

Date: 25 November 2013
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Our Reference: DV



To: [All elected Members of the Council](#)
Honorary Aldermen
Chief Executive
Deputy Chief Executives

East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

Dear Sir/Madam

DX 48705 Sidmouth

**Meeting of the Council of the District of East Devon on
Wednesday 4 December 2013 at 6.30 pm**

Tel: 01395 516551

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www.eastdevon.gov.uk

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

Members of the public are welcome to attend the meeting which will start at 6.30 pm.

- **A period of 15 minutes has been provided at the beginning of the meeting to allow members of the public to raise questions.**
- **All individual contributions will be limited to 3 minutes – where there is an interest group of objectors or supporters, a spokesperson should be appointed to speak on behalf of group.**
- **The public is advised that the Chairman has the right and discretion to control questions to avoid disruption, repetition - to make best use of the meeting time.**

Should anyone have any special needs or require any reasonable adjustments to assist them in making individual contributions, please contact Diana Vernon. Contact details are at the top of this page.)

A hearing loop system will be in operation in the Council Chamber.

Written Questions by Members: Please note that under Procedure Rule 9.2, Councillors may submit written questions to Council Leader or specific Portfolio Holders.

Councillors and members of the public are reminded to turn mobile phones to silent during the meeting. If this is not practical due to particular circumstances, please advise the Chairman in advance of the meeting.

Yours faithfully

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

Chief Executive

Prior to the formal start of the meeting, the Chairman will invite Revd Jeremy White, former vicar of Uplyme, to say a prayer.

This meeting is being recorded for subsequent publication on the Council's website. Audio recording is permitted by press representatives and members of the public from the public area, subject to their notification to the Chairman prior to the start of the meeting of a wish to record all or part of that meeting. If you are exercising your right to speak during Public Question Time, but do not wish to be recorded, please inform the Chairman who will instruct those taking a recording to cease while you speak.

AGENDA

- 1 Public question time – standard agenda item (15 minutes)

Members of the public are invited to put questions to the Council through the Chairman. (The process is set out on the front of the agenda).

Councillors also have the opportunity to ask questions of the Leader and/or Portfolio Holders during this time slot whilst giving priority at this part of the agenda to members of the public.

- 2 To confirm as a true record the minutes of the meeting of the Council held on 23 October 2013.
- 3 Apologies.
- 4 To receive any declarations of interest relating to items on the agenda.
- 5 To consider any items, which, in the opinion of the Chairman, should be dealt with as matters of urgency because of special circumstances.
(Note: Such circumstances need to be identified in the minutes).
- 6 To receive any announcements from the Chairman and Leader.

The Chairman will invite Members and their guests to join him in the Members' Area – after this meeting - for wine and cake to celebrate the festive season.

- 7 To agree any items to be dealt with after the public (including the press) have been excluded. There are no items which Officers recommend should be dealt with in this way.
- 8 To answer questions asked by Members of the Council pursuant to Procedure Rules No 9.2 and 9.5.
- 9 To consider reports from the Cabinet and the Council's Committees and to receive questions and answers on any of those reports:-

Cabinet	Minutes	90-111, 112-
†Overview and Scrutiny Committee	Minutes	22-32, 33-38
†Housing Review Board	Minutes	32-48
Development Management Committee*	Minutes	34-38
Planning Inspections	Minutes	11-13
Audit and Governance Committee	Minutes	19-29
Licensing and Enforcement Committee	Minutes	8-11
Licensing and Enforcement Sub Committee	Minutes	26-27, 28-29

*The minutes of the Cabinet meeting of 27 November 2013 will be forwarded under separate cover.

†The recommendations of the meetings of Overview and Scrutiny Committee and Housing Review Board have already been referred to Cabinet for consideration.

Motion 1 – British Nuclear Test Veterans

“That this Council:

1. Notes that its commitment to the Armed Forces Community Covenant ensures the needs of those residents of East Devon who serve, or who have served, the country are recognised and supported at a local level;
2. Further notes that many other residents have, though a range of professions, served the country in equally significant measure, such as in national security and defence – including those who participated in the test of Britain’s nuclear weapons in the 1950s and 1960s;
3. Welcomes that, following a Ministry of Defence commissioned Health Needs Analysis in 2011 of British nuclear test veterans, the NHS have introduced a number of practical measures to support them;
4. Believes that other parts of the public and voluntary sector should seek to introduce similar measures to support nuclear test veterans – and that the Council should lead this at a local level by extending the provisions of the Armed Forces Community Covenant to those veterans who live in East Devon;
5. Urges the Government to support the campaign of the British Nuclear Test Veterans Association by:
 - Officially recognising the unique service of these veterans and acknowledge the nations continuing debt to them; and
 - Supporting the intention to establish a Benevolent Fund of £25 million to provide assistance for those veterans and their descendants in need.
6. Agrees to ask our Members of Parliament to back this campaign and join East Devon District Council in urging the Government to support the requests outlined in (5) above.”

Proposed by Councillor Paul Diviani, Seconded by Councillor Andrew Moulding and supported by Councillors Alan Dent, Brenda Taylor, and Ben Ingham.

Motion 2 – Probity in Planning report

"This Council acknowledges the importance and supports the principle of complete openness and transparency in local government. The council therefore agrees to accept in full with immediate effect all the recommendations within the Probity in Planning report jointly produced by the Local Government Association and the Planning Advisory Service in April 2013.

In particular the Council will implement the guidance that pre-application advice issued should be publicly available."

Proposed by Councillor Claire Wright, Seconded by Councillor Roger Giles and supported by Councillors Trevor Cope, Ben Ingham and Susie Bond.

12 **Motion 3 – Car Parking charges**

"This Council faces increasing difficulty in providing services for the people of East Devon as a result of reductions in Government local government financial settlements. Car parking charges continue to be an important source of income for the council, but high charges are unpopular with East Devon residents, and an obstacle for business, particularly for small shopkeepers.

In an attempt to protect council services and raise income in as fair a way as possible, this Council therefore agrees to introduce car parking charges at The Knowle as soon as practically possible. The Council also agrees to consider removal of the entitlement to lifelong free car parking in EDDC car parks for Honorary Aldermen.

Proposed by Councillor Roger Giles, Seconded by Councillor Claire Wright and supported by Councillors Trevor Cope, Susie Bond and Ben Ingham

13 **Councillor appointments**

Police and Crime Panel

To appoint Councillor Tom Wright as EDDC's Police and Crime Panel – Devon and Cornwall – (Councillor Tom Wright is currently substitute EDDC representative to the Leader). The Leader to be appointed as substitute.

14 **Presentation - Open for Business**

The Corporate Organisational Development Manager to introduce this item on the Council's Open for Business initiative.

