

EAST DEVON DISTRICT COUNCIL
Minutes of the Meeting of the Council held at
Knowle, Sidmouth, on Wednesday, 24 July 2013

Present:

Councillors:

Graham Godbeer	(Chairman)
Christine Drew	(Vice Chairman)
Mike Allen	Douglas Hull
David Atkins	John Humphreys
Ray Bloxham	Ben Ingham
Susie Bond	Stephanie Jones
Roger Boote	Sheila Kerridge
Peter Bowden	Jim Knight
Peter Burrows	Andrew Moulding
Bob Buxton	Frances Newth
David Chapman	John O'Leary
Maddy Chapman	Helen Parr
Iain Chubb	Geoff Pook
Trevor Cope	Ken Potter
Deborah Custance Baker	Pauline Stott
Alan Dent	Peter Sullivan
Paul Diviani	Brenda Taylor
Vivien Duval Steer	Ian Thomas
Jill Elson	Graham Troman
Martin Gammell	Phil Twiss
Steve Gazzard	Mark Williamson
Roger Giles	Tim Wood
Pat Graham	Eileen Wragg
Steve Hall	Steve Wragg
Peter Halse	Claire Wright
Stuart Hughes	Tom Wright

Hon Aldermen:

Mike Green
Bernard Hughes

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Denise Lyon, Deputy Chief Executive
Matt Dickins, Planning Policy Manager
Diana Vernon, Democratic Services Manager
Hannah Whitfield, Democratic Services Officer

Apologies

Councillors:

Derek Button
Geoff Chamberlain
David Cox
Tony Howard
Mike Howe
John Jeffery
David Key
Chris Wale

Honorary Aldermen:

Vivienne Ash
Ann Liverton
Graham Liverton
Bob Peachey
Margaret Rogers
Barry Willoughby
Dr Waterworth

The Chairman introduced Revd Jeremy White, former vicar of Uplyme and invited him to say a prayer.

The meeting then started at 6.30 pm and ended at 9.20 pm.

***18 Public question time**

The Chairman welcomed members of the public to the meeting and invited their questions.

Mr Thurlow welcomed the reduction in the proposed redevelopment zones of the Knowle site. He believed that the Council should explore the viability of the present office site and take into account the inevitable cost of the move to the taxpayer. He said that the money could be better used and asked for a meaningful discussion. He was concerned about the risks in moving which he said could not be justified.

Mr Thurlow also referred to the employment land at Sidford which was included in the draft Local Plan. He said that this was a poorly reasoned and contentious inclusion. He said that there were ample employment opportunities in other areas and that the Sidford site should be removed from the Plan.

Mr Temple raised concern about the proposed development of the Knowle site which he said now included part of the terraced lawns. He said that the plans provided by the Council were small and hard to decipher but that it was clear that recreational land would be lost. This was contrary to policy and would be a significant loss to the public.

Axminster Town Councillor Paul Hayward referred to the Nottingham climate change declaration and local level decision making. He asked for the Council to keep these principles in mind when contemplating any changes to office accommodation.

Councillor Hayward also asked the Council to consider allowing the public to make digital recordings of meetings open to the public as this would showcase the work of the Council and promote openness in the democratic process.

Jackie Green referred to damage to councils' reputation following 'councillors for hire' revelations. She said that this issue regarding a bar on councillors and officers acting as planning agents for planning applications in East Devon should be considered urgently and that delaying debate until the Council meeting in October was not acceptable. The Council's reputation should be protected urgently.

In reply to issues raised, the Leader said that the report on the proposed office relocation had been debated in the public part of the Cabinet meeting on 17 July 2013 and the report had included options and figures. He advised that much of the Knowle parkland had been developed in the past. In respect of the inclusion of the Sidford site in the draft Local Plan, he advised that this had come forward and would be examined with other elements by the Inspector.

The Leader confirmed that the Nottingham Climate Change declaration was close to the Council's heart.

In respect of recording of public meetings, the Leader advised that this was being positively progressed.

The Leader confirmed that he was unable to comment on the 'Brown' case.

***19 Minutes**

The minutes of the Annual Meeting of the Council held on 22 May 2013 were confirmed and signed as a true record.

