

**EAST DEVON DISTRICT COUNCIL**  
**Minutes of the Meeting of the Council held at**  
**Knowle, Sidmouth, on Wednesday, 23 October 2013**

**Present:**

**Councillors:**

Graham Godbeer	(Chairman)
Christine Drew	(Vice Chairman)
David Atkins	Stuart Hughes
Ray Bloxham	Ben Ingham
Roger Boote	John Jeffery
Peter Bowden	Sheila Kerridge
Peter Burrows	David Key
Derek Button	Jim Knight
Geoff Chamberlain	Frances Newth
Maddy Chapman	John O'Leary
Iain Chubb	Helen Parr
Trevor Cope	Geoff Pook
David Cox	Ken Potter
Deborah Custance Baker	Philip Skinner
Alan Dent	Pauline Stott
Paul Diviani	Peter Sullivan
Martin Gammell	Brenda Taylor
Steve Gazzard	Ian Thomas
Roger Giles	Phil Twiss
Pat Graham	Tim Wood
Peter Halse	Steve Wragg
Tony Howard	Claire Wright
Mike Howe	Tom Wright

**Hon Aldermen:**

Ron Mudge

**Officers:**

Mark Williams, Chief Executive  
Richard Cohen, Deputy Chief Executive  
Denise Lyon, Deputy Chief Executive  
Diana Vernon, Democratic Services Manager

**Apologies**

**Councillors:**

Mike Allen	Chris Wale
Susie Bond	Mark Williamson
Bob Buxton	Eileen Wragg

David Chapman  
Vivien Duval Steer  
Jill Elson  
Steve Hall  
Douglas Hull  
John Humphreys  
Stephanie Jones  
Andrew Moulding  
Graham Troman

**Honorary Aldermen:**

Vivienne Ash  
Bernard Hughes  
Ann Liverton  
Graham Liverton  
Bob Peachey  
Margaret Rogers  
Barry Willoughby

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 9.00 pm.

**\*30 Public question time**

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

Richard Thurlow, Chairman of Save Our Sidmouth (SOS) and also of the Sid Vale Conservation and Planning Committee referred to an email exchange between Councillor Paul Diviani and himself. Mr Thurlow disputed Councillor Diviani's comment that the SOS campaign was misinformed and was not making a useful contribution. Mr Thurlow said that SOS was a totally non-political umbrella grouping of organisations in Sidmouth. It did not comment on political issues or any possible budget cuts but opposed some of the proposals within the draft Local Plan, including the loss of the Knowle. Mr Thurlow advised that he had asked Councillor Diviani to withdraw his comments which he said were incorrect and had been sent to about 100 people. However Councillor Diviani had stood by his opinion. Mr Thurlow asked if Councillor Diviani's views were those of the Council and, if not, for the Council to set the record straight.

In response, Councillor Diviani said that he was entitled to his opinion and that there would not always be agreement.

The Chairman said that he would respond in writing to Mr Thurlow and would copy in all Councillors for information.

Diana East spoke in support of the Motion on the Value of Trees to be discussed later in the meeting. She spoke on behalf of the Sidmouth Arboretum which was to undertake a survey of trees within the local area next year. This work would form the basis of guidelines for future plantings and protection and help identify the wide range of benefits derived from trees. The work would involve local landowners and conservation groups. The intention was to include listings of specimen and significant trees and groups of trees for protection. Ms East believed that there was a need to change planning laws so that consideration of trees was integral to the planning process. Replacing a mature tree with a new sapling was inadequate as the former canopy spread was lost. She wondered if putting a monetary value on trees would help to add weight.

Mr Temple referred to the Devon Historic Houses Trust and the recently published book 'The Knowle, Sidmouth – A house and its history'. He said that the Knowle was one of the richest and most important buildings of its time with some surviving internal features. It was still valued by the local community and continued to host many civic and community events. In the East Devon Open Space report, the Knowle Grounds are singled out, with Killerton House and Connaught Gardens, as being of special importance. He said that the loss of Knowle and its grounds would be an 'act of civic vandalism'.