15 **Presentation – Rotary visit by EDDC's Section 106 Officer**

The Chairman has invited Sulina Tullack, EDDC's Section 106 Officer to give a presentation on her recent Rotary exchange trip to South Korea. The exchange team engaged in vocational visits to learn and exchange ideas and visit businesses and governmental departments to explore local issues and initiatives. Sulina used her experience of major infrastructure projects as well as community involvement in decision making and the delivery of social projects.

Decision making and equality duties

The Council will give due regard under the Equality Act 2010 to the equality impact of its decisions. An appropriate level of analysis of equality issues, assessment of equalities impact and any mitigation and/or monitoring of impact will be addressed in committee reports. Consultation on major policy changes will take place in line with any legal requirements and with what is appropriate and fair for the decisions being taken. Members will be expected to give reasons for decisions which demonstrate they have addressed equality issues.

Members and co-opted members remember!

- You must declare the nature of any disclosable pecuniary interests. [Under the Localism Act 2011, this means the interests of your spouse, or civil partner, a person with whom you are living with as husband and wife or a person with whom you are living as if you are civil partners]. You must also disclose any personal interest.
- You must disclose your interest in an item whenever it becomes apparent that you have an interest in the business being considered.
Make sure you say what your interest is as this has to be included in the minutes. [For example, 'I have a disclosable pecuniary interest because this planning application is made by my husband's employer'.]
- If your interest is a disclosable pecuniary interest you cannot participate in the discussion, cannot vote and must leave the room unless you have obtained a dispensation from the Council's Monitoring Officer or Standards Committee.

Getting to the Meeting – for the benefit of visitors



The entrance to the Council Offices is located on Station Road, Sidmouth. **Parking** is limited during normal working hours but normally easily available for evening meetings.

The following **bus service** stops outside the Council Offices on Station Road: **From Exmouth, Budleigh, Otterton and Newton Poppleford – 157**

The following buses all terminate at the Triangle in Sidmouth. From the Triangle, walk up Station Road until you reach the Council Offices (approximately ½ mile).

From Exeter – 52A, 52B
From Honiton – 52B
From Seaton – 52A
From Ottery St Mary – 379, 387

Please check your local timetable for times.

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The Committee Suite has a separate entrance to the main building, located at the end of the visitor and Councillor car park. The rooms are at ground level and easily accessible; there is also a toilet for disabled users.

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

Meeting of the Council – 4 December 2013

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*Note	The minutes of the Cabinet (27 November 2013) will be sent under separate cover in advance of the meeting of the Council.
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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**

Councillor/ Officer	Minute number	Type of interest	Nature of interest
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 100th 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.

East Devon Villages who have won awards in the Devon wide competition (awarded Certificates by EDDC)
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

High scoring East Devon Villages who did not win in the Devon wide competition but whose achievements are recognised with EDDC awards
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

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Cabinet
held in the Council Chamber, Knowle, Sidmouth
on Wednesday, 30 October 2013

Present:

Councillors:

Paul Diviani (Leader/Chairman)
Ray Bloxham
Iain Chubb
David Cox
Stephanie Jones
Ian Thomas
Phil Twiss
Tom Wright

Also

Present:

Councillors:

David Atkins	Tony Howard
Peter Bowden	Douglas Hull
Peter Burrows	Sheila Kerridge
Geoff Chamberlain	Frances Newth
Maddy Chapman	John O'Leary
Deborah Custance Baker	Helen Parr
Christine Drew	Geoff Pook
Martin Gammell	Pauline Stott
Steve Gazzard	Brenda Taylor
Pat Graham	Tim Wood

Also

present:

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Denise Lyon, Deputy Chief Executive
Simon Davey, Head of Finance
John Golding, Head of Housing
Karen Jenkins, Corporate Organisational Development Manager
Carol Austin, Communications and Promotions Officer
Angela Blackwell, Gallery Curator
Libby Jarrett, Revenues and Benefits Manager
Charlie Plowden, Countryside & Leisure Manager
Deborah Smith, Gallery and Shop Officer
Lisa Timberlake, Development Surveyor
Diana Vernon, Democratic Services Manager
Hannah Whitfield, Democratic Services Officer

Apologies

Cabinet: Councillor

Iain Chubb
Jill Elson
Andrew Moulding (Vice Chair)

Non Cabinet Members

Mike Allen	Steve Hall
Bob Buxton	Peter Halse
Alan Dent	John Jeffery
Graham Godbeer	Mark Williamson
	Eileen Wragg
	Steve Wragg

The meeting started at 5.30 pm and ended at 7.20 pm.

In compliance with The Local Authorities (Executive Arrangements) Meetings and Access to Information) (England) Regulations 2012, during consideration of items on the agenda, alternative options were considered by Members when making decisions.

The audio recording of the meeting failed for technical reasons.

***90 Public Questions**

The Leader welcomed Councillors and members of the public to the meeting.

A member of the public indicated his wish to speak at agenda item 16 – Rent Subsidy proposal for organisations within Regeneration Project Areas. The Leader, with the agreement of the Cabinet, advised that this item would be brought forward for consideration earlier in the agenda.

Councillor Cox gave Members a positive update on Science Park progress – project sign up had now taken place and build was due to start next year.

***91 Minutes**

The minutes of the meeting of the Cabinet held on 2 October 2013 were confirmed and signed as a true record.

***92 Declarations of interest**

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Cllr Pat Graham	97	Personal	Councillor's husband was president of the Sea Cadets.

***93 Exclusion of the Public**

RESOLVED: that the classification given to the documents to be submitted to the Cabinet be confirmed there were 5 items which Officers recommended should be dealt with in Part B.

***94 Forward Plan**

Members noted the contents of the Forward Plan for Decisions for the period 1 November 2013 to 28 February 2014.

***95 Matters referred to the Cabinet**

There were no matters referred to the Cabinet by the Overview and Scrutiny Committee or the Council.

***96 Overview and Scrutiny Committee - 26 September 2013**

Members received and noted the minutes of the meeting of the Overview and Scrutiny Committee held on 26 September 2013.

The recommendations of the Fees and Charges Task and Finish Forum (Overview and Scrutiny Minute 77) had been considered by the Cabinet at its last meeting. The recommendations would be taken into account during the budget setting process.

RESOLVED 1 that the resolutions were noted

Minute 30 that the outcome of the Information Commissioner's investigation be awaited before the issue of pre-application advice was revisited.

RESOLVED 2 that the following recommendation be approved

Minute 28 that consultation to establish what services are most important to the public be considered once existing research data has been analysed, and the value of discretionary services has been debated by the Budget Scrutiny TaFF and the Overview and Scrutiny Committee.

