



Minutes of Council and committees

**Presented to the Council on
24 April 2019**

- a) Minutes of Cabinet held on 6 March 2019 Minute numbers 162 to 181 (Pages 3 - 12)
- b) Minutes of Cabinet held on 3 April 2019 Minute numbers 182 to 194 (Pages 13 - 18)
- c) †Minutes of Scrutiny Committee held on 7 March 2019 Minute numbers 51 to 59 (Pages 19 - 24)
- d) Minutes of Strategic Planning Committee held on 26 March Minute numbers 50 to 59 (Pages 25 - 30)
- e) Minutes of Development Management Committee held on 5 March 2019 Minute numbers 51 to 57 (Pages 31 - 33)
- f) Minutes of Development Management Committee held on 2 April 2019 Minute numbers 58 to 66 (Pages 34 - 37)
- g) Minutes of Audit & Governance Committee held on 21 March 2019 Minute numbers 48 to 57 (Pages 38 - 41)
- h) Minutes of Licensing & Enforcement Committee held on 20 February 2019 Minute numbers 16 to 22 (Pages 42 - 47)
- i) Minutes of Standards Committee held on 22 January 2019 Minute numbers 7 to 14 (Pages 48 - 51)

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 6 March 2019****Attendance list at end of document**

The meeting started at 5.35 pm and ended at 7.58 pm

162 Public speaking

There were two members of the public wishing to speak.

Mr Nick Hookway spoke on Minute 166, Queen's Drive Watersports Centre Development. He spoke on the lateness of the report and whether planning permission was needed for the new beach access as well as what consultation had been in place. He also asked about why the dates had been changed and that there were concerns over the track record of Grenadier. Finally he questioned the nature of the relationship between the Council and Grenadier with Grenadier having won their CIL appeal.

In response the Deputy Chief Executive confirmed that most of the points were picked up in the report. He noted that there had been extensive public consultation in relation to Grenadier's proposals, including the need for a beach access ramp. The council had worked closely with Grenadier for a number of years and considered them to be good partner. The issue of CIL was between Grenadier and the local planning authority and did not affect the relationship between the Council as landowner and Grenadier.

Councillor Kevin Blakey, Chairman of Cranbrook Town Council spoke on Minute 173, Future High Streets Fund. He spoke of the merits to Cranbrook being the town put forward as the worthwhile bidder for this possible future funding for regeneration of its high street. The funding would get future commercial space underway and would be a blueprint for regeneration of high streets within East Devon.

163 Minutes of the previous meeting

The minutes of the Cabinet meeting held on 6 February 2019 were confirmed and signed as a true record.

164 Declarations of interest

Cllr Ian Thomas, Minute 178; personal interest – Chairman of the Enterprise Zone Board
 Cllr Iain Chubb, Minute 172; personal interest – Lives in Axminster
 Cllr Pauline Stott, Minute 165; personal interest – Director of the Watersports Centre
 Cllr Paul Diviani, Minute 172; personal interest - Chairman of Axminster Regeneration Board, Member of LEP, attended regular meetings with Cranbrook Town Council
 Cllr Andrew Moulding, Minute 172; personal interest – Member of Axminster Regeneration Board

165 Queen's Drive Watersports Centre Development

To advise of the latest position on the development of the Watersports Centre on Exmouth seafront and seek approval of the terms of variation to the completed Development Agreement and delivery timescale negotiated between the Council and Grenadier Estates. The timing of this late report was necessitated by the negotiation

process between the council and Grenadier Estates; having reached a satisfactory conclusion as late as Monday 4 March 2019.

Since the publication of the report an amendment to the longstop date for delivery of the ramp had been changed from 2 years to 3 years from the date that the lease was completed. This was to mirror the timing of the delivery of the Watersports Centre.

Discussions included:

- This was great for Exmouth with the possibility of the Watersports Centre being used as a national centre.
- Late reports were not conducive with the Code of Corporate Governance in allowing time for councillors to make informed decisions
- The improved timeline for completion by the summer 2020 was welcomed
- What opportunity would there be for all councillors to discuss?
- Who was responsible for the upkeep the beach access?
- This was a long awaited watersports centre for Exmouth
- Visitor spend would increase with these new facilities and attractions
- Great to have Edge Watersports and Michael Caines included
- Kite surfers want to surf off Exmouth beach rather than at North Devon
- The Edge Watersports centre being a pillar of excellence
- With this new project being brought forward this would allow more income to Exmouth.

Councillor Pauline Stott thanked Councillor Phil Skinner and officers for their hard work and dedication in getting to this stage.

RESOLVED:

1. Cabinet authorises the revisions to the agreement as detailed in the report together with related consequential and minor amendments.
2. Cabinet authorises the Deputy Chief executive to complete the revisions to the Development Agreement contemporaneously with Grenadier confirming discharge of the conditions precedent.

REASON:

So the Council and Grenadier Estates can conclude all outstanding matters and enable the Watersports Centre site development to begin in summer 2019 with a view to completion within 12 months following the council's completion of the new road and car park in June 2019.

166 **Confidential/exempt item(s)**

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

167 **Forward Plan**

Members agreed the contents of the forward plan for key decisions for the period 1 April 2019 to 31 July 2019.

168 **Minutes of the Community Fund Panel held on 5 February 2019**

Members received and noted the Minutes of the Community Fund Panel held on 5 February 2019.

169 **Minutes of the Standards Committee held on 22 January 2019**

Members received and noted the Minutes of the Standards Committee held on 22 January 2019.

170 **Minutes of the Scrutiny committee held on 7 February 2019**

Members received the Minutes of the Scrutiny committee held on 7 February 2019.

RESOLVED that the following recommendation be agreed:

Minute 45 East Devon Public Health Strategic Plan 2019/23

1. Would like to thank the Public Health Project Officer for the excellent work being undertaken and supported by colleagues across the Council, and to endorse the East Devon Public Health Strategic Plan 2019-23,
2. Seeks to support the intention in the Plan to cover all areas of East Devon district
3. Encourages improvements to communications with Town and Parish Councils in disseminating public health messages, including increasing the use of social media
4. Requests that the MECC training programme is offered to all EDDC Councillors to help disseminate key messages about Health and Wellbeing in local communities
5. Encourages greater use of Social Prescribing and healthier lifestyles, via Leisure East Devon (LED) and community led initiatives.

RESOLVED: that the following recommendation not be accepted:

Minute 50 Scrutinising the Portfolio Holder decision regarding a Discretionary Home Stay Grant repayment

1. In all future cases the Legal Services Team should be involved
2. In considering future applications, more and fuller information must be provided to the Portfolio Holder
3. Having examined this case, the Scrutiny Committee are concerned that the call-in period is too short and would ask Cabinet to consider recommending to Council that the constitution be amended to extend the call in period from 5 days to 10 days
4. An appeal panel to be set up for post decision appeals.

It was noted that;

1. Legal Service should be commenting on all Portfolio Holder reports already
2. It was the duty of the Portfolio Holder to determine whether they have sufficient information to make a decision
3. No requirement to extend the time limit for call-ins to 10 days.

171 **Minutes of the STRATA Joint Executive Committee held on 28 January 2019**

Members received and noted the minutes of the STRATA Joint Executive Committee held on 28 January 2019.

172 **Future High Street Fund**

The Deputy Chief Executive advised members of the detail regarding the government's Future High Streets (FHS) funding opportunity and asked for an agreement to an approach to submitting into the Expression of Interest stage; the deadline for which was 22 March 2019.

Discussions included:

- Axminster had a Regeneration Committee that were keen to move forward. With 850 new homes being built the population would increase by 26%
- The need for commercial town centre buildings with resident accommodation above to improve the economy of the town centre
- The North–South relief road was great for the environment and public safety but could have an impact of public footfall in the town centre
- Could both submissions for Cranbrook and Axminster be sent?
- Cranbrook deserved future high street funding as was a 'future town' with a young person demographic
- Axminster residents had longer journeys to larger shops such as in Taunton and Exeter
- We should nurture a town on the outskirts of East Devon
- Each town would need to be ready to get the scheme off the ground with the right people and ideas in place
- Axminster was an older town needing regeneration. Businesses were pulling out and the old town centre required investment
- Cranbrook was not to end up a dormitory town, it need a kick start to the development of its high street
- 2 very different towns. Cranbrook had resources in place to deliver the town centre as well as the Enterprise Zone. The spirit of the Future High Streets funds was to existing high streets. Axminster had all the right measures for growth; this funding would make it more attractive and would act as a case study for across the district.
- The council had a responsibility to see high streets succeeding
- Many residents in Cranbrook were on lower incomes and traveling outside to shop and use high street facilities was expensive.
- The guidelines specifically state one proposal only, it would be too risky to submit two.

RESOLVED:

1. that the advice from officers regarding Cranbrook and Axminster be noted,
2. Cabinet agrees to submit a FHS Expression of Interest in relation to Axminster,
3. that delegated authority be granted to the Deputy CEO in consultation with the Portfolio Holder for Economy to prepare and submit the Expression of Interest.

REASON:

To agree an approach to submitting into the Expression of Interest stage by the deadline on 22 March 2019.

173 **Monthly Performance reports - January 2019**

The report set out performance information for the 2018/19 financial year for January 2019 and was supplied to allow the Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

There was one indicator showing excellent performance:

- Percentage of planning appeal decisions allowed against the authority's decision to refuse.

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

- **Days taken to process new Housing Benefit claims** - Officers were currently working through a transition period to Universal Credit which is impacting on performance.
- **Working days lost due to sickness absence** - It was anticipated that EDDC would be above the target for absence for 18/19. As previously reported, 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 proactively managed and started to see levels reduce towards the end of 2018.

RESOLVED:

that the progress and proposed improvement action for performance measures for the 2018/19 financial year for January 2019, be noted.

REASON:

The performance report 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.

