undertaken to date and the direction of travel of the Commercial Property Investment Framework (CPIF);**
- 2. Support the fundamental principles of the CPIF as set out within the report presented to the Committee on 27 September 2018;**
- 3. Notes that the CPIF will be debated at a Special Asset Management Forum and Cabinet.**

***15 The House of Lords Select Committee on Regenerating Seaside Towns and Communities – call for evidence**

The Committee had received a draft submission for consideration, covering a number of specific examples as evidence.

Councillor Matt Booth had submitted a number of comments in advance of the meeting, which had been received and would be taken into account. Other issues were raised by Members to be included or referenced in the submission:

- Erosion of the public footpaths – could funding be sourced to help mitigate this;
- Stronger comment on the impact of the aging population in the District, particularly on the demand for health services being severe;
- Include reference to local neighbourhood plans, which were based on local knowledge and well sourced local evidence on what that local community wanted;
- Strengthen pressure about fairer business rates in order to better support small businesses in the area, which were part of the attraction to both visitors and residents;
- Impact of seasonal demand;
- Include reference to the ratio of income to house price, limited opportunity for education, and demand for office space in seaside areas; more office space would attract a younger working population
- Reference to smaller coastal communities and their lack of facilities;
- Hinterland to the coastal communities holds the employees of coastal towns;
- Some transient element of homes in centre of Exmouth relating to flats;
- Look at opportunities with those local communities to enable them to run and sweat their local assets;
- Homelessness figures and impact that has on coastal towns.

The Deputy Chief Executive thanked the committee for their comments

RESOLVED

that, taking into account the discussion at the meeting, the Deputy Chief Executive, in consultation with the Chairman of the Overview Committee, finalises the draft response to the Select Committee, to be considered as an urgent item by Cabinet on 3 October 2018.

***16 Overview forward plan**

A request was made to extend the item relating to Economic profile to include an update from the Economic Development service. Members were advised that the Scrutiny Committee would be reviewing the relevant service plan on the 4 October.

RESOLVED that the forward plan be noted.

Attendance list

Councillors Present:

Graham Godbeer (Chairman)
Mark Williamson
Peter Faithfull
Mike Allen
John Humphreys
Steve Hall
Rob Longhurst
Tim Dumper

Councillors Also Present:

Geoff Pratt
Geoff Pook
Cathy Gardner
Bruce de Saram
David Barratt

Officers

Richard Cohen, Deputy Chief Executive
Tim Child, Senior Manager - Property and Estates
Linda Perry, Regeneration Officer
Giles Salter, Solicitor
Debbie Meakin, Democratic Services Officer

Councillor Apologies:

Ian Hall (Vice Chairman)
Matt Booth
Ian Thomas

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Strategic Planning Committee held at Knowle, Sidmouth on 24 July 2018

Attendance list at end of document

The meeting started at 2pm and ended at 3.27pm.

***8 Public speaking**

The Chairman welcomed everyone present to the meeting. There were no members of the public present who wished to address the Committee.

***9 Minutes**

The minutes of the Strategic Planning Committee meeting held on 26 June 2018 were confirmed and signed as a true record.

***10 Declarations of interest**

None

***11 Review of the East Devon Area of Special Control of Advertisements**

The report presented to the committee outlined the need for a review of the East Devon Area of Special Control of Advertisements and set out guiding principles and an action plan for the review.

In an Area of Special Control of Advertisements (ASCA) there are stricter controls than in other areas on the type, size and height of advertisements that may be displayed. ASCA are designated for their special scenic, historic, architectural or cultural features.

The ASCA was originally designated by Devon County Council in 1964 and was modified in 1986 and 2002. Significant changes have occurred since 2002 that could affect the ASCA including the continued growth of the towns, the development of Cranbrook and the designation of the Enterprise Zone. There is a legal requirement to review an ASCA at least every five years.

The review only needs to reflect changes since designation, since the reasons for the original designation will still be valid unless there have been significant changes in circumstance. In the interest of consistency, it would be sensible to consider excluding the main built up areas of the seven main towns from the ASCA. The main existing built up area of Cranbrook should be considered for exclusion in a similar way to the other main towns, but further thought will need to be given to the extent to which potential expansion areas could be excluded in this review.

Plans will be produced showing a revised ASCA boundary following the guiding principles set out in the briefing paper. These will be considered by this Committee prior to consultation. Following consultation, responses will be considered before the revised boundary is put forward for consideration by this Committee and Full Council. Confirmation of the revised ASCA would then need to go through set legal procedures that include submission of the proposals to the Secretary of State. It may then be necessary for the changes to be considered by an Inspector at an inquiry and further consultation may also be necessary.

Discussion covered:

- Clarification was sought as to whether there are alternatives to publishing an article in the London Gazette. In response, it was advised that this is a national legislative requirement.
- That the ASCA does not supersede the Area of Outstanding Natural Beauty regulations.
- Clarification was sought as to whether other County and District Councils uphold ASCAs. In response, it was advised that ASCAs are authority specific.
- Clarification was sought as to whether there are restrictions regarding telephone box advertisement. In response, it was advised that regulations couldn't stop localised parish notices from being placed in a telephone box. However, commercial advertisements in telephone boxes must adhere to stricter regulations.
- That the review of ASCAs should include ward members.
- Clarification was sought as to whether current advertisements that do not meet the requirement of the reviewed ASCA will be removed. In response, it was advised that the review will only alter the boundaries rather than the current specific advertisement regulations. Therefore, current advertisements will not be affected. Any advertisement coming forward will need to conform to the updated ASCA.
- Clarification was sought as to whether shop fronts are included in the review of the ASCA. In response, it was advised that there are current design guides for shop fronts; this is primarily in Exmouth which is undertaken by the Town Council. The ASCA only affects the advertisements themselves and not the shopfronts that they are fixed to.
- Clarification was sought as to whether the review of the ASCA would look at expanding the regulated areas within the built-up area boundaries. In response, it was advised that the report highlights the current situation and the discrepancies between built-up area boundaries, town centre boundaries and ASCA boundaries.
- Clarification was sought as to whether localised advertisements can be allowed in an ASCA. In response, it was advised that advertisements are permitted in an ASCA, however they must adhere to the restrictions.

RESOLVED:

1. that a review of the Area of Special Control of Advertisements be undertaken;
2. that revised plans are prepared to show any modifications to the Area of Special Control of Advertisements that are found to be necessary be agreed;
3. that any modifications to the ASCA prior to public consultation be considered by this Committee.

***12 Baxter's Farm, Musbury, Development Brief**

The report presented to the committee introduced the development brief, which will inform any development proposals for Baxter's Farm that may be put forward following its inclusion within the Built-Up Area Boundary for Musbury. Although the site is not allocated for development in the Villages Plan or the East Devon Local Plan (2013-2031), inclusion within the boundary raises the likelihood that development will come forward, particularly in view of the local support for redevelopment of the site for residential use. A need for smaller, more affordable houses and the possibility of a community orchard have been suggested as priorities for the village and this site presents an opportunity to deliver these aspirations.

The Development Brief constitutes a 'Supplementary Planning Document' (SPD) and will follow the production and adoption process for this type of guidance. Consultation will commence as soon as possible on the draft brief. Consultation will last 6 weeks and will be advertised on our website, by email to interested parties/statutory consultees and through a press release. The brief will then be revised and consulted on again in light of any comments received. Members will then have the opportunity to consider the final document and decide whether it should be adopted. Member's attention was drawn to a letter received from Devon County Council as owners of the site stating that they note the reference to the potential use of part of the site for a gypsy and traveller site. They state that they are exploring alternative sites in the locality where they believe provision would be more appropriate.

Discussion covered:

- Some members highlighted the need for affordable housing to be included in the development brief.
- Some members highlighted that if affordable housing cannot be included in this site then other sites should provide an allocation of affordable housing for Musbury.
- Concern that acquiring affordable homes through barn conversions is increasingly difficult.
- That the development should be in keeping with the surrounding area of Musbury.
- Concern that there would be no affordable housing for agricultural workers and first time buyers in Musbury. This would cause local people to move away and affect the future of the village. Members were advised that another development in Musbury that has a resolution to grant subject to a S106 agreement provides for the affordable housing need in the village.
- Clarification was sought as to whether additional requirements can be included in the development brief stating the need for affordable homes. In response, it was advised that this requirement can only be through guidance and not policy as their currently is not a planning policy to support this when a development is fewer than ten properties.
- That officer's craft a paragraph, to be included in the development brief, which reflects current housing demand and need in Musbury.

RESOLVED:

1. that delegated authority be given to officers to produce a paragraph, to be included in the Baxter's Farm Development Brief, in relation to securing an appropriate level of affordable housing taking into account current housing demand and need in Musbury;
2. that a six week consultation on the Baxter's Farm Development Brief be undertaken.

***13 Brownfield Land Register Review 2018**

The report presented to the committee outlined the East Devon Brownfield Land Register review to 31 March 2018, information on proposed changes to the National Planning Policy Framework in relation to Brownfield Land and proposed changes to the EDDC website to invite submissions of suitable Brownfield sites for the register.

Members will recall that Local Authorities are required to produce a Brownfield Land Register and consider issuing "Permission in Principle" for previously developed sites which are considered suitable for housing. The Brownfield Land Register is reviewed annually.

A review of the register has been completed to bring data up-to-date and correspond with other monitoring reports which are prepared on an annual basis to 31 March annually. The reviewed register contains details of 31 sites. No sites have been added since November 2017, however three sites have been taken off the register as housing is complete. These sites are Gerway Nurseries in Ottery St Mary, the ex-Carpentry shop in Seaton and the ex-British Legion site in Honiton. There are 31 sites remaining on the register. Of these sites, 25 have planning permission with the estimated capacity to build 783 dwellings. Of these, five sites are older 'stalled' sites with no clear evidence of housing completions beginning within 5 years.

The register is kept in two parts:

- Part 1 - includes all sites suitable for housing irrespective of planning status, but only sites with a realistic prospect of coming forward are included. The inclusion of sites on the register does not give them any formal status or permission in principle.
- Part 2 - includes sites, if any, that are granted permission in principle (PiP). This is a new status that Local Authorities can give to land and buildings that establishes in principle that a site would be suitable for new dwellings. It places responsibility (and by implication has cost impacts) on the Council for extra work and it was recommended in the last report that this Council does not for the time being grant PiP for sites. There are no entries in P2.

Discussion covered:

- That development on many of the sites included in the Brownfield Land Register are close to completion.
- Clarification was sought as to the definition of Brownfield Land. In response, it was advised that the definition of Brownfield Land is included in the National Planning Policy Framework. Agricultural land and buildings are not categorised as brownfield land.
- Clarification was sought as to whether there is a target for the number of brownfield sites on the register. In response, it was advised that the register is not target driven but simply to identify which sites are available and suitable and to encourage the use of brownfield sites regardless of how many there are.
- Clarification was sought as to the use of the Brownfield Land Register. It was advised that there are two parts to the register; part one is the register of identified sites and part two is to grant permission in principle which helps to bring sites forward.
- Clarification was sought as to whether brownfield sites outside of built-up area boundaries can be developed. In response, it was advised that sites included in the register have to be suitable and deliverable. If the site were outside of the built-up area boundary then it wouldn't be included in the register as it would not be suitable.
- That sites should include employment and leisure space as part of a balanced development.
- That towns with a Neighbourhood Plan should view brownfield sites holistically as part of their Neighbourhood Plan.