***97 Rent subsidy proposal for organisations within Regeneration Project areas**

Mr Peter Todd spoke on behalf of the Exmouth Rowing Club and the proposed move to the vacated RLNI building. The grant from Sport England to the Club, subject to conditions, would be used to refurbish the building. He said that the Club was run by volunteers and that it had just become a registered charity. He advised that the Club could afford to pay £2000 per annum but would not be able to commit to the lease if it was required to pay Market Rent in 5 years' time. He said that the Council would benefit from the Club's lease of the premises as it was a full repairing lease - the building was in need of refurbishment. He advised that the Club was not a commercial business but a not-for-profit organisation which served the community. He asked the Council to consider continuing with its rent subsidy beyond the first 5 years of the lease and link any increases with cost of living rises. Given this assurance, the Club would be able to enter into a lease agreement and make plans for its future.

Councillor Jill Elson had given her apologies for non-attendance but asked for her comments on this item to be read out. She wrote that the Exmouth Rowing Club had expressed its concerns in respect of the proposed rent increases from £2000 in year 1 to a possible £4000 in year 5 or the market rent as agreed by the District Valuer. She reminded Cabinet that the Rowing Club was a small club that was in need of improved facilities - a bid for funding from Sport England had been successful. Councillor Elson said that very gradual increases in rent each year for 5 years and beyond, subject to negotiated levels based on audited accounts, was a preferred way forward. She added that small local charities were struggling to survive in the present economic climate. She referred to the Club's involvement with the community and local schools.

The Leader advised that Councillor Moulding (Chairman of the Exmouth Regeneration Board), who was also absent from the meeting had expressed similar comments to those of Councillor Elson.

*97 **Rent subsidy proposal for organisations within Regeneration Project areas (continued)**

During the subsequent discussion the following points were raised:

- The Club and its facilities were a community benefit
- The requirement to pay Market Rent after 5 years would put the Club's future at risk and the benefit to the wider community could be lost
- Consideration of rent levels should be considered by the Asset Management Forum with community benefits taken into account. The Forum could help create a clear and rational policy to reflect how the final rent and any subsidy (and the basis for this) had been calculated.
- The principle of market rent should be clearly understood by Members on those occasions where a subsidy was being sought – in order for Members to be able to make an informed decision. Market rent should be the default with a separate fund established by the Council to provide subsidies if deemed appropriate.
- The Exmouth Regeneration project had forced the Club's relocation but similar issues in respect of local clubs were district-wide and not limited to the regeneration areas.
- There was a degree of urgency to finalise the lease arrangements to enable the Club to apply for grants and funding.

- RESOLVED**
- (1) that compensation be agreed where a negative impact may occur due to relocation caused by the regeneration projects - a subsidy be considered to affected organisations to help pay the assessed Market Rent.
 - (2) that where a rental for new premises is greater than previous then a period of time not exceeding 5 years will be considered for a rental subsidy;
 - (3) that the Asset Management Forum be tasked to consider the wider issue of rental subsidies on EDDC premises within the Asset Management Strategy Review and return to Cabinet with a report and recommendations;
 - (4) that the Deputy Chief Executive - Development, Regeneration and Partnerships be authorised to negotiate an agreed rent subsidy arrangement in such circumstances, including the Exmouth Rowing Club's case, that does not exceed 5 years, at which point such arrangements will be reviewed.

REASON

The Council has a priority policy and practical commitment to invest resources in the regeneration of particular locations across the District for the wellbeing and economic benefit of residents, businesses and organisations. In certain instances these interventions will involve the displacement of businesses and organisations. In these instances rent subsidies to those affected tenants can be considered. The Council is not and should not be obliged to necessarily offer subsidies.

98

Business Continuity – key decision

Denise Lyon, Deputy Chief Executive, advised that the Council had agreed the wider Emergency Plan in April 2013. Members were now asked to approve the Council's approach to business continuity in the event of a major incident affecting the Council either directly or indirectly. The hierarchy of plans at Appendix A to the report explained the various roles, inter-dependencies and responsibilities across the organisation in the event of an emergency impacting on the Council's ability to deliver its services. Members' attention was drawn to the objectives within the Plan and to the continuity plans of specific key services – IT, Property Services and Home Safeguard.

RECOMMENDED that the Council's Business Continuity Plan be adopted and added to the Policy Register for review in two year's time.

REASON The Civil Contingencies Act 2004 gives councils the duty to continue to provide services whilst dealing with a major incident affecting the Council either directly or indirectly. The Council needs to have an up-to-date and risk based approach to Business Continuity Planning.

*99

Banking Arrangements – key decision

The Head of Finance presented his report on the review of the Council's current banking arrangements. This report had already been considered and supported by the Budget Working Party. The report identified potential areas for cost savings/raising charges, notably in respect of counter payments (Girobank) and Edit (internet/phone payments). Payments by credit card were a significant cost to the Council for which it did not currently levy a charge. Members were advised that the majority of other Devon Authorities charged their customers (with exceptions) between 1% and 2% for payment by credit card.

The report also reviewed the provision of the Council's general banking facilities as the contract with Lloyds Bank was due for renewal. Independent benchmarking of this contract had been carried out by Focus on Banking and had proved that the current contract offered best value. Members were asked to agree to an exemption to contract standing orders so that the existing contract with Lloyds Bank could be extended for a further 3 years.

RESOLVED

- (1) that the Council's provider for counter payment services be changed to Procurement for Housing (PFH) under the framework agreement;
- (2) that a charge on credit card payments be levied at least equal to 1.5% of the amount paid, subject to the exceptions set out in the report;
- (3) that exemption from contract standing orders be agreed to enable the Council to continue with Lloyds Bank as its bankers for the next three years, for the reasons set out in the report.

REASON To achieve best value in provision of the Council's payment and banking facilities.

*100 **Council Tax Reduction Scheme – update on Welfare Reform and Technical changes to Council Tax – key decision**

Members considered the report of the Revenues and Benefits Manager which complied with the requirement for the Council to consider whether to revise or replace its Council Tax Reduction Scheme. The report set out the proactive and effective work of the service which had supported working age customers affected by the Welfare Reforms. The impact of the Council Tax Reduction Scheme was being closely monitored and was evidenced in the equality impact assessment. This did not highlight any disproportionate impact on any groups within the protected characteristics and therefore rather than change the scheme following the remaining 6 months of the first year of its operation, Members were recommended to continue with the existing scheme for a further year.

The report also provided an update on:

- size restriction for social rented tenants, Benefit Cap and other welfare changes and
- technical changes to Council Tax.

The Head of Finance drew Members' attention to the Council Tax Support Grant which was passed to parish and town councils. It was anticipated that the level of this grant would be cut and the Head of Finance recommended levels of this grant made to parish and town councils should be reduced accordingly. The Council would advise local councils in writing of this anticipated reduction.