***20 Declarations of interest**

Councillor/ Officer	Minute number	Type of interest	Nature of interest
All	24	Personal	Social media – blogs, webmaster, websites, use of social media, use of internet
All relevant Councillors	26(d)	Personal	Town and Parish Councillors Devon County Councillors

21 Chairman/Leader notices/announcements*a) Jurassic Coast Display in Members' Area**

The Leader advised that Honorary Alderman Mike Green – Heritage Coast Ambassador has kindly put a display of the winning photographs of the Jurassic Coast 2013 competition in the Members' Area. He encouraged Members to have a look at this exhibition which was being shown in various locations throughout the district.

b) Rural Fair Share Campaign

The Leader asked Councillors to support the Rural Services Network and Rural Fair Share Campaign with its petition. Members were encouraged to sign the petition and to get as many of their constituents to sign as possible. A copy of the covering letter from the Network with the petition form had been sent to each Councillor. The signed petitions could be posted direct to the Chair of the Rural Fair Shares Campaign or to EDDC Chairman's Secretary who would collate the returns before forwarding the bundle of petitions by 30 September. This arrangement would be helpful as it meant that a tally could be kept of progress of the campaign.

The Rural Services Network currently had 117 member local authorities covering 3000 wards. If each Councillor was able to obtain only 25 signatures each, the overall petition would achieve 75,000 signatures - this would put significant pressure on Government.

The petition was part of planned Parliamentary activity to ensure fair funding for rural areas.

***22 Housing Review Board – tenant and/or leaseholder vacancy**

RESOLVED that Mr John Powley be confirmed as tenant/leaseholder representative on the Housing Review Board.

***23 Community Infrastructure Levy (CIL)**

Councillor Helen Parr, Chairman of the Development Management Committee presented the joint report of the Planning Policy Officer and Planning Policy Manager. This gave an overview of representations received following the final round of consultations on the CIL Draft Charging Schedule, Draft Regulation 123 List and Draft Infrastructure Delivery Plan. The report set out the main issues that would be covered at examination. Councillor Parr proposed and Councillor Mark Williamson seconded the recommendations set out in the report.

In reply to questions, the Chief Executive confirmed that the comments from Exmouth Town Council would be forwarded to the Inspector. EDDC's CIL Governance arrangements would be confirmed when the Levy was in place.

In response to concern raised that councils could favour a development application for its financial remuneration, the Leader felt assured that local councils had the best interest of their community and environment at heart and doubted that this issue would constitute a risk.

Concern was also raised about the potential impact of the levy on the affordable housing element of a development – the developer could plead a case of non-viability. The Portfolio Holder – Strategic Development and Partnerships advised that the CIL Task and Finish Forum had considered all governance issues; its recommendations had been presented to the last meeting of the Overview and Scrutiny Committee and would be referred to Cabinet in September.

- RESOLVED**
- (1) that the representations received during the final round of consultation on the Draft Charging Schedule, Draft Regulation 123 List and Draft Infrastructure Delivery Plan be noted – these also to include responses from Exmouth Town Council.
 - (2) that the Community Infrastructure Levy Charging Schedule Compliance Declaration (Appendix A) be approved;
 - (3) that the Draft Charging Schedule and all associated documentation (as set out in Paragraph 2.1 of the report) be submitted for examination;
 - (4) that the Council request the person appointed to carry out the examination, that if they do not consider the Charging Schedule to be acceptable or meet the minimum legal requirements, to recommend modifications to the document to make it one that would satisfy the relevant legal requirements and be acceptable.

***24 Social Media Policy**

The draft policy had been included with the agenda papers. It had also been referred to the Special Meeting of the Standards Committee on 23 July at which members of the Overview and Scrutiny Committee and leading Development Management Committee members had also been present. The Committee's recommendations from this meeting were now circulated for consideration.

In response to a comment made during public question time, the Portfolio Holder – Corporate Business said that Officers had spent considerable time drafting the document and that Councillors had been given opportunity to comment during the process. He believed that the policy was balanced with adequate controls but with enough freedom to be effective. He outlined the four sections in the policy. He said that use of social media was developing rapidly and that the policy would need to be kept under regular review. He said that the discussion at the Special Meeting of the Standards Committee on 23 July had been useful.

A number of comments were raised about the policy's wording, implication and punctuation.

RESOLVED that the draft Social Media Policy be referred back to the next meeting of the Standards Committee for further consideration of issues raised and brought back to the Council for determination.

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

Six questions had been submitted and these, with printed answers, had been circulated before the start of the meeting.

In reply to supplementary questions the Leader gave the following replies:

- The staff numbers inevitably varied slightly to meet changing requirements. The Council was continually looking at ways to improve efficiencies and its effectiveness.
- Staffing levels were kept under constant review.
- The four Feniton planning appeals would be heard as one merged public inquiry and if appropriate external legal support would be engaged.
- There could not be an internal investigation into former Chairman of the Local Development Framework at this time as it might prejudice the Police investigation.
- Filming of Council meetings – this was being given proper consideration and would include an appropriate protocol.