RESOLVED:

1. that the invitation of submissions of suitable sites for Part 1 of the Brownfield Land Register be undertaken.

2. That the Brownfield Land Register Review 2018 report, which includes a review of the register to 31 March 2018 and implications of proposed changes to the NPPF currently under review, be noted.

***14 Community Infrastructure Levy Working Party minutes**

The Committee was asked to consider the recommendations of the Community Infrastructure Levy Working Party meeting held on 29 June 2018.

The Chairman of the Working Party, Councillor Mike Howe, briefly outlined their recommendations.

The recommendations of the Working Party were:

1. Defer the bidding process for spending CIL until 2019 at the earliest;
2. To focus CIL spending on infrastructure projects identified in the Infrastructure Delivery Plan (IDP) that are:
 - a. Known to be required to deliver development, and;
 - b. Identified as meeting the highest priority status;
3. The CIL Member Working Party to meet again in September to consider the key infrastructure projects from the IDP to be prioritised.
4. That no further CIL spend is undertaken until the identified projects have been delivered.

Points raised during the discussion included:

- Clarification was sought as to whether a memo would be sent round to members and Town and Parish Clerks regarding the Community Infrastructure Levy (CIL) and Section 106 agreements. In response, it was advised that the current system for CIL and Section 106 agreements is undergoing an update which will speed up the processing of information. However, this will not be completed for another three to four weeks. An e-mail will be sent to all members and clerks outlining this.
- Clarification was sought as to why the bids from last year did not secure any CIL funding. In response, it was advised that the bids received lacked sufficient supporting evidence to meet the set criteria for awarding funds.
- Specifically highlighted that CIL spending on infrastructure projects identified in the Infrastructure Delivery Plan (IDP) must be known to be required to deliver development **and** identified as meeting the highest priority status.

RESOLVED:

1. Defer the bidding process for spending CIL until 2019 at the earliest;
2. To focus CIL spending on infrastructure projects identified in the Infrastructure Delivery Plan (IDP) that are:
 - a. Known to be required to deliver development, and;
 - b. Identified as meeting the highest priority status;
3. The CIL Member Working Party to meet again in September to consider the key infrastructure projects from the IDP to be prioritised.
4. That no further CIL spend is undertaken until the identified projects have been delivered.

Attendance list

Committee Members:

Councillors:

Paul Diviani - Chairman

Mike Allen – Vice Chairman
Susie Bond
Colin Brown
Jill Elson
Graham Godbeer
Mike Howe
Geoff Jung
Rob Longhurst
Geoff Pook
Philip Skinner

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

Councillors:
Alan Dent
Peter Faithfull
Tom Wright

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

Mark Williams, Chief Executive
Henry Gordon-Lennox, Strategic Lead – Governance and Licensing
Ed Freeman, Service Lead – Planning Strategy and Development Management
Claire Rodway, Senior Planning Policy Officer
Jacqui Best – Planning Policy Officer
James Coles – Technical Support and Monitoring Officer
Tabitha Whitcombe, Democratic Services Officer

Apologies:

Councillors
Ian Hall
Eleanor Rylance
Brenda Taylor
Ian Thomas
Mark Williamson

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Strategic Planning Committee held at Knowle, Sidmouth on 4 September 2018

Attendance list at end of document

The meeting started at 4.30pm and ended at 7.09pm.

***15 Public speaking**

The Chairman welcomed everyone present to the meeting.

Malcolm Randall, a building consultant living and working in Whimble, asked the committee for more flexibility in considering how it applied planning policy to larger scale developments. He felt that the area boundaries were too limiting, stressing the need for development in rural areas in order to help villages remain viable.

***16 Minutes**

The minutes of the Strategic Planning Committee meeting held on 24 July 2018 were confirmed and signed as a true record.

***17 Principles For Accommodating The Future Growth Needs Of East Devon**

The report presented to the committee outlined the future growth needs of East Devon and how they could be accommodated. The report has been informed by work undertaken for the now adopted Local Plan and some early work on the Greater Exeter Strategic Plan (GESP).

In November 2017, the government consulted on a white paper called "Planning for the right homes in the right places: consultation proposals". One of the key proposals in the paper was a standard method for calculating local authorities housing need. The government therefore proposed a standard method, based on publically available data and reflecting the actual needs for each area. Alongside the consultation the government published a table of housing needs for each district based on the calculator. In the case of East Devon this shows a housing need of 844 homes per year, and the committee were asked to consider the 844 as an indicator of a minimum level of growth that will need to be accommodated.

On top of this is to achieve Members aspiration to deliver one job per home, so the Council will also need to deliver enough employment space to accommodate at least 844 jobs per year. In the Local Plan it was estimated that based on this ratio for each 250 new homes we would need to deliver around 1 hectare of employment land.

In considering sustainable growth, Members were referred to the sustainability appraisal (SA) that was carried out at each stage of the development of the now adopted Local Plan. This is because the themes that were considered as part of the SA remain a good bench mark to consider the factors that will be important for planning growth into the future. The themes used were as follows:

- Healthy and Prosperous Communities
- Environmental Protection and Enhancement
- Resource Consumption and Climate Change
- Economic Growth, Education and Employment

The committee were reminded that this was ongoing work, with no decision to be made at the meeting, but to encourage discussion and debate.

Discussion covered:

- Clarifying if the future plans covered building more services and infrastructure or relying on existing services for new homes in the future – in response, there would have to be an accommodation of both, depending on the application scale and local needs;
- Need to look at a wider range of housing types, such as offsite manufacture, as acceptable for planning applications;
- Recent Overview committee discussion on renewable energy of interest to the committee in providing evidence to help understand how to provide for future growth;
- Failure with current local plan to address issue of mobility in rural areas and adaptive homes requirement; it was not practical to expect the private sector to provide the requirement;
- Add to “Ensure that sites are genuinely viable and deliverable at allocation stage” (paragraph 4.2) the term “and will be delivered”. There are a number of allocations but need compulsion to deliver;
- Needs reference to the rural economy. With many small villages struggling, the small development they want will make them viable; why create new villages when many are keen to expand to survive, and will in turn lead to more jobs and improvements in infrastructure;
- Would the stated growth only help out neighbouring areas to reduce the number of homes they had to provide? The Council was working with neighbouring authorities in planning growth for the wider area, but the report presented was set out to explain what growth needs to be undertaken within the District boundaries to meet the government calculated need, not in picking up growth for other authorities;
- Disagreement with paragraph 8.10, in that it was not presenting the reality of Ottery St Mary that had both schools and medical practices at capacity with limited bus services; and that large scale developments had not delivered in providing adequate infrastructure;
- Unhappy that area to the north of Exmouth and west of Ottery St Mary was identified as area for growth;
- Need for developing a housing policy that gave young people a chance to get a home;
- Need to address issue of inadequate health provision for the growth of the district, particularly in respect of growing elderly demographic;
- Need a pragmatic and practical approach to delivery of homes;
- Look to encouraging community led development, where many can get a much higher proportion of affordable housing delivered;
- Look at splitting sites to allow a proportion to be delivered by local builders to help local economy;
- Encourage house build types that will fit with older, traditional styles of surrounding houses;
- Need for funding for infrastructure in order to support such growth;
- Should planning permission be given if there is any doubt that the development won't be delivered;
- Cannot force landowners to sell land for development;
- Focus on improving rail transport as current road infrastructure cannot support growth.

RESOLVED:

1. That the issues raised in the report be noted;
2. That the proposed principles for growth as the basis for future discussion and consultation on accommodating growth in the district be endorsed.

***18 Greater Exeter Strategic Plan – Update and Vision**

The report presented to the committee provided an update on the progress of preparing the Greater Exeter Strategic Plan (GESP) and to recommend that a public consultation on a new vision for the plan, together with engagement on homes and infrastructure matters be held in October and November 2018.

The consultation document was before the committee to consider if it met their vision for the GESP and adequately addressed the associated infrastructure needs, including previously indicated aspirations for a sports hub and concert venue.

Many Members voiced their concern on the content of the consultation document.

Discussion covered:

- Need for greater emphasis on healthcare, particularly in respect of surgeries at capacity, and travel needs of rural community to receive care;
- Sport and music opportunities welcomed. Need for entry level sports facilities where young people live; significant benefits to the community from having those opportunities;
- Prioritising immediate need for dealing with travel infrastructure before looking at sport facilities;
- Lack of reference to energy use and energy resources;
- Lack of reference to 5G technology;
- Needs more ambition in tackling transport issues, such as how to replace diesel buses with electric buses; and other radical solutions for moving people around the area;
- Force Exeter to become involved in delivery by adding in the need for a regional centre for swimming;
- Passing loop at Whimple needed;
- Consistent high quality of broadband provision needed;
- Consultation document not clear on how people should respond – tailor it to provide succinct responses that can be easily analysed;
- Not clear on how a “connected region” will be delivered;
- Doesn’t cover for how people will travel to work between towns, only focus on travelling to Exeter for work;
- No indication of forward funding.

RESOLVED:

- 1. that before consultation, the consultation document “Our New Vision and How We Make It Real” be amended to:**
 - a. include reference to assisting the rural community;**
 - b. include reference to increasing healthcare provision in response to demographic changes;**
 - c. include entry level sports provision and sports hub;**
 - d. include provision of passing loop at Whimple, and other transport provision;**
 - e. include a review of energy needs and how to supply them;**
 - f. include an indication of forward funding; and**
 - g. include a clear set of questions that provide information that can be analysed.**
- 2. That before consultation, the amended document be considered at a future meeting of the Strategic Planning Committee.**

***19 Publication of the new revised National Planning Policy Framework (July 2018)**

The report presented to the committee summarised the revised National Planning Policy Framework (NPPF), which was published on the 24 July 2018, and highlights and comments on specific matters that may have particular relevance in East Devon.

The NPPF sets out the government’s planning policies for England and how these are expected to be applied. The revised NPPF does not introduce any fundamental changes to the planning system or processes but it does bring about some more detailed changes, particularly with regard to plan making. This revised Framework replaces the previous NPPF published in March 2012.

In addition to the changes to the NPPF the government has also updated the Planning Practice Guidance which is a more detailed on-line document that provides detail about the implementation of the NPPF. The guidance is regularly updated and will continue to be. The guidance has however been significantly updated already in terms of issues of viability:

- Viability assessment work will be primarily undertaken at the plan making stage;
- Justification will be required for a re-assessment of viability, strengthening the local authority’s ability to resist viability challenges other than where clear unforeseen issues arise;
- Providing clearer guidance on land values; and
- Promoting openness and transparency on viability issues, with the expectation that appraisals are publicly available other than in exceptional circumstances.