174 **Homelessness and Rough Sleeping Strategy 2019 - 2023**

The Housing Needs and Strategy Manager presented the Homelessness and Rough Sleeping Strategy 2019 – 2023 for approval and adoption as required by the Homelessness Act 2002. The previous strategy had been reviewed alongside the current homelessness data and new responsibilities for action to prevent homelessness introduced by the Homelessness Reduction Act 2017. This placed a statutory duty on local authorities to assist individuals and households who were homeless. The definition of being threatened with homelessness has been extended from 28 days to 56 days.

RECOMMENDED:

1. to Council to formally adopt the Homeless and Rough Sleeping Strategy 2019-2023,

RESOLVED:

2. That delegated authority is given to the Strategic Lead – Housing Health & Environment in consultation with the Portfolio Holder for Homes and Communities to make any minor amendments to the Strategy prior to its publication, and

3. that the Council writes directly to government about the additional costs being incurred by local authorities through the Homelessness reduction Act 2017 and the trend of increased homelessness.

REASON:

The Homelessness Act 2002 placed a statutory obligation on local authorities to undertake a review of homelessness in their area and develop and publish a strategy to prevent homelessness based on the findings of the review.

175 **Poverty, homelessness, human rights and health & wellbeing in East Devon - scoping report**

In December a motion was put to full Council - "Following the findings of both the UK Equalities and Human Rights Commission and the UN Special Rapporteur on the impact of benefits changes and other spending cuts on people living in the UK, this Council will receive a report on the potential impacts on residents in East Devon and the need for further support from this Council, for example in supporting the roll-out of Universal Credit, homelessness prevention or for local food banks."

The report attempted to scope the subject and suggest themes for further investigation to provide a locally meaningful analysis of poverty and interventions that could influence/action to alleviate the impact of poverty on individuals and communities. It was recognised that the implications highlighted were as a result of national social welfare policy decisions where the council had limited influence. The report also proposed that the council work with Devon County Council who were also investigating the issues and share the same concerns.

In the discussion it was noted the need to involve local groups and charities who work directly with the homeless.

RESOLVED:

that the themes for a localised investigation and analysis of poverty and related social welfare issues, working with Devon County Council, and report back on the findings, be agreed.

REASON:

To consider the impacts of poverty and related welfare issues locally following changes to national policy relating to welfare reform and homelessness, and the actions taken to alleviate the effects of poverty on individuals and communities in East Devon.

176 **Payhembury Neighbourhood Plan Examiner's Report**

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

Councillor Phil Skinner, through the Chair, wished his congratulations be passed on to the Neighbourhood Planning team.

RESOLVED:

1. that the Examiner's recommendations on the Payhembury Neighbourhood Plan (the Plan) be agreed,

2. that a 'referendum version' of the Plan (incorporating the Examiner's modifications) proceed to referendum and a decision notice to this effect be published, and
3. that the Neighbourhood Plan Steering Group be congratulated on their hard work.

REASON:

The legislation requires a decision notice to be produced at this stage in the process. The Plan is the product of extensive local consultation and has been recommended to proceed to referendum by the Examiner subject to modifications which are accepted by the Parish Council.

177 **Financial Monitoring Report 2018/19 - Month 10 January 2019**

The Strategic Lead Finance gave a summary of the Council's overall financial position for 2018/19 at the end of month 10 (31 January 2019).

Current monitoring indicated that:

- The General Fund Balance was being maintained at or above the adopted level.
- The Housing Revenue Account Balance was being maintained at or above the adopted level.

RESOLVED:

1. that the variances identified as part of the Revenue and Capital Monitoring process up to Month 10 be acknowledged, and
2. that a request to use £34,000 of the Transformation Fund to replace 95 Streetscene frontline staff mobile phones, be agreed.

REASON:

The report updates Members on the overall financial position of the Authority at set periods and includes recommendations where corrective action is required for the remainder of the financial year.

178 **Exeter and East Devon Enterprise Zone Update**

The Enterprise Zone Programme Manager updated Members on the financial position of the Enterprise Zone to support the proposed revenue programme and capital investment.

RESOLVED:

that the progress with the operation of the Enterprise Zone designation be noted.

REASON:

Cabinet last received a paper on the financial position of the EZ in April 2018. During the intervening period work had focused on gaining approval for projects that support the delivery of the EZ, in terms of overcoming identified barriers and catalytic investments that could increase the pace of delivery for new commercial space and jobs.

179 **Long Lane Enhancement**

The Projects Director provided an update on progress with the design of an enhancement scheme for Long Lane. This set out an options analysis in terms of how to proceed and sought approval to borrow up to £3m against future ring-fenced income to deliver the enhancement scheme. Members considered the options analysis of how to move forward.

RESOLVED:

- that the progress with the design of a scheme to upgrade Long Lane be noted,
- that subject to confirmation of the final scheme design and the quantum of developer contributions being secured through a funding agreement, endorse Option 1 as the preferred way forward,
- that a contribution of up to £5k towards the legal fees of those delivering the FAB project to progress the funding agreement prior to the final investment decision stage being reached be agreed,
- that an investment of £5k to help provide match funding for a bid to DfT's Cycle Rail fund be supported, and
- that delegated approval be granted to the Chief Executive in consultation with the Leader and Strategic Leads for Finance and Governance & Licensing, to agree the terms of and complete the funding agreement and any other necessary legal documentation to achieve the above recommendations.

RECOMMENDED:

that Council agree the borrowing of up to £3m against ring-fenced business rate income to implement the scheme and enter in to a funding agreement with Devon County Council to deliver this.

REASON:

Cabinet received a paper on the Enterprise Zone in April 2018. This sought approval for the principle of borrowing up to £8m against ring-fenced business rate income, with detailed approval for investing up to £3.4m for four specific projects. During the intervening period work had focused on the delivery of the approved projects, along with supporting the development of other opportunities. This had focused on overcoming barriers to delivery and bringing forward catalytic investments.

The substandard nature of Long Lane and subsequent limitations to the capacity of the current highway network were a direct barrier to the delivery of Airpark, one of the four Enterprise Zone sites. The proposed enhancement would overcome this barrier and also secure a number of wider benefits including supporting enhanced public transport connectivity and the future growth of the Airport.

180 **Simplified Planning in the Enterprise Zone**

The report put forward the recommended approach for the introduction of a simplified planning regime for the Enterprise Zone (EZ) sites.

RESOLVED:

1. that the recruitment of a dedicated post to progress Local Development Orders for each of the EZ sites and,
2. the approval of Option 1, starting with the Airpark and Science Park sites, as the best way forward, be agreed.

REASON:

Simplified planning was part of the overall EZ offer to businesses. A dedicated officer would be able to progress the introduction of site specific Local Development Orders at pace thereby helping to encourage future investment.

181 **Sidmouth Drill Hall update**

The report provided an update on the outcome of the marketing exercise and selection process for the Drill Hall site in Sidmouth, as well as make a recommendation for the selection of the preferred developer.

RESOLVED:

1. that the selection of Offer 2 as preferred bidder for the site be agreed, and
2. that delegated authority be granted to the Deputy CEO in conjunction with the Strategic Lead Governance and Licensing to enter into negotiations with the approved bidder:
 - (a) for the disposal of the Drill Hall site, and
 - (b) to explore the disposal of the neighbouring toilet block site for incorporation into the new restaurant offer on the basis that a replacement public toilet facility was provided .

REASON:

To meet the council's commitment to the redevelopment and renewal of the Drill Hall site on Sidmouth's seafront. To enable officers to enter into further negotiations with the preferred bidder leading to the necessary contract documentation being drawn up, for the long leasehold interest to be granted to them.

Attendance List

Present:

Portfolio Holders

I Thomas
I Chubb

A Dent
P Diviani

J Elson
M Hartnell

G Pook
T Wright

Cabinet apologies:

P Skinner
D Barrow

Also present (for some or all the meeting)

Bruce de Saram
Pauline Stott
Paul Carter
Ben Ingham
Stuart Hughes
David Barratt

Steve Hall
Andrew Moulding
Cathy Gardner
Roger Giles
Susie Bond
John Dyson
Graham Godbeer
Maddy Chapman
Peter Faithfull
Megan Armstrong
Steve Gazzard
Brian Bailey
Tim Dumper
Eleanor Rylance

Also present:

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
John Golding, Strategic Lead Housing, Health and Environment
Henry Gordon Lennox, Strategic Lead Governance and Licensing
Karen Jenkins, Strategic Lead Organisational Development and Transformation
Andy Wood, Projects Director
Anita Williams, Principal Solicitor
Alison Hayward, Senior Manager - Regeneration & Economic Development
Naomi Harnett, Enterprise Zone Programme Manager
Andrew Mitchell, Housing Needs & Strategy Manager
Amy Gilbert-Jeans, Acting Service Lead Housing
Amanda Coombes, Democratic Services Officer

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 3 April 2019****Attendance list at end of document**

The meeting started at 5.30 pm and ended at 6.30 pm

182 Public speaking

There were no members of the public wishing to speak.

The Chairman thanked everyone for their help and support over the last 12 months.

183 Minutes of the previous meeting

The minutes from the Cabinet meeting held on 6 March 2019 were confirmed and signed as a true record.

184 Declarations of interest

None

185 Exmouth Neighbourhood Plan to be formally 'made'

The Exmouth Neighbourhood Plan had now passed referendum and must be formally made by the council in order to form part of the development plan.

RESOLVED:

1. that the Plan was made so it forms part of the development plan, and
2. that the council congratulates the Neighbourhood Plan Steering Group on their hard work and advise them that once made the Plan will carry full weight in the planning decision making process.

REASON:

The 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.

186 Cranbrook temporary GP Practice

The Projects Director presented the report which sought approval for up to £150k of funding from the Enterprise Programme to enable the delivery of a temporary GP practice in Cranbrook town centre. This was an urgent requirement because of the lack of capacity at the current practice. Whilst Access Healthcare had had their contract extended there were significant concerns over the ability to deliver increasing patient numbers. Expanded facilities were therefore urgently required.

Discussions included the following:

- if not supported this would create a massive health inequality
- this was a loan therefore the borrowing would be repaid
- as well as helping the health service, this was a benefit to the residents of Cranbrook as the existing provision was under pressure.