The Chairman advised that he was reading the new book on Knowle with interest; the contents would be taken into account during the decision making process.

Barry Sangster asked about the relocation budget and how long it would take to service the loan. The Chairman responded by saying that the Council was not in a position to comment at this stage.

Graham Cooper asked when the Business Task and Finish Forum (TaFF) would reconvene. The Chairman advised that the Chairman of the Business TaFF would publicise the date as soon as it had been agreed.

**\*31 Minutes**

The minutes of the meeting of the Council held on 24 July 2013 were confirmed and signed as a true record.

**\*32 Declarations of interest**

<b>Councillor/ Officer</b>	<b>Minute number</b>	<b>Type of interest</b>	<b>Nature of interest</b>
Peter Bowden	38	Personal	Flooding issues
Mike Howe	39	Disclosable Pecuniary Interest	Serving Sub-Postmaster
Peter Burrows	39	Disclosable Pecuniary Interest	Sub Post Office employee
Mike Howe	42	Personal	Business/shop owner
Alan Dent	42	Personal	In receipt of Marks and Spencer's pension

**\*33 Chairman/Leader notices/announcements****a) Parish and Town Councils seminars**

The Chairman advised that the Council was holding 2 seminars – one on housing issues and the other on planning - on Thursday 14 November 2013. Local councillors and their clerks could attend either one or both of the sessions. Members were asked to encourage the local councils in their wards to take advantage of this event.

**b) Sidmouth Concert Society**

The Chairman had been given two complimentary tickets that he was unable to use due to other commitments. Councillors were offered the opportunity to use the tickets on his behalf.

**c) Chairman's Garden Party**

The Chairman thanked everyone who had attended his Garden Party during the summer. The day had been blessed with good weather. He thanked Members who had contributed to his chosen charity – The C Group - the Royal Marines charity inspiring business to support Royal Marines in need whilst they are serving, in transition to civilian life and thereafter. The Chairman had circulated an information card to all Councillors at the meeting and encouraged them to support this worthy cause.

**d) World War One commemoration**

The Chairman announced the way the Council would commemorate the 100<sup>th</sup> anniversary of the start of WW1 in 2014. He wanted to encourage school age children to find out more about WW1 and the impact it had on their local area. He had now invited all schools to compile a WW1 portfolio which would be used as an on-line resource as well as forming the basis of an exhibition at the Thelma Hulbert Gallery. The Chairman felt that bringing all schools together in this way would be an appropriate and relevant commemoration.

**\*34 Housing Review Board – tenant and/or leaseholder vacancy**

**RESOLVED** that Mr Richard (Mike) Berridge be confirmed as tenant/leaseholder representative on the Housing Review Board.

**\*35 Long Service Awards**

The Chairman praised the loyalty of long-serving staff and awarded certificates.

Elaine Firth	20 years	Home Safeguard Scheme Manager
John Golding	10 years	Head of Housing

**\*36 Best Kept Village Competition 2013**

The Chairman congratulated and thanked all of the Villages that had taken part in the 2013 Competition. He said that they helped to make our district such a pleasant place in which to be.

The Campaign for the Protection of Rural England gave awards to villages who had achieved success in the Devon-wide competition. This Council annually acknowledged the achievements of East Devon villages.

The Vice Chairman presented the awards to the villages which had achieved success in the Devon-wide Competition and within East Devon.

<b>East Devon Villages who have won awards in the Devon wide competition (awarded Certificates by EDDC)</b>
Kilminster – winner of the Past Winners' Category (Large Village)
Dalwood – winner of Past Winners' Category (Small Village)
Offwell – winner – Small Village Category
Axmouth – runner up – Small Village Category

<b>High scoring East Devon Villages who did not win in the Devon wide competition but whose achievements are recognised with EDDC awards</b>
Whimple – winner – Large Village Category (Baker Cup and certificate)
Dunkeswell – runner-up – Large Village Category (certificate)
Hawkchurch – winner – Small Village Category (Glanvill Cup and certificate)
Talaton – runner-up in the Small Village Category (certificate)

**\*37 Questions (Procedure Rules 9.2 and 9.5)**

Three questions had been submitted in respect of the Dog Warden Service; these, with printed answers from the Portfolio Holder - Environment, had been circulated before the start of the meeting.