***26 Minutes of Cabinet and Committees**

RESOLVED (1) that the under-mentioned minutes be received and the recommendations approved

Cabinet	Minutes	208-220, 1-24, 25-43
Development Management	Minutes	61-66, 67-71, 1-5, 6-14
Planning Inspections	Minutes	12-15, 16-18
Audit and Governance	Minutes	1-10
Standards Committee	Minutes	23-30, 1-9
Licensing & Enforcement	Minutes	1-4
Licensing & Enforcement Sub	Minutes	43-47, 48-49, 1-2, 3-8, 9-11

***26 Minutes of Cabinet and Committees (continued)**

- (2) that the under-mentioned minutes be received.

The Cabinet (minutes 213, 9, 31 and 32) had noted or accepted the following Overview/Scrutiny Committees' recommendations with or without amendment.

Overview and Scrutiny Committee	Minutes	64-70, 1-9
Housing Review Board	Minutes	74-86, 1-14

Arising from consideration of the above minutes:-**a) Cabinet – 17 July 2013**

To include Ken Potter in the list of Councillors who were also present.

b) EDDC Office Accommodation (Cabinet Minute 34 refers)

Discussion by Council included:

- The need for wider engagement – the recommendation that this could be carried out within the Leader's Think Tank would not necessarily achieve this. The Leader advised that the debate had been held in the public part of the meeting and had been well attended by non-Cabinet members who were encouraged to take part in the debate. The useful report of the Deputy Chief Executive made it clear that staying at the Knowle was not a viable option. Consultation had been widely undertaken locally and this would now be extended to district stakeholders.
- The increase in budget to investigate the options would be a burden on the Council Tax payer. The Leader advised that this would be drawn from the Transformation Budget already in place.
- Any borrowing for the move would be against future savings though reduced maintenance costs – pay-back was estimated at 10 years.
- Concern that the proposal was not appropriate in times of austerity.
- Borrowing against future savings was a financial risk
- Particular threats to rural councils from Government funding cuts.
- The recommendations at Cabinet dealt with the key option of whether or not it was feasible to stay at Knowle. The report which was fully considered set out that the proposal was not only due to on-going maintenance costs but also that the offices at Knowle were no longer fit for purpose.
- There was a compelling financial and business case to move. Modern work practices included mobile working opportunities and increased ways to communicate with the public through advances in technology. Currently most communication with the public was by telephone and email – this was increasing but there would still be opportunities for face-to-face communication.
- The Council would retain a physical presence in each of its towns.
- Development Management Committee would rigorously consider any application for the Knowle site.
- The move would reduce the Council's carbon footprint.

The recommendations were put to the vote and carried with a clear majority.

Minutes of Cabinet and Committees (continued)**Arising from consideration of the minutes (continued):-****c) Request for exemption to Contract Standing Orders – Feniton Flood Scheme Consultant (Cabinet Minute 40 refers)**

Councillor Susie Bond thanked the Council for its appreciation of the drainage/flood problems facing Feniton. She particularly thanked Keith Steel, Senior Engineer (Environment Service) who was managing the project.

d) East Devon Local Plan – Submission to Secretary of State (Special Development Management Meeting Minute 14 refers)

A number of issues were raised:

- There was no established requirement/justification to include the Sidford employment site within the draft Local Plan. Local concerns needed to be taken into account. The site was within an Area of Outstanding Natural Beauty, on a flood plain and with poor highway provision. The proposed build could have an effect on the drainage sub system and create further flooding problems there and elsewhere.
- Section 115 of the National Planning Policy Framework gave weight to conserving scenic value in designated areas but (Section 116) would support development in exceptional cases and in the public interest – the local population opposed the Sidford development site and there was no economic evidence to support its inclusion.
- There needed to be greater clarification of the Knowle development footprint.
- Specific changes to wording – including removal of ‘Regency’ character for Sidmouth to ‘historic’ was challenged together with uncertainty about use of the term auxiliary retail.
- Concern in respect of the access to the Alexandria Industrial Estate.
- Members had been advised not to make any changes to the draft Plan at this stage and the Development Management Committee had made only minor amendments so as not to delay the progress of the Plan. Deleting the Sidford employment land from the draft Plan constituted a major change.

The Portfolio Holder – Strategic Development and Partnerships advised that the essence of the Plan was to create vibrant communities. There was a need for more local employment opportunities. The Inspector would consider all representations and any flooding issues would be thoroughly investigated during that process.

He added that if the Council chose to delete the Sidford development site from the draft Plan and make any further amendments to the Knowle employment site, there was a real risk that the Inspector would delay considering the Plan. This would have an adverse impact on the whole of the district – without a Plan in place, the Council was under threat from inappropriate development.

Councillor Trevor Cope proposed at this point of the debate that the Council proceed to the next business. Councillor Bloxham seconded this closure motion which was then put to the vote and carried.