Points raised during the discussion included:

- Need for a policy of viability assessment, that includes making public that assessment;
- Need for standards on the uplift of land values; this suggestion was challenged by other Members in terms of value being dependent on location as well as grade, and should stay on a case by case basis;
- Need for clarify over how the new NPPF now affects decisions by the Development Management Committee in considering applications against the agreed Local Plan - the Local Plan takes precedence for a planning application unless a material consideration overrides it – so the new NPPF can be a material consideration alongside supporting evidence;

- Testing at appeal in weighting the new NPPF over the existing Local Plan may be only way of finding out if that approach can be adopted.

The Service Lead for Planning Strategy and Development Management reminded the committee that there was already work underway by planning officers in adapting their internal procedures to take account of the changes in the NPPF. . A report would be presented to Development Management Committee to highlight a couple of key changes and how these affect decision-making.

RESOLVED: That the content of the report be approved.

20 Statement of Community Involvement (SCI)

The Statement of Community Involvement 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.

An SCI states who the council will consult with, when and how. It provides an opportunity to ensure that the particular needs of 'hard to reach' groups are taken into account, making the planning system more inclusive.

The committee considered the Statement of Community Involvement report updating Members of the progress made since the consultation, which ran from Tuesday 3 July to Wednesday 15 August 2018. The SCI had now been updated, taking account of the consultation.

RECOMMENDED TO COUNCIL: That the Statement of Community Involvement, subject to minor amendments as set out in table at paragraph 3.1 of the report and as updated arising from the consultation, be adopted.

***21 Interim Masterplan to support planning applications at the Exeter Science Park and the adjacent Redhayes development to facilitate a potential land use exchange**

The report presented to the committee outlined the need for an Interim Masterplan to be used to guide and inform two planning applications to ensure that, in the event of a land exchange, the new development coming forward is compatible and complementary to the Science Park and the adjacent mixed-use development at Redhayes.

Consultation of the Interim Masterplan has been undertaken by means of two workshops held with key stakeholders. Following this, amendments and clarification were made to the draft interim document to accommodate where possible the views of the stakeholders.

RESOLVED:

That the Interim Masterplan for Exeter Science Park and Redhayes Development be endorsed.

Attendance list

Committee Members:

Councillors:

Paul Diviani - Chairman

Mike Allen – Vice Chairman

Susie Bond

Matt Booth

Colin Brown

Jill Elson

Graham Godbeer

Mike Howe

Geoff Jung

Geoff Pook

Eleanor Rylance

Philip Skinner

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

Councillors:

Ian Thomas

Pauline Stott

Brian Bailey

Andrew Moulding

Paul Carter

Ben Ingham

Roger Giles

Helen Parr

Peter Faithfull

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

Mark Williams, Chief Executive

Ed Freeman, Service Lead – Planning Strategy and Development Management

Andy Wood, East of Exeter Projects Director

Chris Rose, Development Manager

Matt Dickins, Planning Policy Manager

Tim Spurway, Planning Officer

Keith Lane, Planning Officer

Shirley Shaw, Planning Barrister

Debbie Meakin, Democratic Services Officer

Apologies:

Councillors

Mark Williamson

Ian Hall

Rob Longhurst

Alan Dent

Tom Wright

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 7 August 2018

Attendance list at end of document

The meeting started at 11am and ended at 2pm.

***9 Minutes**

The minutes of the Development Management Committee meeting held on 3 July 2018 were confirmed and signed as a true record.

***10 Declarations of interest**

Cllr David Barratt; 18/0607/FUL; Personal interest; Sidmouth Town Councillor

Cllr David Barratt; 18/0199/FUL; Personal interest; acquaintance of the landowner

Cllr Colin Brown; 19/0419/VAR; Personal interest; Proprietor of a hotel where drivers at the racetrack sometimes stay

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, Cllr Bruce de Saram and Cllr David Key advised that they had been lobbied in respect of application 17/1270/FUL.

***11 Appeal statistics**

The Committee received and noted the report written by the Development Manager setting out appeals recently lodged and outlining the eleven decisions notified of which – nine had been dismissed and two had been allowed.

The Development Manager drew Members' attention to the appeal of applications 17/0878/FUL and 17/1879/LBC which had been allowed. The Committee were advised that they formed a joint planning and listed building application where the Inspector felt that the works proposed would not amount to any material harm to the building as one of special architectural or historical interest.

The Development Manager also drew Members' attention to the appeal of applications 17/0542/FUL and 17/0638/LBC which had been determined at Development Management Committee with the subsequent appeals dismissed on the basis of the harm identified to heritage assets being upheld.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 3 2018/2019.

For each application, the Development Manager advised that the correct policy reference was the NPPF 2018, not NPPF 2012, but notwithstanding this the policy position remained substantially the same for each application.

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
Steve Gazzard
Geoff Jung
David Key
Jim Knight
Helen Parr

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:

Ian Hall
Val Ranger
Marianne Rixson

Apologies:

Committee Members

Councillors

Ben Ingham
Mark Williamson

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 4 September 2018

Attendance list at end of document

The meeting started at 10am and ended at 2.41pm (the committee adjourned at 11.56am and reconvened at 1.30pm).

***13 Minutes**

The minutes of the Development Management Committee meeting held on 7 August 2018 were confirmed and signed as a true record.

***14 Declarations of interest**

Committee Members

Cllr Geoff Jung; 17/3022/MOUT and 18/1081/FUL; Personal interest; Woodbury Parish Councillor

Cllr Geoff Jung; 17/3022/MOUT; Personal interest; Member of the Blackhill Quarry Liaison Group

Cllr Bruce de Saram; 17/2493/FUL; Personal interest; Exmouth Town Councillor

Cllr Brian Bailey; 17/2493/FUL; Personal interest; Exmouth Town Councillor

Cllr Paul Carter; 17/3022/MOUT; Personal interest; Member of the Blackhill Quarry Liaison Group

Cllr David Key; 18/1444/FUL; Personal interest; acquaintance of the applicant

Non-committee Members

Cllr Paul Diviani; 18/1360/COU; Personal interest; Chairman of the Blackdown Hills AONB and Chairman of Making it Local.

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, Cllr Susie Bond, Cllr Paul Carter and Cllr Geoff Jung advised that they had been lobbied in respect of application 17/3022/MOUT.
- Cllr Mike Howe, Cllr Colin Brown, Cllr Susie Bond, Cllr Jim Knight and Cllr Geoff Jung advised that they had been lobbied in respect of application 17/2493/FUL.
- Cllr David Key advised that they had been lobbied in respect of application 18/1451/FUL & 18/1452/LBC.
- Cllr Mike Howe, Cllr Colin Brown, Cllr Susie Bond, Cllr Jim Knight, Cllr Geoff Jung, Cllr Helen Parr, Cllr Brian Bailey, Cllr Paul Carter, and Cllr Bruce de Saram advised that they had been lobbied in respect of application 18/1444/FUL.

***15 Appeal statistics**

The Committee received and noted the report written by the Development Manager setting out appeals recently lodged and outlining the one decision notified which had been dismissed.

The Development Manager drew Members' attention to the appeal of application 17/1177/FUL. The Committee were advised that the application consisted of the erection of two dwellings outside of the Built-up Area Boundary of Seaton. The Inspector dismissed the application with countryside protection and amenity reasons being upheld.

The Development Manager also advised the committee that following its decision on the appeal related to application 17/1270/FUL at the last Committee that the Council submit to the judgement of the Planning Inspector, the Planning Inspectorate had determined that the appeal should be determined by way of an Inquiry and that this subsequently led to the applicant withdrawing the appeal.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 4 2018/2019.

Attendance list

Present:

Committee Members present for all or part of the meeting

Councillors:

Mike Howe (Chairman)

Colin Brown (Vice Chairman)

Brain Bailey

David Barratt

Susie Bond

Peter Burrows (present for applications considered in the afternoon only.

Apologies given for the morning session)

Paul Carter

Bruce de Saram

Ben Ingham

Geoff Jung

David Key

Jim Knight

Helen Parr

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 (left the Chamber during consideration of application 18/1673/FUL).

Rob Murray, Economic Development Manager

Alison Hayward, Senior Manager – Regeneration and Economic Development

Andy Carmichael, Major Projects Team Leader

Jacqui Best, Technical Support and Monitoring Officer – Planning Policy

Tabitha Whitcombe, Democratic Services Officer

Also present for all or part of the meeting

Councillors:

Paul Diviani

Douglas Hull

Andrew Moulding

Marianne Rixson

Apologies:

Committee Members

Councillors:

Mike Allen

Steve Gazzard

Mark Williamson

Non-Committee Members

Councillors:

Alan Dent

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 2 October 2018

Attendance list at end of document

The meeting started at 10.45am and ended at 3.45pm (the committee adjourned at 12.38pm and reconvened at 2pm).

***17 Minutes**

The minutes of the Development Management Committee meeting held on 4 September 2018 were confirmed and signed as a true record.

***18 Declarations of interest**

Cllr Brian Bailey; 18/1502/FUL and 18/1282/FUL; Personal interest; Exmouth Town Councillor

Cllr David Barratt; 18/0762/FUL and 18/0763/LBC; Personal interest; Sidmouth Town Councillor

Cllr Paul Carter; 17/2430/MFUL and 18/0920/FUL; Personal interest; Distant family connection to the applicant and employee of the Donkey Sanctuary (left the Chamber during discussion and vote).

Cllr Paul Carter; 17/2035/MFUL; Personal interest; acquaintance of the applicant

Cllr Paul Carter; 18/1426/FUL; Personal interest; Ottery St Mary Town Councillor

Cllr Bruce de Saram; 18/1502/FUL and 18/1282/FUL; Personal interest; Exmouth Town Councillor

Cllr Steve Gazzard; 18/1502/FUL and 18/1282/FUL; Personal interest; Exmouth Town Councillor

Cllr Geoff Jung; 17/2430/MFUL and 18/0920/FUL; Personal interest; Woodbury Parish Councillor

***19 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 withdrawn.

The Development Manager drew Members' attention to the appeal of application 17/1270/FUL. The Planning Inspectorate had determined that the appeal should be determined by way of an Inquiry and that this subsequently led to the applicant withdrawing the appeal.

The Development Manager drew Members' attention to the appeal of application 16/2795/FUL. The Committee were advised that the appeal was against the imposition of surcharges in respect of the failure to submit a Commencement Notice and the late payment of CIL. The Inspector dismissed the appeal with the surcharge for the failure to submit a Commencement Notice and the late payment of CIL being upheld.

20 Publication of the new revised National Planning Policy Framework (July 2018) and implications for the determination of planning applications

The Development Manager presented the report setting out the key changes to the National Planning Policy Framework (July 2018) which forms a material consideration when determining applications for planning permission. The revised NPPF does not introduce any fundamental changes to the planning system or processes but it does bring about some more detailed changes, particularly with regard to affordable housing provision, vacant building credit and viability assessments.

Since 1 October 2018, upcoming changes by which conditions that require the agreement of details before commencement of development should be avoided. There will need to be a clear justification for pre-commencement conditions and agreement with applicants to their inclusion.