RECOMMENDED:

- that the borrowing of up to £150k against ring fenced business rate income and for these funds to be made available to the NHS Devon Clinical Commissioning Group to enable the delivery of a temporary GP facility in Cranbrook town centre, be agreed
- that delegated approval be granted to the Chief Executive in consultation with the Leader and Strategic Leads for Finance and Governance & Licensing to agree the final level of funding, terms of how these funds are made available and subsequently recovered and to complete the funding agreement and any other necessary legal documentation.

REASON:

Cabinet received a paper on the Enterprise Zone in April 2018. This sought approval for the principle of borrowing up to £8m against ring-fenced business rate income, with detailed approval for investing up to £3.4m for four specific projects. During the intervening period work had focused on the delivery of the approved projects, along with supporting the development of other opportunities. This had focused on overcoming barriers to delivery and bringing forward catalytic investments.

The current GP practice in the Younghayes Centre was at capacity. The temporary GP practice would enable the continued delivery of primary care services in Cranbrook for a period of 5 years. It would also bring increased footfall to the town centre and act as a catalyst for attracting wider investment.

187 **Confidential/exempt item(s)**

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

188 **Forward Plan for key decisions for the period 1 May 2019 to 31 August 2019**

Members agreed the contents of the forward plan for key decisions for the period 1 May 2019 to 31 August 2019.

189 **Minutes of the Asset Management Forum held on 25 February 2019**

Members received and noted the Minutes of the Asset Management Forum held on 25 February 2019.

190 **Minutes of the Community Fund Panel held on 19 March 2019**

Members received and noted the Minutes of the Community Fund Panel held on 19 March 2019.

191 **Minutes of the Scrutiny Committee held on 7 March 2019**

Members received the Minutes of the Scrutiny committee held on 7 March 2019.

192 **Monthly Performance - February 2019**

The report set out performance information for the 2018/19 financial year for February 2019 and was supplied to allow the Cabinet to monitor progress with selected

performance measures and identify any service areas where improvement was necessary.

There were three indicators showing excellent performance:

- Percentage of planning appeal decisions allowed against the authority's decision to refuse.
- Percentage of non-domestic rated collected
- Days taken to process changes to Housing Benefit claims

There were two performance indicators showing as concern:

- **Days taken to process new Housing Benefit claims** - Officers were currently working through a transition period to Universal Credit which is impacting on performance.
- **Working days lost due to sickness absence** - It was anticipated that EDDC would be below the target for absence for 18/19. As previously reported, 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 proactively managed and started to see levels reduce towards the end of 2018.

RESOLVED:

that the progress and proposed improvement action for performance measures for the 2018/19 financial year for February 2019, be noted.

REASON:

The performance report 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.

193 **Environmental sustainability and climate change emergency**

The Strategic Lead Housing, Health & Environment presented the report which explored, highlighted and refreshed EDDC's environmental commitments and contributions towards addressing climate change.

The council was well placed to influence, promote and lead local initiatives to protect and enhance the environment, which was consistent with the valuing the outstanding environment theme in the Council Plan. There was logic in all local authorities working together on this agenda and the report proposed that EDDC work with Devon County Council following their recent consideration of a climate change emergency motion. DCC have said that they would be working with strategic partners across the county to ensure the county was doing what it could to reduce carbon emissions as well as ensure Devon was carbon neutral by 2050.

Discussions included the following:

- Global warming was the greatest threat to mankind, we should be bringing forward the date for Devon to be carbon neutral
- Devon has 2 coastlines which could be used to create energy from the wind and sun
- There was no Government support for renewable energy
- Vehicles used by EDDC were still using diesel fuel and not LPG which was better for air quality

- Younger people should be able to voice their concerns and listened to through proper discussions; there were the next generation to which climate change would have the most impact
- Fabric manufacturing took up a lot of energy. Clothes labelling should indicate the longevity of the garment to encourage people to buy clothes that lasted longer
- We were just a small country, tackle the countries in the world who created the most pollution
- ensure our drivers switched off their engines once stopped, if anything, this would also send out the correct message
- East Devon has numerous rivers and streams, these could be harnessed to create green energy to run a local bus for instance
- We must try to raise the bar in tackling climate change
- EDDC committee reports could have an environmental impact assessment
- We need to be more ambitious or at least try to be with tougher targets. Set hard targets and start now. Planning have to set high standards and the NPPF allows for this.

RESOLVED:

- that EDDC work with Devon County Council on a shared climate change programme, and signal its commitment to tackling climate change in areas where it could affect positive and meaningful change in its activities as well as those of our partners, communities and residents, and
- that EDDC consider setting a more ambitious date for becoming carbon neutral and that a report be brought back to Cabinet highlighting how this could be achieved together with what actions would be required for an effective supporting implementation plan.

REASON:

To ensure that this Council states its position and contributes towards tackling climate change where it could make a positive impact. There was an opportunity to work in collaboration with Devon County Council and others to ensure they were coordinated and had the greatest impact.

194 **Adoption of the Blackdown Hills AONB Management Plan 2019-24**

The Blackdown Hills AONB manager stated EDDC, together with Devon and Somerset County Councils, Mid Devon and South Somerset District Councils and Taunton Deane Borough Council, had authorised the Blackdown Hills AONB Partnership to undertake a review of the Management Plan for the AONB by April 2019, as required under Section IV of the Countryside and Rights of Way Act 2000.

Public consultation on the review took place in autumn 2018. Following endorsement by the AONB Partnership and final approval from the statutory consultee, Natural England, adoption of the AONB Management Plan by EDDC and the other local authorities was required before lodging the Plan with Defra.

RESOLVED:

That the formal adoption of the Blackdown Hills AONB Management Plan be agreed.

REASON:

Under Part IV of the Countryside and Rights of Way (CROW) Act 2000 the relevant local authorities were required to review the AONB Management Plans for the Blackdown Hills

and East Devon AONBs at intervals of not more than 5 years. The review for the 2014-19 Plans needed to be completed by April 2019. EDDC with other local authorities had authorised the Blackdown Hills and East Devon AONB Partnerships to review the AONB Management Plans on their behalf.

Attendance List

Present:

Portfolio Holders

I Thomas
P Skinner

D Barrow
I Chubb

G Pook
T Wright

Cabinet apologies:

A Dent
J Elson
M Hartnell

Also present (for some or all the meeting)

Brian Bailey
Paul Carter
Maddy Chapman
Bruce de Saram
Peter Faithfull
Roger Giles
Steve Hall
Cherry Nicholas
Eleanor Rylance
Pauline Stott
Rob Longhurst
John Dyson
Steve Gazzard
Mike Howe

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
Karen Jenkins, Strategic Lead Organisational Development and Transformation
Charlie Plowden – Countryside and Leisure
Andy Wood, Projects Director
Tim Youngs, Blackdown Hills AONB Manager
Amanda Coombes, Democratic Services Officer

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Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Scrutiny Committee held at the Council Chamber, Blackdown House, Honiton on 7 March 2019****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 7.37 pm

51 Public speaking

There were no members of the public present.

52 Minutes of the previous meeting

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

53 Declarations of interest

Councillor Roger Giles – Minute 57, Fly tipping
Type of interest – Personal interest
Reason – Involved in RIO in Ottery St Mary

Councillor Stuart Hughes – Minute 57, Fly tipping
Type of interest – Personal interest
Reason – Member of Devon County Council

Councillor Graham Godbeer - Minute 58, Quarterly Monitoring of Performance
Type of interest – Personal interest
Reason – Daughter is the manager of a Job Centre in Minehead

Councillor Pauline Stott - Minute 58, Quarterly Monitoring of Performance
Type of interest – Personal interest
Reason – Owns a motorhome

54 Matters of urgency

The Chairman stated that an issue had arisen from the meeting of Cabinet the previous evening, and he had accordingly decided that it would have to be raised as a matter of urgency due to the timings of the two meetings involved.

At the Scrutiny Committee meeting on 7 February, four recommendations were referred to Cabinet and discussed on 6 March. At the Cabinet meeting it was resolved that the recommendations would not be accepted. The Chairman said that the final recommendation from Cllr Hughes about a post appeal panel may have been accepted but was not clear.

The Chairman was particularly concerned about the restrictions caused by having a short call-in period. He stated that at EDDC most of the decisions are made by Cabinet members and Portfolio Holders which is a small proportion of all councillors. Call-ins are an important aspect of the checks and balances within the decision making process and allow other non-cabinet members to participate in the process. They are also a rare occurrence.

Following discussion at Cabinet, Cllr Thomas had suggested that training for Councillors might be helpful.

Scrutiny members were disappointed with this outcome, particularly because call-ins were infrequent.

Cllr Wragg stated that she had initiated the suggestion to have a call-in on the specific issue discussed at the last Scrutiny Committee because she was not getting information and answers to questions she was putting to officers. It was not a trivial matter and involved a potentially large sums of money. The Chief Executive, Mark Williams, had informed those supporting a call-in that it could be discussed at Scrutiny Committee but not called-in.

Cllr Bond stated that the Strategic Lead for Governance & Licensing and Monitoring Officer, Henry Gordon-Lennox, had addressed the issue at Cabinet and stated that the Portfolio Holder decision in the case concerned had been called in correctly, but the amount of money involved was too small to warrant the call-in.

Committee members queried whether the recommendations put to Cabinet and not accepted, could be re-presented and go to Council in order for a debate to be had on the issues raised. Cllr Godbeer suggested that the issue could be discussed at Council if was raised as a called minute.

During the discussion some members wanted the timescale for call-ins to be clarified. Others commented that they had no experience of a call-in since being a councillor and because so few decisions were called-in.

The Chairman stated that he was not confused about the issues relating to call-ins, and considered that the conditions for call-ins were too restrictive. Henry Gordon-Lennox had commented at Cabinet that if the process was extended from five days to ten, it would not be helpful.

Cllr Chapman stated that the message given to members changed throughout the process of dealing with this issue, having initially being told that they were out of time, and then being told by Mark Williams that the call-in was in time. She went on to query that if members supporting the call-in were not out of time, then what was the position and what course of action were they able to pursue.