***26 Minutes of Cabinet and Committees (continued)**
Arising from consideration of the minutes (continued):-

East Devon Local Plan – Submission to Secretary of State (Special Development Management Meeting Minute 14 refers) (continued)

Members were then asked to vote on the amendment proposed by Councillor Graham Trowman and seconded by Councillor Mike Allen that the Sidford site identified for employment development be deleted from the draft Local Plan.

Members voted on a proposal for a recorded vote but this was lost and so a record of the way each Member voted was not made.

The amendment was put to the vote and lost. The recommendations set out in the minutes were put to the vote and approved.

e) Licensing and Enforcement

Councillor Steve Hall advised Members about the positive efforts of the Sub Committee and advised about how a recent application for a Temporary Event Notice had been determined to protect the neighbouring residents and to address concerns raised by the Environmental Health Service.

***27 Motion – Disaggregated approach to development**

The following motion (in the names of Councillors Roger Giles, Claire Wright, Ben Ingham, Susie Bond and Trevor Cope), was proposed by Councillor Roger Giles and Seconded by Councillor Claire Wright:

“The Council acknowledges the requirement to provide a Local Plan that provides the appropriate level of homes and employment up to 2026, having consulted local people, organisations, and town and parish councils, and having considered need and constraints.

The emerging Local Plan strategy, reflected in Council policies that proved very effective over a long period, effectively split East Devon into two parts with higher levels of development proposed for the west end, and lower rates of development for the rest of East Devon.

This Council therefore formally endorses this disaggregation approach, and agrees to ask the Inspector for the East Devon Local Plan Examination in Public to consider including in the Local Plan a policy for splitting the overall housing need into separate policy areas.”

The proposer, Roger Giles referred to the concerns of many people on the impact of the National Planning Policy Framework and the danger of inappropriate development. He said that the countryside was a national asset and should be protected with brown field sites being used. He recognised the need for growth but this needed to be carefully balanced. He asked for the Council to agree a policy of disaggregation which reflected the Council’s stance anyway. The Cabinet had not supported the unanimous recommendation of the Overview and Scrutiny Committee to support such a policy for fear that it may delay the Local Plan. He referred to recent lost appeals where the Inspector had taken into account the Council’s stance. Councillor Giles believed that it would have had more weight if it had been a Council policy.

***27 Motion – Disaggregated approach to development**

The seconder, Claire Wright said that approving such a policy would not create a delay in the progress of the Local Plan. She referred to the Feniton appeals and the need to protect the District from unwanted and inappropriate development.

Advice from Officers had been circulated at the meeting. This referred to minor changes made to the Local Plan at its Special Meeting on 18 July and concern that any policy change could create delays in the Plan's submission. The advice set out the Plan strategy for sustainable growth in respect of a West End and Rest of East Devon split 50/50 and the underpinning of policy with a five year land supply. The approach was regarded as sound in promoting appropriate development and enabling the Council to defend its position at appeal – to reject inappropriate development schemes. It was anticipated that the matter would be debated at examination as the Inspector would be aware of the policy split between the 2 areas.

Councillor Helen Parr, Chairman of the Development Management Committee reiterated Officer advice and the Council position in respect of the 50:50 development split between the West End (as major strategic growth area) and the rest of district. Any change in relevant policy at this stage would be a major amendment which would have to be referred for public consultation.

Councillor Giles as proposer summed up by saying that he was trying to get the Council in a stronger position to resist the threat of unwanted and inappropriate development. He did not believe that the motion would delay the Plan process.

The motion was put to the vote and was lost.

***28 Motion – Staffing levels**

The following motion (in the names of Councillors Ben Ingham, Claire Wright, Roger Giles, Susie Bond and Geoff Pook), was proposed by Councillor Ben Ingham and Seconded by Councillor Claire Wright:

“This Council supports the Motion to return staffing levels at EDDC to the same as they were in November 2011. This must be done before April 2014, with the intention of saving in excess of an additional £500,000 per annum.”

The proposer, Ben Ingham recognised that it was getting late and advised that he would withdraw the motion from this meeting for that reason.

***29 Councillor representation on Joint Bodies**

- RESOLVED**
- (1) **Leisure East Devon (Joint Body)** – that Councillor Tim Wood be appointed to replace Councillor Andrew Moulding on LED Leisure Management Limited.
 - (2) **Seaton Regeneration Programme Board** – that Peter Burrows be appointed to replace Councillor Jim Knight on the Programme Board as Seaton Ward representative. (Councillor Knight had been appointed as the County representative).
 - (3) **East Devon Highways and Traffic Orders Committee** – that Councillor Bob Buxton be appointed to the Traffic Orders Committee to replace Councillor Andrew Moulding who is County representative on this Committee.

Chairman

Date