Paragraph 57 confirms that all viability assessments should be made publically available. Furthermore, the government intend that viability assessment work is primarily undertaken at the plan making stage. This is to ensure that the allocation of sites and the subsequent obligations are thoroughly tested at the plan making stage and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan. Whilst the position with future plan allocations is laid out in terms of assessing viability at the allocation stage there will still be applications to consider in the meantime where viability is an issue. For these applications it is considered that the Council should continue to assess viability as it does at present. This involves the applicant providing a viability appraisal and agreeing to cover the costs of this being assessed by a viability consult of the Council's choosing (currently through a consultancy service provided by Plymouth City Council). The viability will be assessed on the existing use value plus a premium for the land owner as detailed within the NPPG.

Affordable Housing

In terms of securing affordable housing:

- for residential developments that are between 1 and 6 unites there will be no contributions towards affordable housing;
- if the residential development is between 6 and 9 units in a rural area financial contributions towards affordable housing can be sought; and
- if the residential development is for 10 units of more, on-site provision of affordable housing can be secured.

Vacant Building Credit

The application of Vacant building credit has moved from the NPPG to the NPPF stating that: "To support re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount." The amount of reduction should be equivalent to the existing gross floor space of the existing buildings. This will result in a reduction in affordable housing units, and/or financial contributions towards off-site affordable housing, that can be negotiated, as existing floor space will need to be deducted from the affordable housing contribution. Furthermore, the change introduced by the NPPF means that the Council no longer have discretion over the implementation of Vacant Building Credit.

Rural Housing

Paragraph 79 replaces the old paragraph 55 in identifying circumstances where isolated homes in the countryside will be permitted. The new NPPF has the same circumstances as before but with an additional one where “d) the development would involve the subdivision of an existing residential dwelling...”

This would allow the subdivision of dwellings in rural areas and as there is no threshold indicated within the NPPF, it is considered that subdivisions could be permitted for a dwelling to go to a number of dwellings. This criteria would also appear to allow the conversion of an annexe to a separate dwelling.

Business and Communities in Rural Areas

Paragraph 84 states that planning policies and decisions should recognise that local business and community needs may need to be met through locations not well served by public transport and that development of previously developed land in rural areas should be encouraged.

Achieving well-designed places

The revised NPPF has seen an increasing importance attached to design considerations. The opening text of Section 12, at paragraph 124, advises: “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve...”

Discussion covered:

- Clarification on a planning decision that was made regarding paragraph 79 of the NPPF and the subdivision of rural dwellings – in response, outbuildings or part of original dwellings such as annexes can now be converted to a separate additional dwelling.
- Clarification on whether paragraph 79 of the NPPF applies to the Area of Outstanding Natural Beauty – in response, the Development Manager confirmed this.
- The public availability of viability assessments will now highlight whether developers are paying too much for land and/or their profit margins.
- Changes to the Planning Practice Guidance has seen the addition of Benchmark Land Values in viability.
- Disagreement with Section 11 of the NPPF – Making effective use of land. The NPPF has highlighted that density considerations have been introduced as an aspect of effective land use. Concerns regarding the introduction of high-density developments in East Devon.
- Welcomed Section 12 of the NPPF – Achieving well-designed places.
- Welcomed definition of Affordable Housing in the revised NPPF.
- Clarification of the changed legal advice regarding the provision of affordable housing as stated in the revised NPPF – in response, the Strategic Lead for Governance and Licensing outlined that there had been a misinterpretation of the NPPF and how that sat with the National Planning Policy Guidance and Strategy 34 of the East Devon Local Plan.
- That the Local Authority should be able to set a lower threshold for securing affordable housing provisions – in response, the Strategic Lead for Governance and Licensing outlined the detail of Strategy 34. Strategy 34 states that the local authority will apply the thresholds that are set, either in government policy or guidance, in terms of affordable housing targets and this is what the framework and guidance does currently, imposing the 5 unit threshold in rural areas. The NPPF in turn states that the local authority can set local policies, and so it becomes a cyclical

position, but in the absence of Strategy 34 setting a specific target the authority is beholden to the thresholds in the guidance and framework. In order to resolve this, the option to the Committee was to request that the Strategic Planning Committee review Strategy 34 of the East Devon Local Plan.

- Clarification on whether viability assessments can be submitted at the time of application – in response, the Development Manager advised that if an application is made and it is not compliant with policy of provision of affordable housing and open space then it is expected that that application is submitted along with a viability assessment which is then assessed together at that stage.
- Clarification on whether this Council is a registered provider that would take on any affordable housing secured through off-site financial contributions – in response, the committee were advised that Housing would be consulted on applications of 6 -10 units in the designated rural area. Housing will then determine whether to proceed.
- Clarification of securing affordable housing 'in perpetuity', in response, the Strategic Lead for Governance and Licensing confirmed that affordable housing can be secured in perpetuity through Section 106.

RESOLVED:

That the following be noted:

1. That the existing viability appraisal process will be used rather than using benchmark land values;
2. That the Designated Rural Area is all parts of the district outside of the Wards of Exmouth, Honiton, Seaton and Sidmouth.
3. That outside of the Designated Rural Areas affordable housing is secured for developments of 10 units of more;
4. That the affordable housing calculator is being used to calculate the affordable housing contribution;
5. That there is an allowance for proposals to demonstrate a lower, or zero, affordable housing contribution through the submission and consideration of viability appraisals.
6. The position regarding the application of vacant building credit.
7. The other changes resulting from the NPPF.

RECOMMENDED TO THE STRATEGIC PLANNING COMMITTEE: That the Strategic Planning Committee review Strategy 34 of the adopted Local Plan, specifically to consider a position of a lower threshold of affordable housing provision.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 5 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

(did not partake in the discussion or vote on application 18/1451/FUL & 18/1452/LBC as had not attend the site visit)

Brain Bailey (did not partake in the discussion or vote on application 18/1451/FUL & 18/1452/LBC as had not attend the site visit)

David Barratt
Peter Burrows (present for applications considered in the morning only and apologies given for the afternoon session. Also did not partake in the discussion or vote on application 18/1451/FUL & 18/1452/LBC as had not attend the site visit)

Paul Carter (left the Chamber during consideration of applications 17/2430/MFUL and 18/0920/FUL).

Bruce de Saram
Steve Gazzard (did not partake in the discussion or vote on application 18/1451/FUL & 18/1452/LBC as had not attend the site visit)

Ben Ingham
Geoff Jung
David Key
Jim Knight
Helen Parr

Officers present for all or part of the meeting

Henry Gordon Lennox, Strategic Lead – Governance and Licensing
Chris Rose, Development Manager
Simon Allchurch, Senior Building Surveyor
Tabitha Whitcombe, Democratic Services Officer

Also present for all or part of the meeting

Councillors:

John Dyson
Mark Evans-Martin
Cathy Gardner
Rob Longhurst
Pauline Stott

Apologies:

Committee Members

Councillors:

Susie Bond
Mark Williamson

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Audit & Governance Committee held in the Council Chamber at Knowle, Sidmouth on 26 July 2018

Attendance list at end of document

The meeting started at 11.30am and ended at 2.30pm

***1 Chairman's welcome**

The Chairman welcomed everyone to the meeting. The Chairman welcomed Councillor John Dyson in his new role as Vice Chairman.

***2 Public Speaking**

There were no members of the public wishing to speak.

***3 Minutes**

The minutes of the Audit and Governance Committee meeting held on 15 March 2018 were confirmed and signed as a true record.

***4 Matters arising**

None

***5 Declarations of Interest**

None

***6 Internal Audit Annual Opinion Report 2017/18**

David Hill, Executive Director SWAP presented the report, which provided Internal Audits overall opinion on the systems of internal control at East Devon District Council. The Audit and Governance Committee agreed the 2017/18 Internal Audit Plan at its March 2018 meeting. SWAP considered the balance of audit work in 2017-18 and the assurance levels provided, profile of each audit and outcomes together with the response from Senior Management and offered 'Reasonable Assurance' in respect of the areas reviewed during the year.

SWAP had found Senior Management of the Council to be supportive of their findings and responsive to the recommendations made.

RESOLVED:

that the content of the Internal Audit Annual Report and Opinion be noted.

***7 Review of Internal Audit Charter 2018/19**

SWAP worked to the Standards of the Institute of Internal Auditors, and further guided by interpretation provided by the Public Sector Internal Audit Standards (PSIAS). The internal audit service, SWAP worked to a charter that defines its roles and responsibilities and the roles and responsibilities of the District Council's managers. Best Practice in corporate governance required that the charter be reviewed and approved annually by the Audit and Governance Committee. The Charter was last reviewed by the Committee on 29 June 2017.

RESOLVED:

that the Internal Audit Charter 2018-19 be approved.

***8 Internal Audit Activity – Quarter 1 2018/19**

The Audit and Governance Committee agreed the 2018-19 Internal Audit Plan at its March 2018 meeting. David Hill, SWAP stated the report provided an update on the 2018/19 Internal Audit Plan (Quarter 1), with progress towards the annual plan.

Internal Audit provided an independent and objective opinion on the Authority's control environment by evaluating its effectiveness. Primarily the work included:

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

RESOLVED:

that the content of the Internal Audit Progress Report be noted.

***9 External Audit Report 2017/18**

Rob Andrews, Manager from KPMG summarised the key findings in relation to the 2017-18 external audit (Audit Standards ISA260 report). The report focused on the on-site work which was completed in March and June 2018 on the Authority's significant risk areas, as well as other areas of its financial statements, and the control environment in place to support the production of timely and accurate financial statements.

It was stated the Accounts were published within in the new deadline of 30 May and all supporting papers were ready and available for the commencement of the audit. Specific note was made in the report on the good quality of working papers with clear audit trails. The audit was now complete and an unqualified audit opinion on the accounts would be issued.

KPMG concluded that the Authority had made proper arrangements to secure economy, efficiency and effectiveness in its use of resources. The auditor therefore issued an unqualified value for money opinion. The Portfolio Holder Finance stated that both reports showed the Council was doing well with continuous improvements

The Chairman wished to thank KPMG colleagues for their clear and precise report.

RESOLVED:

that the report be received and noted.

***10 Statement of Accounts 2017/18 including Governance Statement**

The Strategic Lead, Finance presented Statement of Accounts for 2017/18 highlighting the main financial statements and financial position of the Council including the reserve levels held by the Council. A number of questions from the Committee were answered during this review.

The financial position presented in the Accounts was the same position to that presented to Cabinet in May with no changes made as a result of the completion of the Accounts or from the Audit.

Governance Statement

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

The Chairman thanked the Strategic Lead, Finance and his colleagues in Finance for producing the accounts which had received an excellent external audit report.

RESOLVED:

that the 2017/18 Statement of Accounts including the Governance Statement be approved.

***11 Letter of Representation**

Members were asked to note the letter to KPMG in respect of the audit of the Financial Statements for the year ended 31 March 2018 confirming the council's position, documents produced and the sound processes in place.

RESOLVED:

that the letter be noted.

***12 Risk Management Review**

Risk information for the 2018/19 financial year was supplied to allow the Committee to monitor the risk status of Strategic and Operational Risks. This followed the full review of risks by responsible officers during May 2018.

The Chairman wished to thank the Management Information Officer for her detailed report.

RESOLVED:

that the report be noted.