In relation to the recommendation that in all future cases the Legal Services Team should be involved, Henry Gordon-Lennox had stated that it was already involved in all cases.

The Chairman said that in the case under discussion, the Scrutiny Committee had heard evidence that this was not the situation, and in other cases that assistance from the Legal Team was optional, and members were concerned that there may be many other similar cases. The officer who had dealt with this case had indicated that there may be many similar cases which could arise in future.

The Legal Advisor, Anita Williams, stated that a longer call-in period would impact on all decisions and not just those that were called in.

Cllr Stott confirmed that particularly in cases related to housing, delaying significant decisions could have a considerable impact, such as the loss of a potential house purchase.

The Chairman stated that Mark Williams had informed members at Cabinet that the correct procedure had not been followed before it came to members.

Cllr Wragg pointed out that there were a number of principles at issue. This case did not appear to have been handled correctly. She referred to the estimated value of the property involved and that the potential profit from its sale would have allowed the loan from EDDC to be repaid.

Cllr Bond asked Anita Williams to explain the legal position if they were told the amount was too small to fulfil the criteria for a call-in, but all Portfolio Holder decisions are circulated to members containing a suggestion that they can be called in, however, if the amounts involved are small then they cannot be called in and she considered this to be confusing and wasteful of everyone's time and effort. Cllr Bond queried whether it would

not have been better to have made the decision and not informed anyone rather than be in the current situation.

Anita Williams outlined that the call-in was successful in terms of timing and procedure followed, but an exemption existed relating to the amount of money involved, and that in this case it was under a certain amount. She stated that it was the case that all Portfolio Holder decisions were published and that a number of those would not be capable of being called in because their values were under the exemption amount. She advised that if these decisions were not published there would be questions regarding the transparency of the processes used; she also stated that there is a standard template for Portfolio Holder reports and this contains a box regarding call in as standard.

Cllr Chapman wanted to know in cases where money was being waived, whether the Council had a limit on how much they would be prepared to waive, since even if they were low individual amounts, it would soon add up significantly.

Following further comments the Chairman asked the committee how it wanted to proceed on this issue.

RESOLVED;

- 1) That the issue of Call-ins would be put onto the Scrutiny Committee Forward Plan and discussed in further detail at a meeting following the elections, with a view to re-presenting recommendations for changes to the process in future, and
- 2) That the Scrutiny committee would request more information in relation to the waiving of money in cases where people were in situations of being asset rich but cash poor.

55 **Confidential/exempt item(s)**

There were no items that officers recommended should be dealt with requiring the exclusion of the public or press.

56 **Decisions made by Cabinet called in by Members for scrutiny in accordance with the Overview and Scrutiny Procedure Rules**

There were no decisions called in.

57 **Fly tipping**

The Chairman confirmed that Cllrs Tom Wright and Marcus Hartnell, as Portfolio Holder and Deputy, had been invited to the meeting but were unable to attend. Cllr Rylance had particularly wanted this issue raised but was also unable to attend the meeting. Andrew Hancock confirmed that he and Cllr Wright had met Cllr Rylance to discuss the issues that she had raised.

The Service Lead for Streetscene, Andrew Hancock, was in attendance and had provided a number of reports which summarised the situation in East Devon and provided comparisons to the national average, as well as enforcement action taken by EDDC.

Andrew Hancock stated that Fly tipping in East Devon is not a large-scale issue compared to the national picture, however, the Council takes pro-active steps to tackle it. The graphs circulated with the agenda papers show that fly tipping levels are low (when compared to the national average. Between 2013 – 2017, the national average was 2700 incidents, whilst EDDC for the same period was 533.), and the overall trend is decreasing. A slight decrease can be seen in both graphs provided.

Andrew explained that the public report fly tips via the Council's Customer Service Centre. It is then logged onto the LAGAN system for action by the REACT team. EDDC cleans up fly tips on average within 3 days. Streetscene has a team of five operatives (REACT) who are responsible for all fast road litter picking and fly tipping clearance. They bag any evidence they find and forward it to the Environmental Health team who then investigate and take the appropriate action. The REACT team spends around 40% of its time on fly tipping, costing EDDC approximately £55k p.a.'

Whenever EDDC is able to it takes enforcement action where evidence leads to the perpetrator. The waste offences spreadsheet show how many FPNs have been issued for this. EDDC has taken 75 enforcement actions since 2015, equating roughly to 5%.

If caught, perpetrators are charged for the cost of removing the fly tip. Unfortunately, there is usually little evidence, since fly tips tend to occur in isolated places. Covert surveillance via RIPA (Regulation of Investigatory Powers Act 2000) is limited, and the ability of Councils to take more enforcement actions are limited legally, for example, by decriminalisation of offences such as littering.

Andrew stated that social media is used to seek the public's assistance with reporting fly tips, and successful prosecutions resulting in fines result in EDDC issuing a press release. Environmental Health undertake the investigations and enforcement actions. Cllr Hughes asked about abandoned vehicles which were reported to Devon County Council but required action by district councils. Andrew confirmed that this was not a big issue for EDDC with approximately 200 incidents each year. Once again, the powers for a Council to deal with them were restrictive. A vehicle is often not abandoned and then EDDC is unable to intervene and it becomes a highways authority (Devon County Council) problem. A vehicle can be determined as being abandoned if it is not taxed, in which case the DVLA will support actions taken.

In the case of vehicles being abandoned and removed, they would be scrapped if the value is under £1000, or if more than this amount they would be stored temporarily before a contractor scraps them. Costs cannot be recovered from previous owners because they often dispute ownership, and costs to use bailiffs by EDDC would not be covered by the actual costs recovered.

The Chairman went on to refer to the Re-use credit scheme administered by Devon County Council (DCC), on behalf of The Devon Authorities Strategic Waste Committee (DASWAC) which had been running for 22 years. DCC were currently consulting on a number of future options, which included; scrapping the scheme altogether; continuing to run it as it is presently, or continuing to run it in a different way. Cllr Wright is the Vice Chairman of DASWAC currently.

In response to questions from committee members, Andrew stated that if the scheme was scrapped, it was unlikely to increase fly tipping in East Devon due to the different demographics of people involved. If removal charges were scrapped, Andrew stated that this would be unlikely to reduce fly tipping, since the majority of fly tipping was commercially based or related to organised crime. However, he said that the scheme was beneficial.

Andrew reminded members that fly tipping was a crime, and that monies from Fixed Penalty Notices or fines went back into the budget of EDDC and would help to offset the costs of collection.

RESOLVED

That the Scrutiny Committee

- 1) Thanks Andrew Hancock for his presentation and the work of the team involved in dealing with fly tipping

- 2) Responds to DCC on their Consultation about the Re-use Credit Scheme, recognising the positive benefits of the scheme and supporting its continuation. (The consultation period runs from 25th February until 5th April).

58 **Quarterly monitoring of performance - 3rd quarter 2018/19 October to December 2018**

Cllr De Saram wanted to recognise the achievement of delivering quality green space and wildlife habitats alongside new development as an important action which should continue (Council priority 1).

The Chairman brought members attention to performance indicators showing a status of concern.

Under Council priority 4, days taken to process new Housing Benefit claims, members were concerned about the length of time this was taking due to Universal Credit claims taking so long and being handed to the Job Centre to process which had extended the time to about 5 weeks.

Under Service Plan objectives – Priority 4, members were concerned about the Building Control targets which were not currently being met, and the lack of signage in Exmouth for people with motorhomes and campervans to get to off street car parking, due to work done on flood defences.

Cllr Hughes suggested that this latter item be raised at the next HATOC (Highways & Traffic Offences Committee) meeting on 12th March where Cllr Stott represents EDDC.

RESOLVED

That this Committee

1. recognises the achievement of the Council Action under Council Priority 1 – Encouraging communities to be outstanding, by delivering quality green space and wildlife habitats alongside new development, and supports the continuation of efforts to maintain this.
2. Records its concerns about the delays in processing new Housing Benefit claims which can have a detrimental effect on vulnerable claimants.
3. Express concerns that Building Control targets have not been met, creating a significant shortfall in the budget, and request information be provided on;
 - a) How the target was agreed, and
 - b) What will be done to address the issues and increase the annual fee surplus as projected

RECOMMENDATION to Cabinet

1. Refer the matter of signage in Exmouth for people with motorhomes and campervans to the HATOC committee on 12th March 2019 via the EDDC representative, Cllr Stott.

59 **Scrutiny forward plan**

Following the referral of an issue from DMC involving South West Water, they would be invited to attend the next Scrutiny Committee meeting on 4th April. An invitation would also be extended to Ed Freeman in the Planning Service.

Broadband would also be discussed on 4th April and an invite extended to Gigaclear.

The Annual Report would be discussed on 4th April, with themes identified prior to the Annual Council meeting on 22nd May.

The Police & Crime Commissioner would be invited to attend on 4th April and asked to provide updates on the following;
County Lines – relating to drug related deaths within the District
Policing numbers and visibility
CCTV

Attendance List

Councillors present:

R Giles (Chairman)
Chapman
G Godbeer
S Hughes
B de Saram
E Wragg

Councillors also present (for some or all the meeting)

S Bond
P Stott

Officers in attendance:

Andrew Hancock, Service Lead StreetScene
Susan Howl, Democratic Services Manager
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Councillor apologies:

C Nicholas
B Bailey
C Gardner
S Grundy
V Ranger
M Rixson

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Strategic Planning Committee held at Council Chamber Blackdown House on 26 March 2019****Attendance list at end of document**

The meeting started at 10.01 am and ended at 11.55 am

50 Public speaking

The Chairman welcomed everyone to the meeting.

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

51 Minutes of the previous meeting

The minutes of the Strategic Planning Committee held on 20 February 2019 were confirmed as a true record.

52 Declarations of interest

Cllr Eleanor Rylance - Minute 56 – Personal interest – Ward member for Broadclyst Parish Council;

Cllr Ian Hall – Minute 57 – Personal interest – Chairman of Open Lawn Sports Centre

53 Matters of urgency

There were no matters of urgency discussed.