In reply to a supplementary question the Portfolio Holder confirmed that the recent retendering had followed a full EU procurement process and would be reported to Cabinet.

**\*38 Minutes of Cabinet and Committees**

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

Cabinet	Minutes	44-62, 63-889
Development Management	Minutes	6-11, 15-20, 21-28, 29-33
Planning Inspections	Minutes	1-4, 5-7, 8-10, 11-18
Audit and Governance	Minutes	11-18
Standards Committee	Minutes	10-17, 18-27
Licensing & Enforcement	Minutes	5-7
Licensing & Enforcement Sub	Minutes	12-14, 15-16, 17-23, 24-25

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

The Cabinet (minutes 50 and 69) had noted or accepted the following Overview/Scrutiny Committees' recommendations with or without amendment.

Overview and Scrutiny Committee	Minutes	10-16, 17-21
Housing Review Board	Minutes	15-31

**Arising from consideration of the above minutes:-**

**a) Financial resilience review (Audit and Governance Committee Minute 15 refers)**

In presenting the minutes of his Committee, the Chairman, Councillor Ken Potter drew Councillors' attention to the positive comments made by Grant Thornton (external auditors) which had reviewed the Council's arrangements for securing its financial resilience.

**b) Internal Audit Plan (Audit and Governance Committee Minute 17 refers)**

In reply to a question, the Chief Executive confirmed that it was within the remit of the Audit and Governance Committee to make a resolution on the Internal Audit Plan. A full copy of the South West Audit Partnership report into governance arrangements would be included with the agenda papers of the next Audit and Governance Committee meeting. This report had not been available in full at the Committee's September meeting. It was appropriate for the Committee to discuss this in the first instance before general circulation.

**c) Public speaking at committee meetings (Standards Committee Minute 22 refers)**

The Council Chairman drew Councillors' attention to the recommended changes to the public speaking arrangements which would be referred to Cabinet and Development Management Committee for detailed consideration.

**\*38 Minutes of Cabinet and Committees**

**Arising from consideration of the above minutes (continued):-**

**d) Development Management Committee – 15 October 2013**

- Councillor Roger Giles' apologies to be included in the list of Ward Members present.
- Councillor Geoff Chamberlain's declaration of a personal interest in respect of Planning Application 13/0971/FUL (as he is a friend of the applicant) to be included in the list of declarations.

**\*39 Motion 1 – Post Office Services (now privatised)**

The following motion (in the names of Councillors Ken Potter, Tim Wood, Paul Diviani, Ray Bloxham and Peter Sullivan) was proposed by Councillor Ken Potter and Seconded by Tim Wood:

"This Council recognises that it is the policy of the Government to privatise the Royal Mail but the Council is extremely concerned that the inter business agreement signed between Post Office Limited and the Royal Mail Group is not sufficiently robust to ensure the essential requirement that the "Universal" principle is maintained with satisfactory services continuing in rural areas both by the maintenance of adequate provision of rural post offices and by the requirement for postal deliveries to continue throughout rural as well as urban areas in the entire country."

The proposer, Councillor Ken Potter, said that despite promises to the contrary, the Government had failed to provide its promised support to the Post Office Network. He feared that the privatisation of the service would result in an increase in costs and a poorer service. As Rural Communities (including Post Offices) Member Champion, Ken Potter was doing all he could to promote and safeguard the service.

The seconder, Councillor Tim Wood, supported the motion and the significant efforts of Councillor Potter over the years. He said that the network was vital to rural communities and particularly an ageing population living in potential isolation.