***13 RIPA update**

At the meeting of 18 January 2018, Members agreed to receive an update on RIPA activity throughout the year. The RIPA Senior Responsible Officer advised that there had been no requests for RIPA authorisation since the last committee.

***14 Audit and Governance Forward Plan**

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

Items to be considered at the September 2018 committee included:

- Annual audit letter
- Certification Report
- RIPA update
- Expenditure on consultants and agency staff 2017/18
- Report on outcomes against the Corporate Counter Fraud and Compliance strategy

RESOLVED:

that the Forward Plan be noted.

Attendance list

Councillors:

Mark Williamson (Chairman)
John Dyson (Vice Chairman)
John Humphreys
Bill Nash
Cherry Nicholas
Ben Ingham
Rob Longhurst
Simon Grundy

Dean Barrow - Portfolio Holder Finance

Apologies:

Steve Hall
Steve Gazzard

Officers present:

Simon Davey, Strategic Lead – Finance
Mark Williams, Chief Executive
Henry Gordon Lennox, Strategic Lead Governance and Licensing
Amanda Coombes, Democratic Services Officer

Rob Andrews, Manager, KPMG
Rees Batley, Director, KPMG
David Hill, Executive Director, SWAP
Georgina Teale, Senior Auditor, SWAP

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Audit & Governance Committee held in the Council Chamber at Knowle, Sidmouth on 27 September 2018

Attendance list at end of document

The meeting started at 2.30pm and ended at 3.05pm.

***15 Chairman's welcome**

The Chairman welcomed everyone to the meeting.

***16 Public Speaking**

There were no members of the public wishing to speak.

***17 Minutes**

The minutes of the Audit and Governance Committee meeting held on 26 July 2018 were confirmed and signed as a true record.

***18 Matters arising**

None

***19 Declarations of Interest**

None

***20 Audit Committee Technical update report**

Sam Harding - Engagement Manager Grant Thornton, provided the Committee with a report on progress in delivering their responsibilities as the Council's new external auditors. The report also included:

- a summary of emerging national issues and developments that could be of relevance; and
- a number of challenge questions in respect of the emerging issues.

RESOLVED:

that the content of the report be noted.

***21 Audit Fee letter**

The Audit Fee Letter set out the proposed audit work and fee for the 2018/19 financial year. The Council's scale fee for 2018/19 had been set by Public Sector Audit Appointments Ltd (PSAA) at £39,132. Members discussed the ever-decreasing fee for the audit fee. Geri Daly – Engagement Lead, Grant Thornton reported that this did not affect the quality of the audit and that there had been internal efficiencies made to cover the reduction in fees achieved. Geri Daly also reported that firms did not receive the full fee due to a complicated and financially sensitive formula.

RESOLVED:

that the Audit Fee letter be noted.

***22 Expenditure on consultants and agency staff 2017/18**

As requested by the Audit and Governance Committee, the report detailed capital and revenue spend on consultants and specialist advice and agency staff for 2017/18. The Chairman, Councillor Mark Williamson, circulated figures detailing consultancy and agency expenditure from 2013/14 to 2017/18.

Councillor Robert Longhurst, raised an issue regarding Strategic Plan costs totaling £50,000 and Simon Davey, Strategic Lead – Finance reported that he would investigate these costs and update members on the details.

It was noted that the use of consultants and agency staff would depend on what project the Council was undertaking at what time. SWAP had recently undertaken a report on this and also the governance aspect. Part of the Committee's audit function was to have this data so it could be monitored on a regular basis.

RESOLVED:

that the details of expenditure on consultants and agency staff in 2017/18 be noted.

***23 RIPA update**

At the meeting of 18 January 2018, Members agreed to receive an update on RIPA activity throughout the year. The RIPA Senior Responsible Officer advised that there had been no requests for RIPA authorisation since the last committee.

***24 Audit and Governance Forward Plan**

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

Items to be considered at the November 2018 committee included:

- Annual audit letter
- Grants/Certification Report
- Internal Audit Activity – Quarter 2 2018/19
- Partnership Register
- RIPA update
- Report on outcomes against the Corporate Counter Fraud and Compliance strategy

RESOLVED:

that the Forward Plan be noted.

Attendance list

Councillors:

Mark Williamson (Chairman)
John Dyson (Vice Chairman)
John Humphreys
Cherry Nicholas
Ben Ingham
Rob Longhurst
Simon Grundy
Steve Hall
Steve Gazzard

Apologies:

Dean Barrow
Bill Nash
Ian Thomas

Officers present:

Simon Davey, Strategic Lead – Finance
Chris Lane, Democratic Services Officer

Sam Harding, Engagement Manager Grant Thornton
Geri Daly, Engagement Lead Grant Thornton

Apologies:

Mark Williams, Chief Executive
Henry Gordon Lennox, Strategic Lead Governance and Licensing

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Committee held at Knowle, Sidmouth on Wednesday, 22 August 2018

Attendance list at the end of the document

The meeting started at 9.30am and ended at 10.15 am

***5 Minutes**

The minutes of the meeting of the Licensing & Enforcement Committee held on 23 May 2018, were confirmed and signed as a true record.

***6 Declarations of interest**

Councillor Steve Hall

Minute *7

Disclosable Pecuniary Interest – Private Hire Licence Holder

Councillor John O’Leary

Minute *7

Disclosable Pecuniary Interest – Designated Premises Supervisor

***7 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

Over the previous period relating to this report officers had issued 413 licenses relating to new and variations of licensed premises, personal alcohol licenses and temporary event notices (TEN’s) throughout the district.

Part of the work undertaken by the licensing team involved visiting licensed premises to ensure that licensing laws were adhered to by licence holders and their staff. For the period from May to August 2018 the team completed 27 visits to premises. On 18 July an officer visited the ‘Honiton Gate to Plate’ event in Honiton, inspecting temporary licensed stalls and also licensed premises in the town. The event was attended by the HRH Prince of Wales and the Duchess of Cornwall.

2. Gambling Act 2005

The licensing team had continued its work to ensure gaming machine permits were submitted on the occasions when licensees left and took over a premises licence. The licensing team works in conjunction with the Gambling Commission and on 24 May a joint visit was conducted to a holiday park regarding a new gambling application. An officer visited the licensed gaming premises with staff from the Gambling Commission to assess the layout and the progress of the application. The premises was found to be operating correctly and within the requirements of the Gambling and Licensing Acts.

During the forthcoming quarter, the licensing team would be undertaking visits to public houses in conjunction with a nationwide initiative arranged by the Gambling Commission to assess compliance and suitability of gaming machines sited in public houses. The initiative was to consider how, where and the suitability of gaming machines in public houses and further details will be reported to the Committee in November.

Taxis

Members noted that the majority of private hire driver, vehicle and operator licences still fell due for renewal at the end of May annually. Officers had completed the main renewal period and currently there were 14 private hire operators, 21 private hire vehicles and 21 private hire drivers licensed in the district.

The licensing team had continued to carry out checks and inspections of hackney carriage vehicles whilst parked on the taxi ranks within the East Devon area ensuring that licensed vehicles complied with legislation and met the required safety standards. Licensing officers also inspect each new vehicle when submitted by applicants to be licensed as a taxi or private hire vehicle. Compliance inspections for vehicles have been undertaken at ranks in Exmouth, Sidmouth, Axminster and Honiton.

The request by some sections of the taxi trade in past meetings had been to seek a review of fares that could be charged by hackney carriage proprietors was being progressed. Officers had prepared a comparison table of current fares set by this and other authorities in Devon, which was attached to the report as Appendix A. The comparison took into account the position of highest to lowest fares set by licensing authorities in England and Wales based upon the first two miles charged. The comparison should assist the trade and over the forthcoming period officers would circulate the fares comparison along with a letter to ballot holders of a hackney carriage licence. The letter would seek views of licence holders as to whether a rise in taxi fares was required and an update would be provided to the members at the new Committee meeting in November.

Officers had researched options to introduce safeguarding awareness briefings for hackney carriage and private hire drivers. Protecting and safeguarding children and vulnerable adults in society was essential and it was recognised that the taxi trade could provide vital support through their work at various hours of the day and night. Contact had been made with a number of training providers identifying varying costs to deliver sessions. These would be delivered to taxi drivers, initially on a voluntary basis.

It was noted that on 23 May a meeting of the Licensing & Enforcement Sub Committee was held to make a decision to revoke the licence of a hackney carriage driver. This decision has subsequently been appealed and would be heard in the Exeter Magistrates Court on Wednesday 29 August.

An issue regarding what was seen as excessive charging for some late night taxi fares was raised and the Licensing Manager agreed to prepare a press release asking members of the public to be wary of instances of overcharging by taxi drivers, particularly late at night.

3. 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 had been 148 street trading consents granted. The majority since April with most being for short term events and festivals where organisers had applied using block booking arrangements. On 11 July officers from the licensing and street scene services met to consider further changes in the application process that would assist applicants in the future. Plans included revising application forms to allow one

form for traders to submit together with an application portal for events on the council's website. This was a step towards a one stop application process.

On 25 July officers from the licensing and environmental health services met to consider joint working arrangements and improving consultation processes for new applications. The officers were planning briefing packs for new applicants, support to organisers of community/charitable events and revised guidance to food sellers undertaking one off events that do not require food hygiene ratings. Whilst there remains no consideration to charge fees for short term charitable and community events occurring for less than seven days there maybe grounds to review and introduce fees for new commercial trading applications in 2019 and upon renewal of those currently granted. Fees will be subject of a further full report at the next meeting of the Committee in November.

Steve Saunders, Licensing Manager, confirmed that all Councillors should now be notified of new Street Trading applications within their ward.

4. 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 have attended licensees meetings over the previous period in Exmouth, Sidmouth and Axminster.

Officers 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 Service were also keen on reducing plastic waste in events licensed by them and were taking measures to ensure reduction of one use plastics at such events.

5. Licensing Team update

Following recruitment of an officer for street trading work the structure of the team now consists of the manager, three licensing officers and three licensing support officers.

RESOLVED:

1. that the report be noted;
2. that the Licensing Manager prepare a press release asking members of the public to be wary of instances of overcharging by taxi drivers, particularly late at night.

***8 Taxi Licensing Policy – To seek approval to revise the policy on points of relevance**

The report updated the Licensing & Enforcement Committee on the proposal to revise the current taxi policy in line with recent legal updates to remove the requirement for Private Hire Vehicles to work predominantly in the district where licensed and to update a website.

In response to a request from a Councillor, the Licensing Manager agreed to update the website to include taxi fares and the different charges for the different times of day.

RESOLVED: that from 22 August 2018 that the Committee adopts changes to the current taxi policy:

- a) to remove the requirement for Private Hire Vehicles licensed in East Devon to operate predominantly within the District;
- b) to amend the internal website link to relevant legislation regarding the Equality Act 2010;
- c) to amend the points of access for those vehicles licensed as Wheelchair Access Vehicles..