Councillor Tom Wright said that the acceptance of change to Council Tax arrangements by the public reflected well on the Revenues and Benefits Team and the proactive work that they had carried out to reduce the impact of the scheme; this was no small achievement.

- RESOLVED**
- (1) that the update on the impact of the Council Tax Reduction Scheme and other welfare changes be noted;
 - (2) that the Council Tax Support Scheme Policy (including the Exceptional Hardship Policy) be approved for 2014/15 – this was in line with the Council's existing scheme – with delegated authority being given to the Head of Finance in consultation with the Finance Portfolio Holder to make amendments to the policy document to take account of any typographical issues and any further changes in law, government guidance and/or policy;
 - (3) that the current level of discounts following the technical changes to council tax that have previously been approved by Council remain at the same level as outlined in the report;
 - (4) that the Council Tax Support Grant passed to parish and Town Councils be reduced in 2014/15 in line with this Council's Government Finance Settlement.

*100 **Council Tax Reduction Scheme – update on Welfare Reform and Technical changes to Council Tax – key decision**

REASON The Council is required to consider the Council Tax Reduction Scheme by 31 January for the following year. On the basis that we are only half way through the first year of operation, it is still too early to measure the full customer and financial impact and therefore it was felt to be appropriate to continue with the existing scheme.

This was in line with other Devon Authorities.

*101 **Revenues and Benefits e-Services**

The Head of Finance presented the business case for the purchase and implementation of e-Services software modules for the Council's existing Revenues and Benefits System.

The benefits of the software for the Council and its customers were set out in the report. These included providing greater choice and flexibility to customers and achieving costs and efficiency savings for the Council.

Costs involved would be repaid in just over 2 years through savings obtained in staff costs. The report and its recommendations had been considered and supported by the Budget Working Party.

- RESOLVED**
- (1) that the purchase and implementation of the e-Services software modules of the existing Revenues and Benefits IT System be approved – the capital budget requirement of £80,524 to be met from the Transformation Fund;
 - (2) that an exemption from Contract Standing Orders be agreed, for the reasons set out in the report, in order to purchase software modules from the existing Academy Revenues and Benefits software suppliers.

- REASONS**
- (1) The software will give customers greater choice in accessing one of the Council's main service areas and will generate financial savings for the Council.
 - (2) The Academy e-Services modules are written by Academy for the system used by the Council. To use an alternative package would mean that the Council would have to change the main business software. This would not be cost effective or practical.

102 **Playing pitch strategy update**

Members noted the joint report of the Planning Policy Officer and Countryside and Leisure Manager in respect of the production of an updated Playing Pitch Strategy. Members noted the reasons for the update and the benefits of producing a joint Strategy with Exeter. The work would be based on revised methodology provided by Sport England.

The work would require the appointment of specialist consultants through a tender process at an estimated cost of £10,000.

102 **Playing pitch strategy update (continued)**

- RECOMMENDED**
- (1) that progress so far on the production of an up-to-date Playing Pitch Strategy be noted;
 - (2) that the technical pitch assessments and data analysis work of the Playing Pitch Strategy be offered for competitive tender, with consultants being commissioned accordingly;
 - (3) that, Officers receive and assess tenders for undertaking the work before committing the commission of consultants, noting the limitations on the budget of the Planning Policy team and other services of the Council;
 - (4) that the emerging Public Health Plan for East Devon provide the strategic framework for developing wider sports and leisure provision within the District.

REASONS

A Playing Pitch Strategy is an important piece of evidence in requesting developer contributions, responding to planning applications and directing investment in sports pitches. Sports clubs also rely on its existence to be able to access funding from their governing bodies and Sport England. The current Playing Pitches Strategy is out of date and this is now causing problems in evidencing the above issues and for sports clubs. Encouraging an active, healthy population should be a key aim of the Council and the Public Health Plan will help to achieve this.

*103 **Financial monitoring report 2013/14 Month 6 – August 2013**

Members considered the financial monitoring report which gave a summary of the Council's overall financial position for 2013/14 at the end of month 6 (30 September 2013). Current monitoring indicated that:

- The General Fund Balance was being maintained at or above the adopted level. The predicted balance was £0.288m above the Council's maximum adopted level of £3.6m but no decision on the surplus was required until the final position was known.
- The Housing Revenue Account (HRA) Balance will be maintained at or above the adopted level. The current balance was well above the recommended level and would be used to further invest in housing stock, to offset any adverse effects of the Welfare Reform and to ensure sufficient funds are available to make the first repayment of principal on the self-financing loans due in 2014/15. In addition £1.710m was held in a separate reserve.
- There was sufficient Capital Reserve to balance this year's Capital Programme. It is estimated that £2.409m will be available in the Reserve to support the programme from 2014/15 onwards.

*103 **Financial monitoring report 2013/14 Month 6 – August 2013
(continued)**

RESOLVED that the variances identified as part of the Revenue and Capital Monitoring process up to month 6 be acknowledged;

REASON The report updates Members on the overall financial position of the authority following the end of each month and includes recommendations where corrective action is required for the remainder of the financial year.

104 **Neighbourhood Plans – proposed protocol and appointment of Officer**

Members considered the report of the Planning Policy Manager setting out a proposed protocol advising on the stages in Neighbourhood Plan production, the procedural steps with which a Plan producer and the Local Planning Authority will need to comply and the help which may be available from the District Council.

Members were also asked to consider use of some of the Government funding for the scheme to fund the appointment of a dedicated Neighbourhood Plans Officer to help process the number of Plans coming through and anticipated.

- RECOMMENDED**
- (1) that the proposed text of the Neighbourhood Planning Protocol contained at Annex A to the report, subject to correction of any minor typographical errors and insertion of any missing details, be endorsed;
 - (2) that delegated authority be given to the Head of Planning or the Planning Policy Manager to publicise;
 - (i) all applications for designations of Neighbourhood Areas and Neighbourhood Forums, and
 - (ii) submitted Neighbourhood Development Plan documents,

in accordance with the requirements of The Neighbourhood Planning (General) Regulations 2012;

- (3) that delegated authority be given to the Head of Planning or the Planning Policy Manager, in consultation with the legal department, to exercise the power to decline to consider, or refuse, any proposal where the proposal is not legally compliant and publish a notice to that effect giving reasons for the decision taken;
- (4) that, in the event of a 'no' vote in a single referendum or two 'no' votes where there are two referenda then the Head of Planning or the Planning Policy Manager be authorised to publish a notice to the effect that the proposal to make a neighbourhood plan has been unsuccessful;

104 **Neighbourhood Plans – proposed protocol and appointment of Officer (continued)**

- (5) that a Neighbourhood Planning Officer be appointed for a fixed term of two years at an annual salary of £25,000-£30,000.

REASON To establish an agreed process for managing Neighbourhood Plan production and to ensure the Planning Policy team at the Council has a staff resource for this work.