Comments made by Councillors when the motion was opened to debate included:

- Post Offices were at risk and the Council needed to work together to prevent further closures or a reduction in service.
- The local postman was referred to as a rural 'social worker'
- The service was a lifeline for rural communities
- The service was often essential to the viability of the village shop.
- There was a danger that a 2 tier urban/rural service would be created.
- Local MPs should be called on for their support

The motion as printed was put to the vote and carried.

**\*39 Motion 1 – Post Office Services (now privatised) (continued)**

**RESOLVED** that this Council recognises that it is the policy of the Government to privatise the Royal Mail but the Council is extremely concerned that the inter business agreement signed between Post Office Limited and the Royal Mail Group is not sufficiently robust to ensure the essential requirement that the “Universal” principle is maintained with satisfactory services continuing in rural areas both by the maintenance of adequate provision of rural post offices and by the requirement for postal deliveries to continue throughout rural as well as urban areas in the entire country.

**\*40 Motion 2 – Exeter to Salisbury and Waterloo railway line**

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

“This Council has long recognised the vital importance of the Exeter to Salisbury and Waterloo railway line, and has for a considerable time sought to achieve improvements to the line. The Council is disappointed that its efforts have only been partially successful in achieving a passing loop at Axminster, which has allowed an hourly service between East Devon and London.

The Council is particularly disappointed that its strong support for a passing loop between Broadclyst and Whimple, which would allow a half hourly service between East Devon stations and Exeter, has not resulted in the provision of this vitally important improvement.

The Council believes that the HS2 is not the best way of improving rail infrastructure nationally, and represents very poor value for money. The Council calls on the Government to scrap the HS2 project, and instead improve rail services across the country such as the Exeter to Salisbury and Waterloo line which would deliver considerably more benefits to rail services in a much shorter time period.

The Council agrees to write to the two MPs representing East Devon constituencies to seek their support for better rail services and a better allocation of resources to achieve this.”

The proposer, Councillor Giles was of the opinion that slow progress was being made to improve the vital rail links between Exeter, Salisbury and Waterloo. Dave Black, Head of Planning Transportation and Environment had attended the September meeting of the Overview and Scrutiny Committee and had advised that the bid for funds for these improvements would be made but the scheme was not yet sufficiently progressed. Councillor Giles spoken of the clear benefits of a passing loop between Broadclyst and Whimple.

Councillor Giles said that the HS2 project was a scandalous waste of money which would be better spent targeting local transport improvement where need had been identified. He referred to reports of the economic damage that the HS2 link would cause to the West Country.

\*40 **Motion 2 – Exeter to Salisbury and Waterloo railway line  
(continued)**

The seconder, Councillor Claire Wright, in supporting the motion said that she was mortified by the waste of public money as the HS2 scheme would not save significant journey times. She also referred to the environmental impact. Councillor Wright said that she supported the need for local rail improvements and spoke of the benefits to the area of a more frequent service.

Comments made by Councillors when the motion was opened to debate included:

- Much lobbying had already been carried out by local MPs.
- It was disappointing that the improvements to the Exeter, Salisbury, Waterloo line were taking so long to be realised but these things take time and significant progress was being made.
- Devon County was carrying out a detailed study with Network Rail of best location and need for the passing loop. When this has been completed there would then be a value for money audit followed by a review of design, cost and sources of funding including through Local Enterprise Partnerships and rail operatives.
- The Exeter/Salisbury/Waterloo line was a driver of the local economy and that of the South West as a whole; it should not be considered isolation.
- The HS2 project had the potential to benefit everyone - improvements to the north/south rail service were important nationally.
- Investment in the South West/London rail service was justified and needed.
- This area would benefit from a functional rail link – reasonable speed, price and frequency.
- The motion was effectively 2 motions dealing with separate issues. Some Councillors felt that they could support the push for improvements to the rail links locally but felt that the strategic HS2 line was a separate issue. Criticism of HS2 could be counterproductive and not everyone would support the proposal to divert money from that project.
- The Leader advised that he had recently been appointed to the Heart of the South West Local Enterprise Partnership, representing the eight Devon districts. He confirmed that he would give the clear message that road and rail links within Devon were inadequate and needed improvement.