54 Confidential/exempt item(s)

There were no items that officers recommended should be dealt with requiring exclusion of the public or press.

55 Heritage Strategy

The report presented to the committee outlined the outcome of the public consultation on the Heritage Strategy and sought agreement to the adoption of the East Devon Heritage Strategy 2019 – 2031, subject to amendments outlined in the report and to the introduction of a pilot scheme for a Conservation Area review in a phased approach for East Budleigh including the Otter Valley Association.

The Service Lead, Planning Strategy and Development Management advised that 34 responses to the consultation had been received from consultees including local history and amenity groups, neighbourhood planning groups, and town and parish councils. Members noted that the responses received were largely positive including minor comments about detail and engagement with other groups and comments about the timing and monitoring of the action plan. Members also noted a positive response had been received from Historic England endorsing the strategy.

The Committee were supportive of the recommendation and comments included:

- Clarification was sought about recommending East Budleigh for the pilot scheme. In response the Service Lead, Planning Strategy and Development Management advised East Budleigh was a typical example of a conservation area with a community group and neighbourhood planning group that were keen to be involved.
- Clarification was sought if East Budleigh had been chosen because of its historic association. In response the Service Lead, Planning Strategy and Development Management confirmed this was the main reason and drew attention to the Otter Valley Association and the Neighbourhood Planning Groups.
- Clarification was sought whether the parish council was aware of the proposal. In response the Service Lead, Planning Strategy was not able to confirm but advised the Policy Team had liaised with all the community groups.
- Clarification was sought on the Sid Vale Association's interest on the pilot scheme and whether two schemes could be run at the same time. The Service Lead, Planning Strategy and Development Management advised he was aware there had been interest but wanted to use a smaller town for the pilot to learn from;
- The need for an additional planning officer to help undertake the task. In response the Chief Executive confirmed that additional staff resources were not envisaged;
- The need to protect heritage;
- The need to engage with national bodies including The National Trust;

RESOLVED:

1. That the East Devon Heritage Strategy 2019 – 2031 as detailed in this report be approved.
2. That the pilot scheme for a Conservation Area review for East Budleigh including the Otter Valley Association as described in the Heritage Strategy be approved.

56 **East Devon and Blackdown Hills Landscape Character Assessment**

The Committee considered the Service Lead, Strategic Planning and Development Management report summarising the comments on responses received and to seek Members approval for adoption of the revised (2019) East Devon and Blackdown Hills Landscape Character Assessment.

Discussion on the East Devon and Blackdown Hills Landscape Character Assessment included:

- Consideration to incorporate animals for conservation grazing to bring farming into the local economy. In response the Chief Executive advised this was part of the Management Plan and highlighted Nature Reserves and gave an example of the RSPB Nature Reserve at Newton Poppleford where grazing has been going on for some time;
- Concerns raised that farming interest had not been demonstrated in the report as farming has the biggest effect on landscapes. In response the Chairman explained that the farming community had been fully engaged in work on the Blackdown Hills AONB management plan where these issues were more relevant;
- No response received from the National Farmers Union;

RESOLVED:

1. That the comments received on the Draft document be noted.
2. That the adoption of the revised (2019) East Devon and Blackdown Hills Landscape Character Assessment for use in decision making be approved.

57 **Action Plan for Production of a Revised East Devon Playing Pitch Strategy**

The Service Lead, Planning Strategy and Development Management briefed the Committee on the production of the original East Devon Playing Pitch Strategy and the Sports Playing Pitch Strategy and advised this report sought recommendation to revise the East Devon Playing Pitch Strategy. The expectation would be a light touch exercise every three years to refresh information and data.

Members noted the major benefits of keeping an up-to-date strategy which assists in funding from Sport England. Members noted funding had been received for Kings School, Ottery St Mary and had also helped massively with negotiations on development at Cranbrook, Winslade Park, Clyst St Mary and the former Rolle College Playing Fields, Exmouth.

The Committee considered the report that outlined the methodology for a revised East Devon Playing Pitch Strategy as discussed and agreed with Sport England. Members noted the slight risk of assistance from external consultants for the more technical work with costs covered by existing budgets.

The Committee were supportive of the East Devon Playing Pitch Strategy and points raised during discussion were:

- Fundamentally important for health and wellbeing;
- The Strategy needs to be reviewed to reflect the criteria changes for sports halls. Concerns raised that the Rugby Union now would like to lease pitches to clubs;
- Concerns raised that schools are losing play space due to expansion to accommodate the increase in pupils;
- Welcome the focus on grass root sport and a flag ship facility;
- Need provision for children to be active;
- Football teams struggle in the winter to find suitable pitches to play on;
- Social and health benefit to children and families;
- Encourage more sports field sites to be used for night time helicopter landings for financial benefit and site protection;
- Encourage joint use of school fields;
- Not boundary restrictive;
- Encourage clubs to signpost for funding;
- Clarification sought on pitch provision in green wedge sites. In response the Service Lead, Planning Strategy and Development Management explained that pitch provision could be appropriate in a green wedge provided it does not conflict with the purposes of the green wedge such as if it would lead to settlement coalescence. The Service Lead, Planning Strategy and Development Management also referred to the example in the draft Exmouth Sports Pitch Strategy and advised it would be reviewed in the next phase;
- Provision for ladies sport including netball;
- Provision for 3G pitches and Multi-use Games Areas (MUGA's);
- Concerns raised for deterioration of non-club sites and bringing them up to standard;
- Protection of sports;
- Clarification of Sports Strategy, Health Strategy and Planning Strategy.

RESOLVED:

That a revised East Devon Playing Pitch Strategy in consultation with Sport England and other supporting bodies and clubs to aid future funding bids to support the delivery of new and improved sport facilities in the district and negotiations with developers over provision as part of the major developments be approved.

58 **Custom and Self-build Housing**

The Committee considered the report which sought to provide Members with a detailed understanding of ways to encourage more custom and self-build in East Devon.

During discussion some members expressed frustration about recommendation 3 and comments were made that the proposed task and finish forum would duplicate work already completed by the Overview Committee and Housing Review Board. It was also commented that the detailed work already undertaken had not been included in this document. The Chief Executive responded to the views expressed and advised the idea of another task and finish form had come from Members themselves as expressed in the Member Workshop on self and custom build in December 2018. The Chief Executive advised the comments made would be addressed.

Comments made during discussions included:

- A good way to bring good quality affordable housing into the community;
- Interpretation for self-build and affordability;
- The need for work on examples including modular builds.
- The need to tailor buildings to community needs;
- Homes England policies have changed;
- Custom build houses provides work for small builders;
- Frustration was expressed that some very expensive houses are alleged to be self-build;
- The National Planning Policy guidance considers how to best support self-build and custom house building;
- Building houses builds communities;
- The Right to Buy Model should be used for custom and self-build housing, people should have working and family links to the area;
- EDDC own a huge piece of housing land in Axminster that could be used for the benefit of people who live in the East Devon area. Concerns raised that EDDC had not moved forward with the site in Axminster. In response the Chief Executive noted the concerns raised and suggested it could be discussed at the Housing Review Board to better understand the levels of difficulty the council is faced with;
- Big demand for assisted living units which could potentially release existing housing stock;
- Conflicting demands between building more affordable houses and the delivery of infrastructure. Self-build houses are being gamed by people who want to build large expensive houses.
- It was queried whether a tier classification could be introduced so that large and expensive houses built pay CIL and to use the CIL tool to encourage building the type of property that is wanted. In response the Chief Executive agreed in principle that it was for ordinary families to acquire land to build their own houses but said the difficulty was policy allowed houses to be built subject to finances available. In response to the comment about CIL the Chief Executive advised that CIL did not apply to self and custom build.
- Clarification sought on Policy H2. The Service Lead – Planning Strategy and Development Management advised it was not a requirement, however, it could be

considered at the local plan review to look at evidence to put in a policy to make this a requirement.

The Chief Executive noted the comments made to recommendation 3 and advised a revised report can be brought back to Strategic Planning Committee to help tie up what has been done through previous forums, what other authorities are doing and potential actions to promote self and custom building in the district.

RESOLVED:

1. That a total of 93 individual registered on the self-build register at the end of the monitoring period (30 October 2018) and the need to take this into account when undertaking the Council's planning, housing regeneration and disposal of land functions be noted.
2. That the need to permission nine suitable plots in addition to those already consented to meet the demand shown on the self-build register during the next 3 years (by 31 October 2021) be noted.
3. That a new comprehensive report on self-build be brought to the next appropriate Strategic Planning Committee taking into account what is happening in the district, what the council can do to assist and taking the outcome of the Housing task and finish forum and Housing Review Board Workshop into account.

59 **Draft Affordable Housing Supplementary Planning Document**

The Committee considered the Service Lead, Strategic Planning and Development Management report that sought approval of the draft Affordable Housing Supplementary Planning Document for public consultation over a period of six weeks. The purpose of the report was to give guidance about expectations for affordable housing delivery in the district which would enable developers and landowners to understand the requirements.

The Committee noted the limited detail on viability in the report. The Service Lead, Strategic Planning and Development Management advised it can be referred to on the website where it is regularly updated.

Points raised during discussion on the proposed draft Affordable Housing Supplementary Planning Document included:

- Clear guidance and illustrations were welcomed to show what is and what is not acceptable when considering planning applications at Development Management Committee that have badly clustered affordable housing;
- Clarification sought on the affordability ratio and the definition of affordable housing. The Service Lead, Strategic Planning and Development Management advised that delivering houses under the new definition of affordable housing in the NPPF such as discounted market housing are not affordable to people with the greatest need in East Devon. The Service Lead, Strategic Planning and Development Management advised it was a fundamental problem that East Devon District Council do not have control over but had made representations to government about;
- Clarification sought on whether the viability can be done ahead of planning consent as the value paid for the land is often the biggest factor affecting the viability of a development. The Service Lead, Strategic Planning and Development Management advised the approach taken was from Homes England in terms of funding bids and welcomed the responses from the consultation. It

was also advised that viability appraisals would only be done when not policy compliant. Since the viability often changes over time due to unexpected costs, economic change etc., it was not possible to fix viability and hold developers to the original agreement. The Chief Executive advised to use Cranbrook as a case study to reflect on how much public money was needed for the development. Phase 1 cost £55m (not including Junction 29 and the Clyst Honiton Bypass);

RESOLVED:

That the draft Affordable Housing Supplementary Planning Document for public consultation over a period of six weeks be approved.