*105 **Proposed designation of Luppitt and Stockland Neighbourhood Areas**

Members considered the report of the Senior Planning Officer in respect of proposals received to designate Luppitt and Stockland Parishes as Neighbourhood Areas. There had been no comments or objections arising from the six week consultation period.

RESOLVED that the following Parishes be designated as separate Neighbourhood Areas:

- Luppitt
- Stockland

REASON No objection had been raised to the designation and both complied with the requirements of the regulations.

106 **Exe Estuary Flood and Coastal Erosion Risk Management Strategy and Exmouth and Dawlish Beach Management**

Members considered the report of the Senior Engineer (Technical) setting out a request from the Environment Agency for partners to work together to develop a strategic framework for the future management of coastal erosion and coastal flood risk of the Exe Estuary. The Exe Estuary Flood and Coastal Erosion Risk Management Strategy had identified the need for flood defence and beach management works at Dawlish Warren. This work (which would benefit from Flood Defence Grant in Aid funding) was now being put in place by the Environment Agency and Teignbridge District Council; work would start on site by March 2015.

The Strategy also identified the need for beach management works at the Maer, Exmouth which would not qualify for Flood Defence Grant in Aid funding and would depend on third party funding to be secured by EDDC.

Members were advised that working jointly with partners on the Dawlish scheme could potentially deliver the beach management works at Exmouth. This would achieve significant capital savings. The first step would be to produce a beach management plan and undertake investigative works required.

Members spoke in support of a comprehensive scheme, the key issues to be addressed and the importance of active negotiation for a solution to benefit Exmouth equally as well as Dawlish.

106

Exe Estuary Flood and Coastal Erosion Risk Management Strategy and Exmouth and Dawlish Beach Management (continued)

- RECOMMENDED**
- (1) that the Exe Estuary Flood & Coastal Erosion Risk Management Strategy as it applies to the coastal and estuarine areas of East Devon be adopted and the other recommendations contained within the Strategy be supported;
 - (2) that potential beach management works at Exmouth be included in the Dawlish scheme's appraisal and development stages with £75k being made available towards the Exmouth scheme's appraisal and development;
 - (3) that EDDC officers investigate potential sources of funding to support the possible future detailed design and construction stage of works at Exmouth.
- REASONS**
- (1) The Strategy will help promote partnership working on coastal erosion risk management solutions and realise the potentially significant cost saving that could be made by including Exmouth alongside the Dawlish Warren Beach Management scheme.
 - (2) To promote a sustainable programme for replacement of inter-tidal habitats and comply with mandatory and statutory obligations including the Water Framework Directive.

*107

Imperial Recreation Ground Landfill Scheme – overspend on Capital Budget

Members considered the report of the Senior Engineer (Technical) which advised of a budget overspend of £185k on the Imperial Recreational Ground Landfill Scheme which was nearing completion. The report set out the main reasons for this technical overspend and the need to repair the site to a good standard.

RESOLVED that the £185k overspend on the Capital Budget for the Imperial Recreation Ground Landfill Scheme be noted - this puts the total over the revised budget of £750k, but still inside the original budget of £1.15m

REASON In order to complete the contract works to provide a safe amenity area for the public for another 50 years.

Thelma Hulbert Gallery (THG) progress report

Councillor John O’Leary, Culture Member Champion and Chairman of the Arts and Culture Forum said that the Gallery and arts offer supported the Council’s commitment to culture, its communities and health and well being. The full review of provision and operations aimed to see where improvements could be made; key changes had already been implemented as a result. He was optimistic that footfall and income would continue to increase. He referred to the positive work carried out with schools and the community and particularly with disadvantaged groups. He referred to the valued work of the Forum which had identified support for arts and culture across the district and its advantage to the local economy. He thanked the Forum, Gallery Volunteers and Staff for their important contribution.

In presenting the progress report the Countryside and Leisure Manager highlighted improvements made and actions progressed. Changes included a review of the Gallery’s offer, business model and staff structure. The changes had taken time to plan and implement and in reality had only been in place for a few months. However the changes to operations were significant and indicated a clear upward trend in respect of footfall and increased income. The report referred to the contribution the Gallery made to the Council Plan, equalities agenda and the emerging Health and Wellbeing requirements which Members were asked not to underestimate.

Steps taken to increase footfall and income included:

- Changes to the Gallery shop
- Review of the roles and responsibilities of all the Gallery Staff.
- Recruitment of a Fundraising/Marketing Officer
- Internal audit and systems thinking review of Gallery operating procedures.
- Working with a business consultant (paid for by an Arts Council grant) to develop a realistic business plan and marketing strategy.
- Developing the Friends of the THG initiative
- The effective contribution of the Arts and Culture Forum – set up by Cabinet to oversee strategic improvements and promote the wider arts and culture within East Devon.

Details of the Gallery’s financial performance included within the report showed an encouraging trend of improvement, although from a low base. In addition to increased shop sales and visitor footfall, the Marketing and Fundraising Officer was starting to bring in sponsorship for forthcoming exhibitions and funds from the Arts Council - the Gallery was held in high esteem by the Arts Council.

Proposed next steps included developing the cafe area with a potential partner, improving gallery signage and access and exploring the possibility of a Trust arrangement which could open new funding streams available to charitable trusts.

Members debated the benefits of the Gallery, the burden on the Council’s budget and how this might be addressed and district-wide arts support and provision. Members discussed whether the Council should continue to support the Gallery and whether that support should be time limited.

108 **Thelma Hulbert Gallery (THG) progress report (continued)**

There was potential for the Gallery to be run as a Trust which would open up new opportunities for grants and funding. If this potential was to be realistically progressed, the Gallery needed to continue as a going concern.

- RESOLVED**
- (1) that the progress and improvements made by the Thelma Hulbert Gallery be noted;
 - (2) that the national recognition and awards for the THG's achievements in community engagement and education be welcomed;
 - (3) that the proposal to use the existing budget to appoint permanently to the Marketing/Fundraising Officer post be approved to maximise the Gallery's ability to fundraise and increase footfall (and potential visitor spend);
 - (4) that the existing corporate arts and culture budget be used to appoint a part time Arts Development Officer to deliver a coherent Arts and Culture Strategy for the District.

- RECOMMENDED**
- (1) that, it be noted that when available, the Arts Council funded business report will be referred to Cabinet for detailed consideration and used as appropriate to progress preparation of the Gallery for Trust status which the Cabinet approved in principle and as a priority.

- REASONS**
- (1) Cabinet had requested an update report to enable it to assess progress made in reviewing the operational performance of the Thelma Hulbert Gallery. This would inform the Council's 2014/15 budget deliberations.
 - (2) An effective Trust arrangement could allow the Gallery to access grants and funding not currently available and reduce the financial burden on the Council.