Attendance list

Councillors present

Steve Hall (Chairman)
John O’Leary (Vice Chairman)
Megan Armstrong
Brian Bailey
Colin Brown
Maddy Chapman
Jim Knight
Cherry Nicholas
Pauline Stott

Councillors also present

Councillor apologies:

Matt Booth
Paul Carter
Steve Gazzard
Geoff Jung

Officers present

Giles Salter Solicitor
Steve Saunders, Licensing Manager
Lucy Maxwell. Licensing Support Officer
Chris Lane, Democratic Services Officer

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Wednesday, 18 July 2018

Present: Councillors:
John O'Leary (Vice Chairman in the Chair)
Geoff Jung

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

The meeting started at 9.02 am and ended at 9.10 am.

*11 **Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 13 June 2018, were confirmed and signed as a true record.

*12 **Declarations of interest**

Councillor John O'Leary
Minutes *13,*14 & *15
Disclosable Pecuniary Interest – Designated Premises Supervisor

Councillor Geoff Jung
Minutes *13,*14 & *15
Disclosable Pecuniary Interest – Designated Premises Supervisor

*13 **Schedule of applications 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:

Smoked & Uncut Festival, Land adjacent to the Pig at Combe, Gittisham, EX14 3AD.

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:

1. Alcohol sales will cease at 22.30 hours.
2. A minimum of 6 SIA registered doorstaff will be employed at the event.

*14 **Schedule of applications 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:

Donato Ristorante, 8 Victoria Road, Exmouth, EX8 1DL.

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:

1. The Premises shall only operate as a restaurant where alcohol is not to be sold or supplied otherwise than for consumption by persons taking a substantial table meal there, and provided always that the consumption of alcohol is ancillary to taking such meals.
2. No customers will be permitted to take open vessels containing alcohol from the premises.
3. 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.
4. The premises adopt a Challenge 21 policy. The only acceptable forms of ID will be Passport, Photo, Driving Licence or Government Approved PASS Card.

5. Staff training records will be retained for at least 12 months at the premises and made available for inspection by officers of both the Licensing Authority and the Police.

***15 Schedule of applications 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:

The Old Picture House, Beach road, Seaton, EX12 2LZ.

Agreed position reached by the parties:

Following mediation the applicant, Environmental Health Service 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:

1. The outside balcony area is will not permitted to be used after 2100 hours on any day.

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Wednesday, 8 August 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 9.05 am and ended at 9.15 am.

***16 Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 18 July 2018, were confirmed and signed as a true record.

***17 Declarations of interest**

Councillor John O'Leary
Minutes *18, *19, *20, *21 & *22
Disclosable Pecuniary Interest – Designated Premises Supervisor.

***18 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:

Beer Head Bistro, Beer Head Caravan Park, Beer, EX12 3AH

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:

1. An incident book must be maintained within which full details of all occurrences of disorder and refused alcohol sales at the premises must be recorded. The incident book must be kept on the premises at all times and must be made available for inspection by officers of both the Licensing Authority and the Police.
2. Training records will be retained for at least 112 months and made available for inspection by officers of both the Licensing Authority and Police.
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.

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

The Sub Committee gave consideration to 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:

Foot Golf on the Exe, Exton, EX3 0PJ.

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:

1. No spirits or spirit mixtures will be sold at the premises.

*20 **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:

Otter Valley Dairy, Monkton, Honiton, EX14 9QN.

Agreed position reached by the parties:

Following mediation the applicant and Devon & Cornwall Police 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:

1. CCTV images must be retained for a minimum of 21 days and be produced on the request of the police or EDDC (recording media must be set to 25 frames per second).

*21 **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:

The Retreat Stores, The Arch, Woodbury, EX5 1LL.

Agreed position reached by the parties:

Following mediation the applicant and Devon & Cornwall Police 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:

1. CCTV will be installed, operated and maintained to the satisfaction of the Licensing Authority and Chief Officer of Police.
2. Images will be retained for a minimum of 21 days copies of which will be supplied to the Licensing Authority or Police upon request.
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.
7. 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.

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

The Sub Committee gave consideration to 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:

Greendale Farm Shop, 44 Sidmouth Road, Exeter, EX5 2JU.

Agreed position reached by the parties:

Following mediation the applicant and Devon & Cornwall Police 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:

1. An incident book must be maintained within which full details of all occurrences of disorder and refused alcohol sales at the premises must be recorded. The incident book must be kept on the premises at all times and must be made available for inspection by officers of both the Licensing Authority and the Police.
2. 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.
3. Alcohol for consumption on the Premises must only be supplied with food purchased for consumption on the premises in the designated restaurant and patio areas.
4. Consumption of alcohol on the premises must only take place in the Licensable area.
5. All alcohol for consumption on the Premises to be decanted into glasses.

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Wednesday, 22 August 2018

- Present:** Councillors:
Steve Hall (Chairman)
John O'Leary
Colin Brown
- Also present:** Megan Armstrong
Brian Bailey
- Officers:** Giles Salter – Solicitor
Steve Saunders – Licensing Manager
Neil McDonald – Licensing Officer
Chris Lane – Democratic Services Officer

The meeting started at 10.30 am and ended at 11.50am.

*23 **Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 8 August 2018, were confirmed and signed as a true record.

*24 **Application for the grant of a premises licence to allow live and recorded music, performance of dance and the sale of alcohol on and off the premises at Budleigh Salterton Cricket Club, Ottermouth Ground, Granary Lane, Budleigh Salterton, EX9 6HA.**

The Sub Committee gave consideration to an application for the grant of a Premises Licence to allow the sale of alcohol on and off the premises at Budleigh Salterton Cricket Club, Ottermouth Ground, Granary Lane, Budleigh Salterton, EX9 6HA.

The Sub Committee carefully considered the application with the amendments following mediation that the applicant proposed for the grant of a premises licence with a view to deciding whether the application promoted the licensing objectives, as required by the Licensing Act 2003. Government Guidance, the Council's own licensing policy and the Human Rights Act 1998 were also taken into account in making the decision.

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

The Sub Committee considered it relevant that no representations had been received from the Police in relation to the Licensing Act objectives that had been the subject of representations, that is to say:

- public safety
- public nuisance

- crime and disorder
- protection of children from harm.

From this the Sub Committee concluded that the police did not consider that there was currently any significant problem associated with the current operation of the club premises certificate, or that there is likely to be if the premises licence application is granted.

The applicant's case was:

On paper – that like a number of other sports clubs in East Devon the club had decided to change its licence from a club premises certificate to a full premises licence as they were finding it difficult to comply with the strict 'members and guests' restriction on the supply of alcohol.

Mr. Gregory Evans-Chairman and Director

At the hearing he stated that the Club had no plans to cease operating as a Members' Club but the application gave the Committee more flexibility to serve invited guests of club members. However if they operated as a public house this would reduce the incentive to have a dedicated membership. There was no anticipation of running music events as the club took very seriously its responsibility to neighbours and its landlord Clinton Devon Estates.

The Club had acceded to and worked with the EDDC Environmental Health Officer to modify the original application and to include her suggestions on operation of a licence.

There was a robust Safeguarding Policy which included a dedicated Welfare Officer in place for children and the Club was accredited to the England and Wales Cricket Board. The conversion from Club Premises Certificate to Premises Licence created no additional risk to children. The Club didn't expect the volume of U18 membership to increase as a result.

The Chairman felt that the Club had demonstrated a reasonable and appropriate course and that it had listened to and conceded to local residents who were concerned with potential issues of public nuisance.

He stated that there were no plans for events, that the licence was used for the period from 1st April to 30th September when matches or practices were being held. The Club was effectively closed down in the winter months because of the risk of flooding in the pavilion.

A new till system had been introduced to provide incentive for social membership of the Club for new people using the bar for the first time.

The interested parties' case was:

On paper – The concerns expressed by the objectors related to all four of the licensing objectives and their concerns were varied and covered in detail on their original representations (see Appendix D). Some of the main issues covered related to music and people noise and the possibility that the more open and extended licence would turn the club into a pub or nightclub type venue. There were concerns at the extra numbers of people that may be drawn to the club and the area resulting in extra traffic in Granary Lane causing noise and traffic danger to residents. Safeguarding concerns were also raised over youngsters and vulnerable

adults attending the club as well as the possible increase in crime, disorder and disturbance to local residents.

The Interested Party questioned the applicant on Safeguarding of children issues, Noise nuisance, Off sales of alcohol to be taken outside of the bounds of the Club's leased playing area, nuisance in Granary Lane, use of plastic glasses.

Mrs Louise Kane

Made no submissions to the Committee.

The Sub Committee had carefully considered the operating schedule put forward by the applicants and the likely impact of the application. In relation to the evidence heard regarding the history of the premises, the Sub Committee consider that the establishment was well managed and controlled with good policies in place.

The Sub Committee did not accept that there was evidence of a significant public nuisance, risk to crime and disorder, risk to public safety, risk to children, arising from the current operation of the premises. This was because of a lack of evidence of a history of complaints to the statutory authorities. The Sub Committee had, however, taken into account the concern of local residents but at the present time there was no real evidence that the operation the applicant now proposed to run would cause the unacceptable impact local residents suggested in their representations.

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

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

RESOLVED 1. that the grant of the premises licence be made as follows:

- a) The extent of the areas within which the various licensable activities will be permitted is as indicated by the legends on the applicant's plan.
- b) Permitted hours for the various licensable activities will be as set out in the Appendix A but as amended at mediation in Appendix F.
- c) The conditions will now be as shown in Appendix G and Appendix F.
- d) The mandatory condition required by section 19 of the Licensing Act 2003 will also be imposed.

2. The Designated Premises Supervisor will be Mr. Gregory Evans Chairman of Budleigh Salterton Cricket Club.

***25 Confirmation of a Film to be shown at Exmouth Savoy Cinema**

Consideration was given to a report which informed Members with the background, history and issues of an application made under the Licensing Act 2003 for the certification of a film that did not currently have a British Board of Film Classification (BBFC). The report further informed Members of the options available to them when considering an application for the certification of films.

The applicant did not attend the hearing whilst the Sub-Committee considered its decision. The Sub-Committee viewed the film and applied the scoring matrix contained in Appendix A of the report.

RESOLVED

that the Su Committee having viewed the film, determined that the film would carry a certificate in line with the BBFC categories to require a classification of "U". The decision of the Licensing Authority authorised the film as being suitable for audiences aged four years of over in accordance with the classification that was passed.

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Wednesday, 19 September 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 9.05 am and ended at 9.15 am.

*26 **Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 22 August 2018, were confirmed and signed as a true record.

*27 **Declarations of interest**

Councillor John O'Leary

Minute *28.

Disclosable Pecuniary Interest – Designated Premises Supervisor.

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

The Sub Committee gave consideration to 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:

Winehub Café, 50 The Strand, Exmouth, EX8 1AL

Agreed position reached by the parties:

Following mediation the applicant and 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 additional conditions:

1. The Premises will comply with the Street Café Licence issued by Devon County Council.
2. No open containers of alcohol will be taken from the premises other than for consumption in the external seating area marked in red on the plan.
3. An incident book must be maintained within which full details of all occurrences of disorder and refused alcohol sales all the premises must be recorded. The accident 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.
4. Staff 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.

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Standards Committee held at Knowle, Sidmouth on Tuesday, 14 August 2018

Attendance list at the end of the document

The meeting started at 10.00am and ended at 10.45am

***1 Public speaking**

There were no questions asked.