Councillor Derek Button proposed an amendment to the motion to delete Paragraph 3 (HS2 issue); this was agreed by Councillor Giles and seconded by Ben Ingham.

Councillor Giles added that he appreciated the useful feedback on the work of SELCA (Salisbury – Exeter Line side Consortium of Authorities) from Councillor Peter Sullivan and feedback on progress being made by Devon County Council from Councillor Stuart Hughes.



\*40 **Motion 2 – Exeter to Salisbury and Waterloo railway line  
(continued)**

**RESOLVED** that this Council has long recognised the vital importance of the Exeter to Salisbury and Waterloo railway line, and has for a considerable time sought to achieve improvements to the line. The Council is disappointed that its efforts have only been partially successful in achieving a passing loop at Axminster, which has allowed an hourly service between East Devon and London.

The Council is particularly disappointed that its strong support for a passing loop between Broadclyst and Whimble, which would allow a half hourly service between East Devon stations and Exeter, has not resulted in the provision of this vitally important improvement.

The Council agrees to write to the two MPs representing East Devon constituencies to seek their support for better rail services and a better allocation of resources to achieve this.

(The Council supported work currently being carried out by SELCO and the County Council in researching the passing loop's positioning and length).

\*41 **Motion 3 – Value and protection of trees**

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

"This Council recognises the great value of trees to the East Devon landscape, particularly ancient woodland, and also the importance of trees to wildlife. This council is concerned at the loss of trees as a result of development proposals, and is particularly concerned at the removal of trees by developers ahead of receiving planning approval.

This Council:

1. calls on the Government to provide greater protection for trees and ancient woodland
2. calls on the Government to allow greater penalties for developers who remove trees without permission
3. asks the Portfolio Holder for Environment to pursue options for woodland creation and tree planting in East Devon."

The proposer, Councillor Claire Wright referenced examples locally of where developers had cut down mature trees. The trees had not been protected by a Tree Preservation Order because it was not apparent that the trees were under threat until it was too late. Councillor Wright emphasised the importance of trees to the biodiversity of the area and said that the problem was not unique to West Hill.

**\*41 Motion 3 – Value and protection of trees (continued)**

Councillor Claire Wright referred to the State of the Nature Report which had been published in May 2013 by a coalition of leading conservation and research organisations. Headlines from the report included that 60% of native wildlife species were now under threat. This included the recent Ash dieback which was already decimating woodlands.

The seconder, Councillor Roger Giles said that trees were a defining feature of East Devon – as individual specimens, woodlands and within hedgerows. He reminded Members of the Great Trees of East Devon project carried out by the Council some years ago. He referred to the behaviour of rogue developers and the limited powers of Officers when trees were unprotected.

In response Councillor Iain Chubb, Environment Portfolio Holder addressed the three elements of the motion. He said that trees made a positive contribution to the environment, economy and wellbeing of the area. Trees and hedgerows needed to be given value. Currently there was good protection for hedgerows through regulation and of trees with Tree Preservation Orders. He acknowledged that developers were trying to optimise the returns on land. Fines were a complex issue and even if increased were hard to administer. Resources were already stretched and needed to be targeted to deliver greatest benefits. He believed that any new controls would need to be developed through partnership working.

Comments made by Councillors when the motion was opened to debate included:

- Trees needed to be protected; their value was widely acknowledged.
- Management controls and procedures should be reviewed before the issues were referred to Government. This could be carried out by a Task and Finish Forum which would tackle local issues first. This work would provide an evidence base for an approach to Government if this was the agreed way forward.
- Existing controls were in place but where were they failing?
- Suggest that 12 young trees should be planted to compensate for the loss of 1 mature tree.
- The problem of loss of trees was district-wide.
- A price could be put on trees to help protect them (Epping Forest pilot work).
- The particular focus of the motion on developers was partial. Some farmers, homeowners and landowners were also guilty of taking down trees.
- The information on the Council's website by tree officers was very helpful.
- Best approach - survey and protect trees before they are under threat.
- There are reasons for mature trees being cut down other than that they are in the way of developers' plans.