*109 **Performance Management report September 2013**

Members considered the report of the Corporate Organisational Development Manager setting out performance information for the 2013/14 financial year for September 2013.

Members noted the ongoing improvement to the one indicator which continued to show concern, namely: Days taken to process Housing Benefit/Council Tax Benefit new claims and change events.

- RESOLVED**
- that the progress and proposed improvement action for performance measures for the 2013/14 financial year for September 2013 be noted.

***109 Performance Management report September 2013 (continued)**

REASON The monthly monitoring was to highlight performance and help identify any trends. Additional information to support this monitoring was provided on line – SPAR performance indicators and systems thinking measures in key service areas – Streetscene, Housing, Development Management and Revenues and Benefits.

***110 Exclusion of the Public**

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

***111 Closure of Cash Office at Knowle – Key Decision**

The Head of Finance presented the report recommending that, as a result of changes in customer demand, the operational difficulties of maintaining this facility and the need to find financial savings, the Council will no longer operate a cash office at Knowle. The report and its recommendations had been considered and supported by the Budget Working Party. Members noted the Equality Impact Assessment which had been included with the agenda papers.

RESOLVED that the Council no longer operates a cash office facility at the Knowle.

REASON Customer payment preferences have changed to automated process and the need to maintain a cash office is considered unnecessary, particularly when other issues considered in the report are taken into account.

Chairman

Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the
Overview and Scrutiny Committee held
at Knowle, Sidmouth on 26 September 2013

Present: Tim Wood (Chairman)
Graham Troman (Vice Chairman)

Mike Allen	Sheila Kerridge
Peter Bowden	David Key
David Chapman	Frances Newth
Maddy Chapman	John O'Leary
Deborah Custance Baker	Brenda Taylor
Vivien Duval Steer	Chris Wale
Roger Giles	Steve Wragg
John Humphreys	Claire Wright

Officers:

Richard Cohen, Deputy Chief Executive
Simon Davey, Head of Finance
Henry Gordon Lennox, Principal Solicitor
Debbie Meakin, Democratic Services Officer

Also Present

Councillors:

David Atkins	Steve Hall
Iain Chubb	Stephanie Jones
David Cox	Andrew Moulding
Paul Diviani	Pauline Stott
Christine Drew	Ian Thomas
Jill Elson	Tom Wright
Graham Godbeer	

Apologies:

Committee Members:

Derek Button	Ray Bloxham
Eileen Wragg	Alan Dent

The meeting started at 6:30pm and ended at 09:57pm.

***22 Public Question Time**

The Chairman welcomed Councillors to the meeting. There were no public questions at this point of the meeting.

***23 Minutes**

The minutes of the meeting of the Overview and Scrutiny Committee held on 25 July 2013 were confirmed and signed as a true record.

***24 Declarations of Interest**

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Cllr Frances Newth	25	Personal	Committee member of Sidmouth Hospital
Cllr Ian Thomas	28	Personal	Director on Exeter Science Park Board

***25 Proposed changes to hospital services at Budleigh Salterton and Exmouth**

The Chairman welcomed Tamara Powderley, Dr Richard Mejzner, Dr Tom Debenham and David Basset to the meeting.

Dr Mejzner outlined how the WEB consortium were working to provide more effective and better located key specialism areas, drawing on both national research and local schemes that had received positive feedback. The consortium had already undertaken significant consultation with a view to changing services at Budleigh Salterton and Exmouth hospitals.

The proposed community hub in Budleigh Salterton would involve the combination of health and social care, along with voluntary sector involvement to provide a strong support base for the community. The Budleigh Salterton provision would include access to Age Concern and a memory cafe.

In response to the proposals to reorganise some specialist services such as provision for stroke patients, Members raised issues including:

- Having adequate staffing for community hospitals;
- Positive responses to the Hospital at Home scheme;
- Ensuring quality of staff extended to agency staff who took over once Hospital at Home team leaves;
- Whether the level of beds for stroke patients, once centralised, would remain the same;
- Health involvement in planning for the future especially in regard to the Local Plan and in ensuring there are comments on large scale planning applications.

In response, Members were told of the benefits of centralised scheme for stroke care both in the quality and continuation of care for the patient; and the improved sustainability of staffing for a centralised unit. The provision of beds for stroke patients would be likely to remain at the same level, but the type of bed (for example for acute patient bed) levels may fluctuate according to the demand.

Many Members spoke of positive experiences of the Complex Care Teams and the Hospital at Home scheme. The Portfolio Holder for Sustainable Homes and Communities thanked the WEB Consortium for keeping Members informed and praised the strong communication links in place.

The Chairman thanked the Consortium members for their attendance and asked that they attend in the near future for discussion on wider health issues.

***26 Transport Infrastructure Investment**

The Chairman welcomed Dave Black, Head of Planning, Transportation and Environment, and Nicola McIntyre of Devon County Council to the committee.

Mr Black gave the committee an overview of the development of the A303, including the findings of the consortium set up by Somerset. Three sections had been identified that would offer value for money with relatively quick delivery at:

- Chicklade Bottom to Mere (projected cost £150m)
- Sparkford to Ilchester (projected cost £50m)
- Ilminster to Honiton (projected cost £50m)

Following discussions with the Minister, Stephen Hammond, the A303 was back on the Government agenda with agreement for a feasibility study of the A303/A30/A358. Mr Black presented to the committee the work streams in place by the County, including an allocation of funding by the County Council for the Honiton to Broadway section of the A303.

Members raised concern over issues with the A303, including:

- Accident blackspots
- High volume of traffic particularly during summer months or when traffic flow was impaired on M5;
- Lack of services available late at night;
- Reporting of accidents not reflecting true accident rate and why accidents occurred;
- Monkton section could be vastly improved by removal of trees lining route.

Whilst Mr Black concurred with the issues concerned, he reminded Members of the criteria by Government for attracting funding, and how modest schemes had been worked on rather than expensive, larger scale schemes that would be more likely to be rejected.

The Members were advised of the representatives that made up the Local Transport Board, and the Devon schemes they had prioritised to draw down funding. Schemes included:

- Tithebarn Link Road at £6.21m;
- Airport Access Road at £1.4m;
- Cranbrook Station at £3.7m;
- Newcourt Station at £1.4m.

Schemes in the pipeline included the A303/Exeter to Waterloo line, which currently had a study underway. This scheme was not yet advanced enough to bid for funds. In response to a question about how the committee could help support the County Council in pursuing the scheme, Mr Black advised that letters of support from local groups (such as Chambers of Commerce) would benefit, once a consensus on the scheme had been reached.

Councillor Mike Allen extended an invitation to Mr Black to meet with Honiton representatives including the Town Council to discuss the strategic approach to Honiton's transport links.