Attendance List

Councillors present:

P Diviani (Chairman)
M Allen (Vice-Chairman)
S Bond
J Elson
G Godbeer
I Hall
G Jung
R Longhurst
E Rylance
P Skinner
M Williamson

Councillors also present (for some or all the meeting)

D Barratt
R Giles
A Moulding
I Thomas

Officers in attendance:

Mark Williams, Chief Executive
Ed Freeman, Service Lead Strategic Planning and Development Management
Shirley Shaw, Planning Barrister
Wendy Harris, Democratic Services Officer

Councillor apologies:

M Booth
C Brown
M Howe
G Pook

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Development Management Committee held at Council Chamber Blackdown House on 5 March 2019****Attendance list at end of document**

The meeting started at 10.01 am and ended at 11.50 am

51 Minutes of the previous meeting

The minutes of the Development Management Committee meeting held on 12 February 2019 were confirmed and signed as a true record.

52 Declarations of interest

Cllr Geoff Jung; 18/2866/FUL; Personal interest; Woodbury Salterton Parish Councillor and member of Woodbury Salterton Residents Association. Cllr Geoff Jung advised about letters received from the applicant's solicitors alleging trespass but Cllr Jung refuted it.

Cllr Helen Parr; 18/2806/VAR; Personal interest; Husband shoots in presence of the applicant.

53 Planning appeal statistics

The Committee received and noted the report written by the Development Manager setting out appeals recently lodged and outlining the six decisions notified – two had been allowed, three had been dismissed and one had no further action.

The Development Manager drew Members' attention to the appeal of application 16/2848/MFUL that had been allowed and advised that the Inspector determined that the proposal would not result in harm to employment and community opportunities.

The Development Manager also drew Members' attention to the appeals of applications 18/1440/FUL and 18/1804/LBC. The planning appeal having been allowed as the Inspector determined that the extension had an acceptable design and as the Inspector determined that the building was not curtilage listed. As the building was not curtilage listed, building consent was not required and that appeal was determined as no further action.

54 18/2608/OUT - (Minor)**NEWTON POPPLEFORD AND HARPFORD
18/2608/OUT**

Applicant:
Mr Rix

Location:
Land South Of King Alfred Way

Proposal:

Construction of up to two dwellings (with all matters other than accessed reserved)

RESOLVED:

DEFERRED to seek further evidence in relation to the community need for the site/doctor's surgery/health facility from:

- The NHS;
- Coleridge Medical Centre;
- Newton Poppleford Parish Council;
- Budleigh Salterton Hub;
- Budleigh Salterton Medical Practice;
- Sidmouth Medical Practice; and
- The applicant.

55 **18/2806/VAR (Major)**

**FENITON AND BUCKERELL
18/2806/VAR**

Applicant:

Combe Estate

Location:

Land at Meadow View Nursery
Honiton

Proposal:

Variation of Conditions 2 (approved plans) and 3 (restriction on sale goods) of planning permission 17/1053/FUL (Proposed garden centre) to facilitate a restaurant/café use within the building.

RESOLVED:

APPROVED as per officer recommendation.

56 **18/2866/FUL (Minor)**

**RALEIGH
18/2866/FUL**

Applicant:

Mr FWS Carter & Sons Ltd

Location:

11 Hogsbrook Units
Woodbury Salterton

Proposal:

Retention of roller shutter door and concrete pad.

RESOLVED:

APPROVED as per officer recommendation.

57 **18/2026/VAR (Minor)**

**OTTERY ST MARY RURAL
18/2026/VAR**

Applicant:

Mr David Vallender

Location:

Site Of The Star And Shenne
West Hill Road

Proposal:

Variation of condition 2 (approved plans) of reserved matters approval 17/3050/RES (demolition of two bungalows and construction of three dwellings) to reposition all three dwellings, enlarge unit 3 and change its internal layout and remove two additional trees on plot 2.

RESOLVED:

APPROVED as per officer recommendation.

Attendance List

Councillors present (for some or all the meeting):

C Brown (Vice-Chairman, in the Chair)

M Williamson (Vice-Chairman)

M Allen

B Bailey

D Barratt

S Bond

P Burrows

S Gazzard

B Ingham

G Jung

D Key

J Knight

H Parr

B de Saram

Officers in attendance:

Chris Rose, Development Manager

Shirley Shaw, Planning Barrister

Wendy Harris, Democratic Services Officer

Councillor apologies:

M Howe

P Carter

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Development Management Committee held at Council Chamber Blackdown House on 2 April 2019****Attendance list at end of document**

The meeting started at 10.00 am and ended at 12.18 pm

58 Minutes of previous meeting

The minutes of the Development Management Committee meeting held on 5 March 2019 were confirmed and signed as a true record.

59 Declarations of interest

Cllr Brian Bailey; 18/2203/MFUL; Personal interest; Exmouth Town Councillor.
 Cllr Bruce de Saram; 18/2203/MFUL; Personal interest; Exmouth Town Councillor.
 Cllr Steve Gazzard; 18/2203/MFUL; Personal interest; Exmouth Town Councillor.
 Cllr Paul Carter; 18/1442/FUL; Personal interest; Ottery St Mary Town Councillor and applicant known to the Councillor.
 Cllr Mark Williamson; 18/2203/MFUL; Personal interest; Exmouth Town Councillor.
 Cllr Peter Burrows; 18/0027/FUL; Personal interest; Seaton Town Councillor.
 Cllr Jim Knight; 18/0027/FUL; Personal interest; Seaton Town Councillor.

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution, Cllr Jim Knight advised that he had been lobbied on application 18/0027/FUL and Cllr Peter Burrows declared that he had received correspondence from a neighbour in relation to application 18/0027/FUL.

60 Planning appeal statistics

The Committee received and noted the Development Manager's report setting out appeals recently lodged and four appeal decisions notified - two had been allowed and two had been dismissed, one of which related to the Community Infrastructure Levy charge.

The Committee's attention was drawn to the appeal allowed on 48 Temple Street, Sidmouth. The Inspector determining that the proposed dwelling would not harm the character of the area or amenity of surrounding residents.

The Development Manager also drew the Committee's attention that the Planning Inspector's decision to uphold the refusal of planning permission at Green Close Drakes Avenue in Sidmouth. The Inspector dismissing the appeal on the basis that the Council's affordable housing contribution was justified and had been reasonably calculated.

In response to a question, the Development Manager explained that the other appeal at 19 King Alfred Way was considered by the Inspector to have an acceptable impact upon the neighbours amenity whilst Officers, the Town Council and Ward Member had considered that the extension as constructed, and in excess of the size of the original approved extension, was harmful to the amenity of the neighbour.

The Committee received and noted the Development Manager's report on the list of appeals in progress.

61 **18/2203/MFUL (Major)**

**EXMOUTH WITHYCOME RALEIGH
18/2203/MFUL**

Applicant:

Barchester Health Care.

Location:

Moreton, 13 Drakes Avenue, Exmouth, EX8 4AA.

Proposal:

Redevelopment of site to provide 75 bed care home (use class C2), parking, landscaping and refuse store.

RESOLVED:

APPROVED as per officer recommendation.

62 **18/1442/FUL (Minor)**

**OTTERY ST MARY RURAL
18/1442/FUL**

Applicant:

Mr Christopher Gooding.

Location:

Three Corners, Coombelake, Ottery St Mary, EX11 1NW.

Proposal:

Construction of dwelling and use of workshop for storage and distribution of animal feed.

RESOLVED:

REFUSED as per officer recommendation.

63 **18/0027/FUL (Minor)**

**SEATON
19/0027/FUL**

Applicant:

Mr G Hill.

Location:

Quantock, Harepath Road, Seaton, EX12 2SX.

Proposal:

Demolish house and erect 3 dwellings.

RESOLVED:

Approved as per officer recommendation.

64 **18/2588/OUT (Minor)**

BROADCLYST
18/2588/OUT

Applicant:

Mr & Mrs A J Street.

Location:

Land To The South Of Southbrook House, Southbrook Lane, Whimple, EX5 2PG.

Proposal:

Outline application (with all matters other than access reserved) of construction of up to 9 dwellings and other associated development.

RESOLVED:

APPROVED as per officer recommendation but with an additional informative encouraging the applicant to consider a revised access if beneficial in accordance with any adjoining development that may come forward before the site is developed.

65 **18/2207/VAR (Minor)**

TALE VALE
18/2207/VAR

Applicant:

DBD Construction.

Location:

Barns Adjacent Bishopshayne Farm, Awliscombe, Honiton, EX14 3PR.

Proposal:

Variation of condition 2 (approved plans), 3 (landscaping), 5 (materials), 6 and 7 (window details) of application 15/2250/FUL (conversion of redundant agricultural building to create 2 dwellings).

RESOLVED:

Non-Material Amendment APPROVED as per officer recommendation.

66 **18/2782/FUL (Minor)**

COLY VALLEY
18/2782/FUL

Applicant:

Miss Jess Huffman.

Location:

The Cabin, Poltimore Farm, Farway, Colyton, EX24 6EJ.

Proposal:

Demolition of existing dwelling and erection of replacement dwelling.

RESOLVED:

APPROVED as per officer recommendation.

Attendance List

Councillors present (for some or all the meeting):

M Howe (Chairman)
C Brown (Vice-Chairman)
M Allen
B Bailey
D Barratt
S Bond
P Burrows
P Carter
S Gazzard
B Ingham
G Jung
D Key
J Knight
H Parr
B de Saram
M Williamson

Officers in attendance:

Chris Rose, Development Manager
Henry Gordon Lennox, Strategic Lead Governance and Licensing
Wendy Harris, Democratic Services Officer

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Audit and Governance Committee held at Axe Room, Blackdown House on 21 March 2019****Attendance list at end of document**

The meeting started at 2.30 pm and ended at 3.50 pm

48 Public speaking

There were no members of the public wishing to speak.