Councillor Philip Skinner proposed that a Task and Finish Forum be set up to debate the protection of trees, using local evidence to define the main issues and determine appropriate action that could be taken and robustly defended.

Councillor Ray Bloxham seconded the amendment.

\*41 **Motion 3 – Value and protection of trees (continued)**

**RESOLVED** that a Task and Finish Forum be set up and led by the Environment Portfolio Holder to examine the issues raised in the motion to help protect trees, with the remit being widened to examine the main threats to trees and appropriate action that could be taken and robustly defended.

\*42 **Motion 4 – Local retail levy**

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

"This Council supports the following proposal under the Sustainable Communities Act:

'That the Secretary of State gives Local Authorities the power to introduce a local levy of 8.5% of the rate on large retail outlets in their area with a rateable annual value not less than £500,000 and requires that the revenue from this levy be retained by the Local Authority in order to be used to improve local communities in their areas by promoting local economic activity, local services and facilities, social and community wellbeing and environmental protection.'

The Council notes that if this power was acquired it would present the opportunity to raise further revenue for the benefit of local communities, should the Council wish to use it.

The Council resolves to submit the proposal to the Government under the Sustainable Communities Act and to work together with Local Works to gain support for the proposal from other councils in the region and across the country".

The proposer, Councillor Ben Ingham referred to advantages of the proposed levy to local communities. Supermarkets had grown in significance over the last 40-50 years and now dominated the market place. He believed that they should give more back to the communities that support them. Other councils in the South West were already having the local retail levy debate.

The seconder, Councillor Claire Wright said that the proposed levy would have a positive impact and it had been introduced successfully in Northern Ireland and Scotland. The retail levy in these examples had not had an impact on local jobs or customer numbers. Profitable organisations could bear the additional cost and she quoted from recent national reports.

In response the Portfolio Holder – Economy questioned whether this approach would promote a sustainable economy. There was a danger that such a levy would be anti-competitive and could be a disincentive to new businesses. Economic growth was intertwined with the local area and there was a need for local viability. People needed choice and local competition. The market place/high street should not be falsely controlled. Retail was changing significantly and there was no enduring value in preserving anything that was not viable – temporary manipulation of the market place would not work long-term. It was better to allow the economy to grow and evolve.

**\*42 Motion 4 – Local retail levy (continued)**

Comments made by Councillors when the motion was opened to debate included:

- The Council had frozen increases in Council Tax to reduce the burden on the local taxpayers during the current times of financial hardship; additional costs to the supermarket through the proposed levy would be passed on to its customers.
- Supermarkets already made a significant contribution to the local economy through business rates, as local employers and to local and national charities.
- The proposed levy was 8.5% of the rateable value which would equate to something like £116 per day for the example supermarket given – not a significant amount.

Councillor Ingham asked for a recorded vote but this proposal was lost when put to the vote.

Members were invited to vote on the motion as printed. The motion was lost.

**\*43 Councillor appointments**

- RESOLVED**
- (1) **Housing Review Board** – that Councillors Deborah Custance Baker, Mike Howe and Sheila Kerridge be appointed to act as ‘designated persons’ to comply with the new arrangements for dealing with complaints by tenants (Housing Review Board of 9 May 2013 – Minute 81 refers) – the designated persons to work alongside the Tenant Complaint Panel.
  - (2) **Joint Working Group – LED Leisure** – that Councillors David Chapman, Pat Graham, Tony Howard, Geoff Pook and Tim Wood, be appointed to a joint working group consisting of EDDC Councillors and representatives of LED Leisure Management Limited to review the future contract arrangements with LED due in 2016 (Cabinet Meeting of 4 September 2013, Minute 20 refers).
  - (3) **Exmouth Town Management Panel** – to note that this new Panel has been set up to take over the role of the former Exmouth Town Management Partnership Board. Councillor Jill Elson who had been appointed to the Partnership Board at the Annual Meeting 2013, to be appointed to the new Exmouth Town Management Panel.

Chairman .....

Date .....