***2 Minutes**

The minutes of the meeting of the Standards Committee held on 23 January 2018, were confirmed and signed as a true record. With regard to the online Gifts & Hospitality Register, it was noted that changes still had to be made through Democratic Services and that a new online system was being investigated which would enable Councillors to add their Gifts & Hospitalities online themselves.

***3 Declarations of interest**

There were none.

***4 Annual Report 2017-18**

The Committee considered the report of the Monitoring Officer, which reviewed the 2017/18 year in the life of the Standards Committee and outlined the work done.

Discussion included the following points:

- The briefing note on starred or unstarred minutes had been written but not yet signed off due to officer workload;
- The recruitment process for the vacant parish council representative had started and it was anticipated that interviews for those on the shortlist would be held in September;
- The number of complaints had increased, but this was due to particular problems at one Town Council;
- There had been Code of Conduct training made available to both district and town/parish councillors. Following the next election all district councillors must have compulsory Code of Conduct training before they would be allowed to sit on Committees;
- The Committee considered what steps would be required to improve training for both district and parish councillors

The Chairman thanked the Monitoring Officer for his report.

RESOLVED: that the review of the 2017/18 year be noted;

***5 Code of Conduct Complaints update**

The Committee considered and noted the report of the Monitoring Officer, which provided an update for the Committee on new Code related cases received since 1 May 2018.

RESOLVED: that the report be noted.

*6 **Forward Plan**

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

Discussion included the following points:

- Possibility of getting town/parish councils more involved in Code of Conduct training;
- Monitoring Officer to attend the Annual Meeting with Town Clerks to update them on the Code of Conduct;
- Recording meetings would be a positive step forward for all town/parish councils as this could help improve behaviour and also provide a record of what was said for local council clerks to use.
- It was acknowledged that some of the smaller parish councils could be concerned about the cost of recording equipment, but the cost had reduced significantly and could be done on a laptop and not necessarily added to the website.

Councillor Susie Bond raised the issue of the Register of Land Interests and that she had found some inconsistencies amongst Councillors entries in this. She asked whether a note could be added to the Register saying that Councillors needed to provide full details of their land interests. It was noted that full details of political party membership also needed to be added. The Monitoring Officer agreed to provide a guidance note to go with the Register of Interests.

RESOLVED: 1. that the Monitoring Officer provide a report to the next meeting on how engagement on the Code of Conduct within the town/parish councils (both in terms of training and general understanding) can be improved and this be added to the Forward Plan;
2. that the Monitoring Officer provide a guidance note to go with the Councillors Register of Interests to highlight what Councillors should include in the Register.

Attendance list

Present:

Councillors:

Andrew Moulding (Chairman)

Susie Bond

Graham Godbeer

Douglas Hull

Stuart Hughes

Co-opted non-voting members:

Martin Goscomb, Co-opted Independent member

Tim Swarbrick, Co-opted Independent member

Frances Newth, Co-opted Parish/Town Council member

Also present:

Alison Willan, Independent Person

Councillors:

Dawn Manley – substitute Committee member

Roger Giles

Officers:

Henry Gordon Lennox, Monitoring Officer and Strategic Lead – Governance & Licensing
Chris Lane, Democratic Services Officer

Chairman Date

East Devon District Council Meeting on 24 October 2018
Agenda Item No 8

Question 1: Procedure Rule 9.2 to the Leader/Portfolio Holder for Sustainable Homes and Communities from Councillor Cathy Gardner

“Would this Council act to help those in need of affordable housing in the District by borrowing money from the Public Works Loan Board to build and buy new social housing if permitted to do so by Government?”

Answer:

The simple answer is yes. However it is important to say that for several years we have been buying properties and have built some on our own land. This is not new to this Council. Houses are bought freehold.

We are still awaiting the official confirmation of this public statement from the Government that will state the criteria of this change to borrowing powers. It must be remembered that this is **BORROWING** and therefore the interest and capital has to be repaid from the Housing Revenue Account. This will be added to the borrowing we were instructed by Her Majesty's Treasury to take out of £84.5 million based on our housing stock value at the time. The repayments come from the rents tenants pay.

We have been buying properties by using Right to Buy receipts (only 25% retained by us and 75% go to Her Majesty's Treasury) and then we let them at 'affordable rents' which are 80% of market rents. An independent valuer determines the market rents. These rents must be within Housing Benefit Local Housing Allowance levels to ensure that tenants needing benefit have their rent covered. On new acquisitions we limit Right to Buy discount to ensure that the purchase price of the property does not fall below what was spent on building, repairing or maintaining it over a certain period of time. Those purchased after 2012 it is 15 years and all tenants are made aware of this when they apply.

In the first 2 quarters of this financial year we have completed on 12 properties and have another 3 in the pipeline one of which is a House in Multiple Occupation with 8 bedsits with en suite facilities. The Chairman of the Housing Review Board – Cllr Pauline Stott will welcome any member to attend where all this information is available or read the agenda reports.

Question 2: Procedure Rule 9.2 to the Leader from Councillor Cathy Gardner

“Can the Leader confirm whether EDDC is using private security firms to patrol or protect Council-owned property and if so where and at what cost?”

Answer:

We use two different security firms which are employed across the corporate stock.

Annually the costs are as follows:

The Knowle	£6363.35
Exmouth Town Hall	£5450.90
Younghayes Centre	£7,200.00
East Devon Business Centre	£4200.00

At Exmouth Town Hall, Younghayes Centre, and East Devon Business Centre service charges are applied to tenant's rent space in these buildings which goes towards some of these costs.

Question 3: Procedure Rule 9.2 to the Leader/Portfolio Holder from Councillor Cathy Gardner

“Will the Portfolio Holder for Asset Management provide an update of the progress made with opening new small workshop spaces across East Devon?”

Answer:

The Property and Estates Services team, with the Principal Building Surveyor leading on this project is progressing two development schemes for small industrial units within East Devon, which will see the construction of 14 new build commercial units at Colyford Road, Seaton, and 7 new build commercial units at Fosseway Park, Seaton.

Currently a more simplified and cost effective design is being developed, in order to tackle issues in connection with project viability. Other issues are also being clarified and resolved such as legal covenants. Revised planning applications will also need to be submitted, and the tendering process completed.

The original target date for turnkey project completion is September / October 2019. Although there is some slippage on this date due to the need for a more simplified and cost effective design, and the submission of revised planning applications.

Question 4: Procedure Rule 9.2 to the Leader/Portfolio Holder from Councillor Cathy Gardner

“In view of Grant Thornton's apparently inaccurate audit of Patisserie Valerie's accounts, what consideration has the Council Leader/Portfolio Holder given to the appropriateness of Grant Thornton as the recently appointed auditor to EDDC or the need for special vigilance?”

Answer:

Our auditor is appointed through Public Sector Audit Appointments Limited (PSAA). In July 2016, the Secretary of State specified PSAA as an appointing person under the Local Audit and Accountability Act 2014. This means that for audits of accounts from 2018/19, PSAA will appoint an auditor to relevant principal local

government and police bodies that have chosen to opt into its national auditor appointment scheme. Rather than appoint our own auditor, as was possible and is the case in the private sector, we chose to appoint through the PSAA which is considered to create a better relationship of independence between auditor and auditee.

PSAA is responsible for appointing auditors, setting audit fees, overseeing the delivery of consistent, high quality and effective audit services to local public bodies, and ensuring effective management of the contracts with the audit firms.

The Terms of Appointment set out additional requirements that auditors must comply with, over and above those set out in the **Code of Audit Practice** (the Code) issued by the National Audit Office (NAO) and in legislation, and cover matters of practice and procedure. Each year, PSAA will assess auditors' compliance with these statutory Terms of Appointment.

PSAA has contracted with firms which have a proven track record in undertaking public audit work. In accordance with the Local Audit and Accountability Act 2014, firms must be registered with one of the chartered accountancy institutes acting in the capacity of a Recognised Supervisory Body (RSB). The quality of the firms' work will be subject to scrutiny by both the RSB and the Financial Reporting Council (FRC).

PSAA will ensure that firms maintain the appropriate registration and will liaise closely with RSBs and the FRC to ensure that any concerns are detected at an early stage and addressed effectively. PSAA will take a close interest in feedback from opted-in bodies and in the rigour and effectiveness of firms' own quality assurance arrangements, recognising that these represent some of the earliest and most important safety nets for identifying and remedying any problems. PSAA will continue to liaise with the NAO to help ensure that guidance to auditors is updated when necessary.

This is an area that has been raised by the Audit and Governance Chair with reassurance gained by the Council having its auditors appointed and monitored through PSAA. Present at the last Audit & Governance Committee was the Engagement Lead and Engagement Manager from Grant Thornton who reassured the committee on questions around quality of audit.

Question 5: Procedure Rule 9.2 to the Portfolio Holder – Strategic Planning and Growth Point from Councillor Roger Giles

“Does the Portfolio Holder consider that there is a role for Members of Parliament in seeking to achieve high quality major developments in East Devon?”

Answer:

Our Members of Parliament have a key role to play in achieving high quality major developments in the district and it is important that we engage them in this work so that they can understand the issues that we face and help to influence the government to address barriers to delivery. The governments priority is increasing

the number of new homes being delivered but it is equally important that the homes that are delivered are high quality and that they meet the needs of all the different groups within our communities. We must also ensure that developments deliver the jobs, community facilities, health care provision, transport and other services needed to ensure that they are vibrant and sustainable places to live. We look to our MP's to help with these problems we face in supporting our growing communities. This will often require investment from the government and the support of our MP's has helped to secure substantial infrastructure funding in the past at Cranbrook and more recently for Axminster and we will look for their support in future funding bids.

There is also a role for MP's to be more hands-on in the delivery of major developments. For example Neil Parish MP currently sits on the Delivery Board for the Culm Garden Village at Cullompton in Mid-Devon and I hope there will be opportunities for the MP's to have similar involvement in future major development projects in East Devon.

Question 6: Procedure Rule 9.2 to the Leader Cllr Ian Thomas from Councillor Val Ranger

“At the cabinet meeting on 5th September I asked a question about how EDDC would be engaging in the forthcoming national Designated Landscapes (AONB and National Parks) Review 2018 lead by Julian Glover and what wider consultation with cllrs and the public would be taking place.

The purpose of this review is to feed into the government's 25 year environment plan and will look at whether enough protection is being given to AONBs and whether AONBs and National Parks should be extended and given greater powers of protection.

Cllr Divianni stated that AONB partnerships act as agents for the local authority, and that locally East Devon AONB Partnership was conducting their own consultation (which closed on 18th September). Cllr Divianni said ‘**we** are conducting a review and the results will be published in due course’.

Proposals for an ‘East Devon and Dorset National Park’ formed a very small part of that consultation.

However, East Devon AONB Partnership is very much in favour of the East Devon and Dorset National Park which would cover the area from Exmouth to Poole along the Jurassic Coast. It fully supports the opportunities and advantages for communities, the economy, farming, ensuring there is truly affordable housing for local people (rather than relying on inward migration).

6.a) I understand that Devon County Council is also debating the matter this autumn. Are there plans for this to be more widely debated here at EDDC?”