49 Minutes of the previous meeting

The minutes of the Audit and Governance Committee meeting held on 31 January 2019 were confirmed and signed as a true record.

Members discussed the presentations on Northamptonshire County Council and Commercial Property made before the meeting of the last Committee and requested that these be circulated to all members of the Committee.

Members were disappointed that no mention had been made in the minutes of the concern highlighted in the Internal Audit report at the last meeting regarding the £270M anticipated shortfall in CIL income against the projects that were proposed. It was noted that the risk was not being able to delivering the projects on the list.

RESOLVED that an update be provided to a future meeting of the Committee on the potential CIL deficit of £270M and ways in which this could be overcome and risk mitigated.

50 Declarations of interest

There were no declarations of interest made.

51 EDDC Accounting Policies for adoption

The Strategic Lead – Finance advised the Committee that it was good practice for the Audit and Governance Committee to approve the Accounting Policies to be adopted in advance of the preparation of the Accounts. The report reminded Members of the accelerated timetable for completion of the 2018/19 Annual Statement of Accounts.

RESOLVED:

that the Accounting Policies for the 2018/19 Statement of Accounts be agreed.

52 Annual Audit Plan and Charter 2019/20 - SWAP

As a key element of its Governance arrangements the Council has a partnership arrangement with South West Audit Partnership to deliver an annual internal audit plan. The Executive Director for SWAP, together with the Council's S151 Officer and in consultation with the Senior Management Team had produced an Audit Plan for 2019/20 that required the approval of the Committee.

RESOLVED:

1. that the Internal Audit Plan for 2019-20 (Appendix 1 to the report), be approved;
2. that the Internal Audit Charter (Appendix 2 to the report) be approved.

53 **Audit Committee update - Grant Thornton**

Sam Harding from Grant Thornton provided the Committee with a report on progress in delivering their responsibilities as the external auditors.

RESOLVED:

that the content of the Progress report be noted.

54 **Strata ICT Audit 2017/18 - DAP**

The Devon Audit Partnership (DAP) had been formed under a joint committee arrangement comprising of Plymouth, Torbay and Devon councils and are the appointed internal auditors for Strata Services Solutions. Strata Service Solutions has three founding partners; East Devon District Council, Exeter City Council and Teignbridge District Council (the Partners) and provide ICT services for these three authorities.

Strata now offered the Partners greater opportunities in delivering affordable services in the short and medium term. The report predominantly focused on the operational baseline upon which Strata deliver ICT services to the Partners and the security afforded to their computerised information assets. It also summarised the ongoing progress made in respect of Strata's ability to fulfil the third principle object and assist the Partners in delivering transformational change to the Partners.

It was noted that Strata's principle objectives were to:

- Reduce Risk;
- Reduce cost;
- Increase Capability to change.

During discussions the following points were noted:

- In discussing business continuity planning the Councils should specify the business requirements we need rather than let Strata do so;
- Need for Strata to provide an end-to-end business solution;
- Concern expressed that Strata still did not identify Councillors as customers in the same way as officers;
- Strata provided an appropriate level of security for the needs of EDDC and that there were a number of layers of security in place;
- Concern expressed about the quality and user friendliness of the Council's website.

Craig Moodie from DAP was thanked for his informative and interesting report and it was hoped that similar audit reports would be made to future meetings of the Committee.

RESOLVED:

that the DAP internal audit report be noted.

55 **Strata Annual Assurance - DAP**

The statement of assurance was provided by the Devon Audit Partnership, the provider of Internal Audit Services to Strata Service Solutions for audits in relation to the 2017-18 internal audit plan.

This statement was compiled to meet the assurance needs of The Partners, as the interested bodies for the provision of ICT services. This assurance statement consisted of the following elements:

- Overall Assurance Statement;
- Governance:
- ICT Service operations.

RESOLVED:

that the DAP annual assurance report be noted.

56 **RIPA update - Strategic Lead Governance & Licensing**

At the meeting of 18th 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.

57 **Audit and Governance Forward Plan**

Members noted the contents of the Committee Forward Plan for 2019/20.

Items to be considered at the July 2019 committee included:

- External Audit Report 2018/19
- Statement of Accounts 2018/19 including Governance Statement
- Letter of Representation
- Review of Internal Audit Charter
- Annual Report inc. Quarter 4
- Internal Audit Activity – Quarter 1 2019/20
- Audit Committee update
- Risk Management Review
- RIPA update

RESOLVED:

that the Forward Plan be noted.

The Chairman Councillor Mark Williamson, wished to express his sincere thanks to Simon Davey, Amanda Coombes, the external and internal auditors and all members who had assisted with the committee over the term of his Chairmanship.

Attendance List
Councillors present:

M Williamson (Chairman)
J Dyson (Vice-Chairman)
S Grundy
S Hall
R Longhurst

Officers in attendance:

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

Alastair Woodland, Assistant Director SWAP
Georgina Teale, Senior Auditor SWAP
Sam Harding, Engagement Manager Grant Thornton
Craig Moodie, Devon Audit Partnership

Councillor apologies:

S Gazzard
J Humphreys
B Ingham
C Nicholas

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Licensing and Enforcement Committee held at Council Chamber, Exmouth Town Hall, Exmouth, EX8 1AW on 20 February 2019****Attendance list at end of document**

The meeting started at Time Not Specified and ended at Time Not Specified

16 Public Speaking

There was no public speaking.

17 Minutes of the previous meeting -21 November 2018

The minutes of the meeting of the Licensing & Enforcement Committee held on 21 November 2018, were confirmed and signed as a true record

18 Declarations of interest

Councillor Steve Hall

Minute 18

Disclosable Pecuniary Interest – Private Hire Licence Holder

Councillor John O’Leary

Minute 18

Disclosable Pecuniary Interest – Designated Premises Supervisor

Councillor Steve Gazzard

Minute 19

Personal Interest – Event Organiser

19 Committee Update - Licensing Act 2003, Gambling Act 2005, Taxis & 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 205 alcohol licenses relating to new and variations of licensed premises, personal alcohol licenses and temporary event notices (TEN’s) throughout the district. Work undertaken by the licensing team during the previous quarter predominantly concerned applications and issuing licences in the run up to Christmas and the New Year festive period.

On 5 November 2018 officers attended the annual Ottery St Mary Tar Barrel event to check the various temporary event notices issued for alcohol sellers and late night refreshment food stalls. A total of 24 checks were made and all were found to be in order.

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. Following approval by the Committee the Council's revised Gambling Policy was successfully published in January 2019 for review in 2022.

The programme of visits to licensed premises and other premises where gaming was permitted continued and whenever a licensed premises inspection occurred, the existence of gaming machines and any issues of compliance were duly considered and inspected. Officers assess compliance and suitability of gaming machines sited in public houses and to date it had not been necessary to take enforcement action.

1. Taxis

Although the previous period saw some taxi licence holders retiring or leaving the trade during the autumn renewal period, this had been balanced by a recent increase in new driver applications over the previous three months.

Reports to this Committee had highlighted the increase in officer time completing new processes and online checks and although some online processes reduce the amount of paperwork that applicants need to provide it has increased the time spent by officers.

In addition to those processes already being completed, advance notice had been issued by DEFRA to all licensing authorities of a forthcoming duty to provide information on licensed taxis and private hire vehicles. Under the Air Quality Regulations 2019, it was proposed that regulations would come into force on 1 April requiring all licensing authorities to provide details on a minimum weekly basis about vehicles that had been licensed including as a minimum, the Registration Number, start and expiry date of the vehicle licence and whether the vehicle was a taxi or Private Hire. A new database would form part of the infrastructure that government was developing to support the introduction of charging Clean Air Zones by some local authorities from 2020 to ensure compliance with statutory nitrogen dioxide limits. These new requirements would further add to processing work that officers undertake in the future.

It was noted that the introduction of a National Register regarding taxi driver revocations and refusals was being implemented by the Local Government Association formalising information sharing between licensing authorities concerning applicants that were revoked or refused a licence. Further progress had not yet been forthcoming and further updates would be provided when available during 2019.

At the previous meeting of the Committee members were informed that the ballot was open following requests by some sections of the taxi trade to review fares that could be charged by taxis. Each hackney carriage proprietor was balloted for a five week period from 5 November to 7 December 2018 asking the question of whether a fare review was necessary. Subsequent responses were two to one in favour of an increase with 66% answering yes to raise fares. A comprehensive update on the proposed tariff increase would be discussed at the next meeting of Officers, Councillors and trade members in early April. Although no new tariff would be introduced before the financial implications of Brexit on 29 March were better understood.

Officers have continued to prepare plans to introduce safeguarding awareness briefings for hackney and private hire drivers in line with protecting safeguarding children and vulnerable adults in society. An additional report had been prepared seeking approval to revise the taxi policy to make attendance at Safeguarding Awareness briefings mandatory.

Members noted that following the festive break officers had received two complaints of taxis overcharging customers for journeys. Each allegation had been investigated by officers comparing the fare tariff costs against the route and fee that customers were required to pay. Calculations for one journey had identified a slight overcharge for which the proprietor had been formally warned. The second allegation was still under review at this time to establish whether the charged fare was correct. At the meeting the Licensing Manager received another complaint over overcharging from a member of the Committee. He confirmed that he would update members on this issue at the next meeting. Meters should be used in taxis except where the customer and driver agree.

The training provider who delivered safeguarding awareness sessions for other Devon authorities had proposed dates to deliver sessions later this year throughout 2019. It remained the aim to provide funded awareness sessions free to licence holders in the first year in advance of costs being charged and included within later fee reviews.

2. 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 185 street trading consents granted. The trend continued with ten percent of applications granted being for commercial food vendors with 18 consents granted across the district to business traders operating weekly and continually throughout the year.