Members appreciated the informative presentation to update them.

***27 Overview of Budget Scrutiny**

Simon Davey, Head of Finance, outlined the currently budget forecast for the medium term. He reminded Members of the continued reductions in Government funding and the current strategy for use of the New Homes Bonus to help meet the shortfall.

The scrutiny of the draft budget for 2014/15 would take a different format for the Committee this year, with a series of presentations from Portfolio Holders to the main Committee covering a large chunk of the budget – Economy and Environment – and further more detailed work by a Budget Scrutiny Task and Finish forum. Portfolio Holders would be presenting their 4% savings proposals at the first meeting of the TaFF on 10 October.

The Chairman outlined the approach of the TaFF in debating the discretionary aspects of the portfolios.

In answer to questions on New Homes Bonus top slicing and changes to retention of 50% of business rates, the Head of Finance assured the committee that risks relating to these two elements had been mitigated.

***28 Update from Portfolio Holder for Economy**

The Chairman welcomed Councillor Ian Thomas, the Portfolio Holder for Economy. Members were provided with a budget breakdown of the portfolio that helpfully set out the various elements within the portfolio. This included expenditure breakdown and the purpose of each element. Assets were also set out against each element as were staff numbers.

The Portfolio Holder also highlighted a number of areas where work progressed, including:

- Science Park (with particular thanks to Brian Wilkes from the Legal Team, and the Head of Finance);
- Likely representation for the Devon district councils on the LEP;
- Seaton regeneration – including plans for development of workshops;
- Vampire death squid – the term now used describing the monopoly supplier of broadband. The Portfolio Holder's think tank would now be used to consider this issue.

In response to a question from the Committee on the general review of discretionary activities and the expenditure involved, whilst there was support for gaining the public's view on the prioritisation of services, other survey findings were available (such as Yougov at a national level; and the results of a recent local residents survey was being compiled). The Committee discussed the other information that may be available, including a pending survey of the business community agreed by the Business Task and Finish Forum. They debated the value in reviewing existing information and forthcoming survey information, alongside examining the discretionary elements, before embarking on further consultation with the public on prioritisation.

RECOMMENDATION: that consultation to establish what services are most important to the public be considered once existing research data has been analysed, and the value of discretionary services has been debated by the Budget Scrutiny TaFF and the Overview and Scrutiny Committee.

***29 Fees and Charges Task and Finish Forum Interim Report**

The Chairman presented the interim report of the Fees and Charges task and finish forum, outlining the extensive work by the Forum in benchmarking and scrutinising the existing fee structures to reach the recommendations set out in the report. Concern was raised by some of the committee in relation to the percentage increase in some of the charges listed, particularly for those relating to cemeteries.

The recommendations listed in the report were voted on and approved by a majority.

- RECOMMENDATION:**
- (1) Countryside Service:
 - (a) to increase above inflation or to cover significant cost increases for 2014/15 due to the nature of the service objective being educational;
 - (b) investigate as a spend to save initiative shifting the focus of the service to allow the offer of commercial consultation on arboriculture and ecological issues, recognising that this may require additional staff resource in order to maintain the existing service.
 - (2) HomeSafeGuard:
 - (a) to increase above inflation or to cover significant cost increases for 2014/15 due to the nature of the service objective being predominately for vulnerable people;
 - (b) investigate moving the service into the telecare market as a spend to save initiative.
 - (3) Private Water Supplies:
 - (a) increase risk assessment fee by 10% for 2014/15 on completion of inspection of remaining properties on current inspection rota;
 - (b) increase supply sampling charge to from £60 to £70 for 2014/15;
 - (c) review actual cost of inspection of caravan sites in preparation for any legislative change that introduces the requirement for a caravan site licence (based on the assumption that this would attract a charge).

*29 **Fees and Charges Task and Finish Forum Interim Report (continued)**

- RECOMMENDATION:**
- (4) No changes to the current levels of charges for Licensing (including Environmental Health function with licensing administered by Licensing) apart from:
- (a) increase Hackney Carriage and Private Hire fees in line with full recovery of costs;
- (b) increase Cemetery Fees for 2014/15 as follows:
- 1) Interment (Adult) from £415 to £480
 - 2) Interment (Ashes) from £113 to £140
 - 3) Interment (Scattering) from £78 to £100
 - 4) Exclusive rights of burial (Adult) from £622 to £850
 - 5) Exclusive rights of burial (Ashes plot x 4) from £276 to £350
 - 6) Exclusive rights of burial (Ashes plot x 2) from £156 to £200
 - 7) Exclusive rights of burial (Ashes plot x 1) from £78 to £100
 - 8) Headstone from £155 to £170
 - 9) Flat/foot/kerb stone from £155 to £170
 - 10) Vase/tablet/inscription from £70 to £80
 - 11) Chapel Service from £100 to £120
 - 12) Woodland burial plot from £415 to £960
 - 13) Register search from £25 to £30
- (5) Planning:
Introduce a new charge for letters responding to requests from householders regarding requirement to apply for permission at £35 per written response. Enquiries of a brief nature by phone and at reception to remain free of charge with advice if the response would be substantial enough to require the chargeable written response.
- (6) No changes to the current levels of charges for Building Control due to the competitive nature of the market.

*29 **Fees and Charges Task and Finish Forum Interim Report (continued)**

- RECOMMENDATION:** (7) Streetscene:
- a) The following charges are retained at being increased in line with RPI:
 - 1) Allotments
 - 2) Benches
 - 3) Boats and Winches
 - 4) Schedule 2 Waste collection
 - b) Review of beach hut charges:
 - 1) Review demand at end of season before actioning subsequent recommendations;
 - 2) Charges retained at being increased in line with RPI;
 - 3) Note high demand for sites in Budleigh Salterton and review offer at Budleigh Salterton at end of 2013;
 - 4) Review switch to site only offer and extending terms of lease to year round for 2015/16;
 - c) Set charge of £25 plus VAT for collection of 3 items under Bulky Household Waste; with a subsequent charge of £10 for each subsequent item with limit on number of items to be decided at an operational level;
 - d) Review charges for commercial events with Portfolio Holder to incorporate:
 - 1) Full charge for commercial bodies;
 - 2) Concession rate for community and charity events to cover at least the administration charge;
 - 3) Assessment of charging model used by Exeter City Council
 - e) Make available the hire of a section of Connaught Gardens on a trial basis of up to one event per month during the period April to October, subject to review by the Portfolio Holder to assess feasibility, cost to provide and advertise. It is recognised that, due to the nature of the event market, this may not generate significant income until 2015/16;

***29 Fees and Charges Task and Finish Forum Interim Report (continued)**

RECOMMENDATION:

- f) Increase charge for water taxi operation agreement by 10% for 2014/15;
 - g) Review actual costs of cleansing toilets in conjunction with asset review;
 - h) Asset Management Forum to review recovery of costs on sports assets outside of the LED contract, with focus on ability to pay for membership based clubs and community use.
- (8) Hire of Knowle building function rooms to retain same charge level with an RPI increase for 2014/15 due to limited life of the building within Council control.
- (9) Continue approach of 5% increase in office rent rates at the East Devon Business Centre and maintain conference and training room hire at current rates.