Answer:

According to the government website a review panel has been set up and a call for evidence launched on 20th October. Officers will prepare a report for Members of

Strategic Planning Committee on the 27th November to consider a draft response to the call for evidence.

“6. b) As the East Devon AONB Partnership fully supports proposals for an East Devon and Dorset National Park and are agents for EDDC, does this mean that EDDC also supports this proposal?”

Answer:

As things stand the panel undertaking the national designated landscapes review have not put forward any proposals for consultation and so there has been no debate to consider our position. Any proposals are likely to follow the panels consideration of the evidence provided and is therefore somewhat off.

“6.c) What work is going on behind the scenes at EDDC, or has already been done, towards this status?”

Answer:

None – the call for evidence will determine what work is needed in order to respond to the panel.

“6.d) How does this fit with plans for the GESP?”

Answer:

The National Planning Policy Framework (NPPF) is clear that the scale and extent of development in AONB's and National Parks should be limited. The GESP will have to comply with this policy.

Question 7: Procedure Rule 9.2 to the Portfolio Holder for the Environment from Councillor Susie Bond

“Does the Portfolio Holder for the Environment share my concern over Network Rail's failure to allow timely completion of Feniton's flood alleviation scheme by their constant delays and prevarication over the small section under the railway track?”

Answer:

Yes, the concerns are shared and we are disappointed that the works are taking so long to expedite.

It is understood that Network Rail have completed the necessary Form 1 sign-off now, and are in the process of putting together the proposal and legal agreement to complete the detailed design through their works delivery team. Our contact at Network Rail, is doing his best to expedite that but there are various processes he needs to go through at Network Rail to get that signed off and issued to East Devon.

The next issue to be addressed is around moving the track ballast during warmer weather. The works will involve an open trench beneath the railway tracks, the tracks themselves will stay in place, but a number of sleepers will need sliding to one side. The track engineers won't allow us to disturb the ballast, and move those sleepers when the weather is warmer, and the track under more stress. So this would prevent the UTX works (excavation under the tracks) happening between Easter and September.

The other issue is that there is reptile habitat to one side of the railway track, moving reptile away from that area can only happen in warmer weather. We had undertaken that work previously in anticipation of the works going in, but we couldn't legally maintain reptile fencing indefinitely.

As a result, in all likelihood the earliest feasible date to undertake the UTX works will be September 2019. We will however look at what works for Phase 4 can start in advance of Phase 3 once we've a clearer understanding of the Network Rail timescales for completion of the detailed design.

The MP has also been requested to write to Network Rail to add pressure to move this project forward.

Question 8: Procedure Rule 9.2 to the Portfolio Holder for the Economy from Councillor Eleanor Rylance

"Cranbrook S106 funding

- A) How much S106 funding in total has been collected for new buildings in Cranbrook since the first house was built?
- B) How much has been spent in that time?
- C) How much is left?
- D) What has it been spent on?
- E) Where is it held? Who is the person responsible for it?"

Answer:

The Section 106 agreement for Cranbrook does not secure monies for the delivery of buildings but instead requires the developers to provide the buildings themselves and then transfer them to the Council or other provider to run and manage the building. The only exception to this is the children's centre where the Section 106 agreement secures a financial contribution albeit it also leaves the option for the Consortium to construct and transfer the centre to Devon County Council. The trigger for the Children's centre has not been reached and so no monies have been collected to date.

Question 9: Procedure Rule 9.2 to the Portfolio Holder for the Economy from Councillor Eleanor Rylance

“Cranbrook youth leisure provision and infrastructure -

A) What are the medium and long term plans for youth infrastructure in Cranbrook?”

Answer:

The Section 106 agreement for Cranbrook makes provision for the developers to make an annual youth worker contribution following first occupation of 500 dwellings and a contribution towards a temporary youth facility. Both contributions go direct to Devon County Council. Provision of a permanent youth facility is required prior to occupation of 3450 dwellings. The agreement also secures provision of a skateboard park, play areas for children and two Multi-Use Games Areas (MUGA's). Four of the play areas and one MUGA have been provided to date. A planning application is expected shortly for the second MUGA and work is underway to agree a location for the skateboard park.

“B) What research has gone into what the people of Cranbrook want to see in their town for children and young people?”

Answer:

An annual community questionnaire is undertaken each year (other than last year due to consultation on the Cranbrook Plan) and a young people questionnaire was carried out in 2016 all of which include questions about what residents want to see.

“C) What have the results of this research been?”

Answer:

The results of the community questionnaire have been reported to Cabinet each year. In the case of the 2016 young people questionnaire the results can be found in the agenda for the 5th April 2017 Cabinet agenda at

<http://eastdevon.gov.uk/media/2057626/combinedcabagenda050417publicversion.pdf>

“D) Have the children and teenagers been consulted?”

Answer:

Yes see comments above.

“E) Are there firm, established, precise geographical locations for any future youth leisure infrastructure? If so, where are these locations?”

Answer:

No – we are continuing to work with the Town Council, Devon County Council and developer Consortium to secure youth leisure facilities as part of the town centre. Work on this is on-going alongside the Cranbrook Plan.

“F) What sports provision infrastructure is in the pipeline?”

Answer:

The sports pitches for the currently consented parts of Cranbrook are provided at what has been known as the “Ingrams Land” to the eastern edge of the consented area. These pitches are now laid out but need to settle before they can be brought into use. Discussions are under way to ensure that the changing rooms at the sports pitches are provided as a full pavilion with social facilities to ensure that the site is a viable hub for sports and community activities. A second sports hub, larger than that at Ingrams is to be proposed through the Cranbrook Plan. In the Preferred Approach consultation documentation this was shown on the Treasbeare land to the south of London Road.

Cranbrook is also a key part of the Sport England pilot tackling inactivity in Exeter and Cranbrook. The programme is working with 12 areas nationally over the next 4 years to build healthier, more active communities and benefits from £100 million of National Lottery funding. We are working to ensure that Cranbrook attracts funding through this programme to encourage active lifestyles in the town.

Question 10: Procedure Rule 9.2 to the Portfolio Holder for the Economy from Councillor Eleanor Rylance

“Cranbrook CIL monies

- A) How much CIL money in total has been collected for new buildings in Cranbrook since the first house was built?
- B) How much has been spent in that time?
- C) How much is left?
- D) What has it been spent on?
- E) Where is it held? Who is the person responsible for it?”

Answer:

No CIL has been collected from Cranbrook to date. Permissions for the new community were granted prior to the introduction of CIL and are therefore covered under the original Section 106 agreement. A few smaller scale infill developments have been granted since the adoption of CIL and are CIL liable but they have not commenced and so payment is not due yet. In any event any CIL collected is not specifically to be spent at Cranbrook but could be spent on any projects identified in the Infrastructure Delivery Plan anywhere in the district.

Question 11: Procedure Rule 9.2 to the Portfolio Holder for the Economy from Councillor Eleanor Rylance

“Clyst Honiton S106 and CIL monies

A) How much of each has been collected on behalf of Clyst Honiton since the first new buildings were built?”

Answer:

No CIL has been collected from Cranbrook to date and the Section 106 agreement seeks provision of infrastructure for Cranbrook rather than Clyst Honiton. Developments within Clyst Honiton Parish have generated a total of £9588.45 of which just over £1000 is for habitats mitigation leaving £8,513.32 to be spent on open space in the parish.

“B) Where and by whom is that money held?”

Answer:

The money is held by EDDC.

“C) When can the village have it to spend on the people of Clyst Honiton?”

Answer:

Our Section 106 Officer has been working with the parish council on the spend of this money for some time. Once a suitable project has been identified and agreed in accordance with our participatory budgeting process then a commitment to spend will be given with payment following us receiving receipts for the works.

Question 12: Procedure Rule 9.2 to the Portfolio Holder for the Economy from Councillor Eleanor Rylance

“Coalescence of settlements

A) What is this council’s planning policy on “coalescence of settlements”?”

Answer:

The relevant policy is Strategy 8 – Development in Green Wedges. The policy says *“Within Green Wedges, as defined on the Proposal Map, development will not be permitted if it would add to existing sporadic or isolated development or damage the individual identity of a settlement or could lead to or encourage settlement coalescence”*.

The Green Wedges are at the following locations:

- a) Land to the East of Exeter and South of the A30 and an area to the South of Poltimore.
- b) Land adjoining the Exe estuary and West of the A376 North of Lymptone to the Royal Marines site and North of Exton to Marsh Barton.
- c) Land to the North and North East of Exmouth.
- d) Land between Budleigh Salterton and Knowle.
- e) Land between Seaton and Colyford and Colyford and Colyton.
- f) Land separating the villages of Rockbeare and Whimble from the new community site.

“B) Who decides what constitutes a settlement?”

Answer:

For the purposes of Strategy 8 the term “settlement” is used to describe the places separated by the green wedges listed above. The term “settlement” is otherwise a general term for a place where people establish a community.

Question 13: Procedure Rule 9.2 to the Portfolio Holder for Transformation from Councillor Eleanor Rylance

“What is this council’s policy on gender parity in the employment of officers?”

Answer:

EDDC’s policy on gender parity is prescribed by legislation. All our employment policies are underpinned by the requirements of legislation including recruitment and pay.

The Council uses a job evaluation scheme called the Greater London Provincial Councils Job Evaluation scheme and this is an analytic scheme which ensures that pay is awarded on the basis of the scheme not on the basis of any protected characteristic of which includes gender.

<http://eastdevon.gov.uk/council-and-democracy/council-business/pay-and-reward/pay-and-reward-strategy/purpose-of-the-pay-and-reward-strategy/>

<http://eastdevon.gov.uk/media/2018805/combinedcabagenda080317publicverscompressed.pdf>

Question 14: Procedure Rule 9.2 to the Portfolio Holder for Transformation from Councillor Eleanor Rylance

“Has the council carried out a gender pay gap study on its officers? If so, what was the result?”

Answer:

Under the Gender Pay Gap reporting regulations, large employers are legally required to publish gender pay gap data on their own website and on this government website.

Most public sector employers must follow The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017. This includes most government departments, the armed forces, local authorities, NHS bodies, maintained schools and academy trusts and universities.

As a public sector employer, with 250 or more staff on 31 March, EDDC must publish their data by 30 March of the following year.

<http://eastdevon.gov.uk/council-and-democracy/council-business/equality-and-diversity/workforce-monitoring/>

data by 30 March of the following year.

<http://eastdevon.gov.uk/council-and-democracy/council-business/equality-and-diversity/workforce-monitoring/>

Question 15: Procedure Rule 9.2 to the Leader from Councillor Peter Burrows

“I have since February asked when the Jubilee Clock in Seaton is going to be repaired. It is an East Devon District Council responsibility and I am often told that if it was in Sidmouth it would have been done by now. As the Mayor of Seaton I helped get it repaired in 2014 and again I have offered to help but have received absolutely no assistance. Can you please get this resolved so I do not have to blame the present administration.”

Answer:

Following discussions between our officers and Councillor Burrows, Councillor Burrows is investigating the possibility of donations towards the cost of the scaffolding which needs to be erected, with the Council funding the cost of the repair to the clock itself. We have already obtained quotations for the cost of the repairs to the clock.