Amendments to the current street trading policy were addressed under a separate report to the Committee (see minute 19 below).

3. 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 had attended licensees meetings over the previous period in Exmouth, Sidmouth and Axminster.

Members noted that licensing officers were attending meetings of the Safety Advisory Group (SAG), which had been established earlier in the year and being chaired by managers from Environmental Health. The SAG operated as a multi-agency partnership meeting to provide advice and guidance to event organisers when planning events. Meetings were now arranged quarterly and in advance for 2019 with core members from each Responsible Authority including the licensing authority.

4. Licensing Team update

Since the last meeting of the Committee in November, the licensing officer role vacated as a result of Neil McDonald's retirement had been filled through the recruitment of Licensing Support Officer, Lucy Maxwell being successful in her application.

7. Training for Members

Work by the managers of Licensing and Democratic Services had identified the need for training for Licensing Committee members and it was hoped this would happen during the first week of June, with the Barrister Philip Colvin providing training for members.

RESOLVED:

that the report be noted;

20 **Street Trading Policy**

Following the introduction of a new Street Trading regime in October 2017, with further revisions to the policy in March 2018, it was noted that there was now a need to include amendments including new Guidance to Pedlars, revising the approach to block booking arrangements, addressing environmental concerns and amending processes following feedback from applicants when using street trading consents. This would include a section to ensure that applicants had the relevant insurance.

RESOLVED

- 1 that the revised street trading policy as attached as Appendix A to the report be adopted;
2. that the new guidance to Pedlars as attached as Appendix B to the report be adopted;
3. that the actions that will be taken as a consequence of the above being agreed be noted.

21 **Taxi Licensing Policy**

Members received the report of the Licensing Manager which sought approval to revise the Taxi Licensing Policy, namely an additional requirement that all new driver and renewal applications should be accompanied by evidence that the applicant had attended a Safeguarding Awareness Workshop relating to Children and Vulnerable Adults. This was in line with the Council's commitment to protect the safety of those most vulnerable in our communities.

RECOMMENDED: that Council at its meeting on 24 April 2019 adopts the revised Taxi Policy.

22 **The Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018**

The report advised the Licensing & Enforcement Committee of the fee review process which had been carried out in accordance with both DEFRA guidance and the Open for Business requirements.

Members noted that there was no update on the issue of legally regulating professional dog walkers.

RESOLVED: that the following new fees be adopted from 1 April 2019:

- a) New and Renewal applications - £330
- b) Annual Compliance Visit - £50
- c) Minor changes during licence period – No charge
- d) Review of star rating – No charge
- e) Vets Fees – Invoiced per premises where required.

23 **Committee update - National Consultation on Statutory Guidance for Licensing Authorities "Taxi and Private Hire Vehicle Licensing: Protecting Users"**

The report provided an update to the consultation commencing in February and ending on 22 April 2019. The Government hoped to see national standards for taxi and private hire licensing in place across the country. The Committee wished to thank the Licensing Team for their valuable contribution to this initiative.

RESOLVED: that the report be noted.

Attendance List

Councillors present:

S Hall (Chairman)
J O'Leary (Vice-Chairman)
M Armstrong
Chapman
J Dyson
S Gazzard
G Jung
C Nicholas
B de Saram
P Stott

Councillors also present (for some or all the meeting)

Officers in attendance:

Stephen Saunders
Janet Wallace, Principal Environmental Health Officer

Councillor apologies:

B Bailey
C Brown
P Carter
G Pratt

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of a meeting of the Standards Committee held at Knowle, Sidmouth on Tuesday, 22 January 2019****Attendance list at the end of the document**

The meeting started at 10.00am and ended at 11.15am

7 Public speaking

There were no questions asked.

8 Minutes

The minutes of the meeting of the Standards Committee held on 14 August 2018, were confirmed and signed as a true record.

9 Declarations of interest

There were none.

10 Review of Members Code of Conduct and Complaint Procedure

The Committee considered the report of the Monitoring Officer, which reviewed the suitability of the Member's Code of Conduct and the Complaint Procedure.

Discussion included the following points:

- Did the Monitoring Officer have training on the way cases were interpreted? Yes there was regular training for Monitoring Officers.
- Concern that electronic communication was not specifically mentioned in the Members Code of conduct. It was noted that the Code covers social media, but it was accepted that a reference should be made in the Code which made it clear that it also covered social media. This would be actioned in May's annual changes.
- There was also some concern expressed over the use of private email addresses for town/parish council business.
- Gifts & Hospitality would form part of the introduction of Modern.Gov, whereby Councillors would be able to update their own Gifts & Hospitality online. The Monitoring Officer would make an annual report to the Committee on Gifts & Hospitality.
- It was not possible to require Councillors to complete a DBS check, but it should be good practice for all Councillors to complete a form after the May elections.
- There had been inconsistent messages from the Crown Prosecution Service about whether there had been criminal conduct and so this was still a matter for interpretation by the Monitoring Officer as to whether to refer matters. It was noted that individuals could still refer matters even where the Monitoring Officer had chosen not to.
- A question regarding how to deal with misinformation given out on social media.
- Councillors close family members were still included within the Code of Conduct scheme.
- Changing the title to make it clearer that it was Councillor complaints.
- A procedure form for dealing with complaints as a standard way of proceeding would be completed and referred to the Committee for their discussion at a future meeting.

The Chairman thanked the Monitoring Officer for his report.

RESOLVED:

1. that the Member's Code of Conduct remains fit for purpose but noting the need to include reference to social media in the changes to the Constitution presented to Annual Council.
2. that the revised Complaints Procedure at Appendix A be adopted, subject to the points raised above.
3. that the issue of Gifts & Hospitality be the subject of an annual report to the Committee by the Monitoring Officer.
4. that the Monitoring Officer prepare a new complaints form and report it to a future meeting of the Committee for approval.

11 **Review of Code of Conduct for Employees and Protocol for Relationships between Members and Officers**

Members noted that the Council regularly reviews the policies, codes and procedures that govern the way it operates. The report focused on two such documents being 1. The Code of Conduct for Employees and 2. Protocol for Relationship between Members and Officers. As both of these documents form part of the council's Constitution they could only be amended, if required, by Full Council.

The Code of Conduct for Employees governs how staff must conduct themselves when working for the Council. It was a condition of employment that they adhere to this Code. The employee code was updated in May 2018 to include reference to the Nolan principles and to make the requirements in respect of gifts and hospitality clearer and more robust. This was following recommendations from the Serious and Organised Crime Audit (Sept 17). Requirements in respect of register of interests had also been updated to reflect current practice. There had been no reported issues which would suggest that the Code was defective or ineffective at this time.

The Protocol for Relationship between Members and Officers governs the way Members and Officers interact when carrying out their respective roles and governs a fairly wide range of topics. As with the Code of Conduct for Employees there had been no reports issues or incidents that would suggest that this protocol was ineffective or defective at this time.

There have not been any national changes that would necessitate any changes being made to either the Code or Protocol. Accordingly the recommendation is that the Code and Protocol are fit for purpose and left unchanged with a further review in three years' time, unless required earlier.

RESOLVED: that Members agree that the Code of Conduct for Employees and Protocol for Relationship between Members and Officers are considered fit for purpose.

12 **Code Complaints update (1 May 2018 – to date)**

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.

13 **Increasing Town and Parish Council Engagement on the Code of Conduct**

The Committee considered the report of the Monitoring Officer, which addressed the issue of whether it was possible to improve engagement on Code of Conduct matters and whether they would be effective and a good use of resources.

Members accepted that the following would be good steps to undertake in future:

- a. Training to be offered after each regular election- this repeats what has been done previously. As preparation is carried out any way for the training to be provided to the district councillors, this is a relatively easy route to deliver training to those who are new and/or who want to better understand their role. The time spent is relatively small. It would be possible to consider further training on a biannual basis so that there is effectively a 'refresher' half way through but which also provides an opportunity for Councillors elected/co-opted after the regular election to attend.
- b. Attending the annual meeting of clerks. This was mentioned at the last meeting and it is agreed that this would be a useful way of liaising with the clerks to raise the profile of the code of conduct and to answer questions and seek their views on what they consider could be done to improve engagement. Unfortunately the annual meeting this year (2018) did not go ahead and is intended to be held in June / July after the election.
- d. Identify 'problem' councils and target training – this would be aimed at those councils where there are issues in relation to the behaviours of their councillors. This is likely to be a more beneficial use of resources and will target those where clearly there are issues that need to be addressed.
- e. Regular communications to the town / parish councils and clerks – this could include recent examples of cases considered by the Monitoring Officer (on a 'no-name' basis) and the issues they raised, identify good practice, highlight interesting cases from the courts and provide general useful tips and guidance.
- f. Liaising with other Monitoring Officers to share experiences and to learn what engagement tools they use, if any.

Discussion included the following points:

- Code of Conduct training was not mandatory for town/parish councillors.
- Improving training for Clerks was also a good way forward.
- Ward members organising a biannual conference amongst their parish councils could also be a good way forward.
- It was considered that Step c, which was attending town/parish meetings after the election/throughout the 4 year period, would not be a good way of using scarce staff resources and could not be recommended as a way forward.

RESOLVED:

1. that the content of the report be noted
2. that steps a, b, d, e and f, as above be taken to increase engagement on Code of Conduct matters.

14 **Forward Plan**

The Committee noted the contents of the Forward Plan and future meeting dates.

Attendance list

Present:

Councillors:

Andrew Moulding (Chairman)

Susie Bond

Graham Godbeer

Co-opted non-voting members:

Martin Goscomb, Co-opted Independent member

Frances Newth, Co-opted Parish/Town Council member

Bob Nelson, Co-opted Parish/Town Council member

Also present:

Alison Willan, Independent Person

Councillors:

Roger Giles

Apologies:

Councillors:

Douglas Hull

Stuart Hughes

Dawn Manley

Tim Swarbrick, Co-opted Independent member

Officers:

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

Chris Lane, Democratic Services Officer

Chairman Date