***30 Pre-application advice - confidentiality**

Jessica Bailey, a member of the public, asked why the document released in April 2013 called "Probity in Planning" had not been referenced in the report before committee. She spoke of the importance of making pre-application information available to the public, and that she had been advised that all pre-application information was classed as "confidential" and not considered on a case by case basis for release as indicated in the report. She also advised the committee that the complaint referred to the Information Commissioner referenced in the report was now being investigated by the Information Commissioner.

The Committee were reminded that the report had been produced, as directed, on the issue of confidential information contained within pre-application advice, not on the topic of pre-application advice generally.

Councillor Roger Giles drew the Committee's attention to the "Probity in Planning" document, which had recently been endorsed by the Standards Committee. The document clearly stated that written record of pre-application discussion must be placed on the planning file available for public inspection. The report related specifically to confidential and commercially sensitive information within pre-application discussions which, to release, would breach the code of conduct for both Members and officers.

In answer to a question, the outcome of the investigation of the Information Commissioner into the complaint about the application of an exemption to an Freedom of Information request would not necessarily result in the IC advising on the Council's policy on releasing pre-application advice. Members discussed monitoring the availability of pre-application notes on planning files.

***30 Pre-application advice – confidentiality**

A proposal was made and seconded that pre-application discussion note(s) should be placed on the file as a public record; if there is a legitimate reason for confidentiality regarding a proposal, a note of the non-confidential issues raised or advice given can still normally be placed on the file to reassure others not party to the discussion. The vote was not carried.

A proposal to await the outcome of the IC investigation before revisiting the issue of pre-application advice was made and seconded and was carried, with the recorded vote as follows:

For	Against
Frances Newth	Claire Wright
John Humphreys	Roger Giles
Sheila Kerridge	Mike Allen
Peter Bowden	Brenda Taylor
Chris Wale	
Vivien Duval Steer	
David Chapman	
Maddy Chapman	
Graham Troman	

RESOLVED: to await the outcome of the IC investigation before revisiting the issue of pre-application advice

***31 Performance Monitoring Quarter One 2013/14**

Red indicator on the percentage of minor applications determined within 8 weeks was noted and Members felt that this should be drawn to the attention of the Cabinet.

***32 Forward Plan**

An update on the office relocation project to the Committee was requested; following advice the Chairman sought agreement from the Committee that this should be added to the forward plan for the 30 January 2014 meeting.

A request was made to schedule in the outstanding items on the listing and to add in consideration of the Green Spaces Strategy.

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the
Overview and Scrutiny Committee held
at Knowle, Sidmouth on 24 October 2013

Present: Tim Wood (Chairman)
David Chapman (Acting Vice
Chairman)

Mike Allen	Sheila Kerridge
Peter Bowden	Frances Newth
Maddy Chapman	Claire Wright
Deborah Custance Baker	Peter Halse
Roger Giles	Eileen Wragg

Officers:

Andrew Ennis, Environmental Health and Parking Services Manager
John Golding, Head of Housing
Charlie Plowden, Countryside and Leisure Manager
Giles Salter, Solicitor
Debbie Meakin, Democratic Services Officer

Also Present

Councillors:

Ray Bloxham	Iain Chubb
Peter Sullivan	Tom Wright
David Atkins	Graham Godbeer
Pauline Stott	Paul Diviani
David Cox	Phil Twiss

Apologies:

Committee Members:

Derek Button	Stephanie Jones
Vivien Duval Steer	Andrew Moulding
Graham Troman	
David Key	
John O'Leary	
Brenda Taylor	
Chris Wale	
Steve Wragg	

The meeting started at 6:30pm and ended at 8.35pm.

***33 Public Question Time**

The Chairman welcomed Councillors to the meeting. There were no public questions at this point of the meeting.

***34 Minutes**

The minutes of the meeting of the Overview and Scrutiny Committee held on 26 September 2013 were confirmed and signed as a true record. A copy of a letter sent by the Chairman of Overview and Scrutiny to the Secretary Of State For Communities And Local Government on the subject of government funding restrictions would be circulated.

*35 **Environment Portfolio Holder Update**

The Chairman welcomed Councillor Iain Chubb, Portfolio Holder for Environment, to update the Committee on aspects of his portfolio. Due to the wide extent of the portfolio, the update and discussion centred on the following areas:

- Public health services
- Countryside and leisure
- Arts Development
- Crime and Disorder
- Licensing
- Car Parks

Public Health Services

Councillor Chubb outlined the work of the Environmental Health Team, who work closely with many sections of the Council including housing, licensing, and planning. They also work with external bodies, including the carrying out of neighbourhood assessments. He also spoke on the function of the Commercial Team, who cover food safety control, health and safety at work, and statutory registration and licensing processes.

In response to a question relating to air quality in Honiton, Andrew Ennis, Environmental Health and Parking Services Manager, advised that an action plan was being developed for publication in 2014.

In response to a question on the discretionary elements of the service, the value of the Neighbourhood Assessments in cost to undertake was very small, but yielded huge benefits, including close working with other agencies to resolve local issues.

Countryside and Leisure Services

Core work of this service covered:

- Local Nature Reserve management (12 in total)
- Environmental education working with local schools
- Trees
- South West Coast Path management
- Public engagement and events programme
- Volunteer engagement – including the volunteer network, Tree Warden scheme, and Junior Rangers
- Axe Wetlands and Water Vole Recovery projects

In response to a question on CIL funding, Charlie Plowden, Countryside and Leisure Manager, was hopeful that the service would benefit from open space contributions. He advised the Members that a new post of Green Infrastructure Project Manager was in place.

The Committee recognised that the service was discretionary. Because of the reduction in budget over the past few years, the service had been continually developing income streams to add to the funding awards, including introducing charges for public events that had previously been free. Surveys are undertaken on a regular basis to evaluate the public awareness of environmental issues in the area and the service continues to attract funding.

*35

Environment Portfolio Holder Update (continued)**Arts Development**

This area covered the Manor Pavilion and the Thelma Hulbert Gallery. A number of operational improvements had been made to the Pavilion and the new summer season had proved very popular, increasing income. The Gallery was due to discussion in depth at the next Cabinet meeting but the Portfolio Holder reported an increase in income, with a positive response to the new retail area and wider price range in goods available. Next steps were to further develop the business plan for the Gallery, and review the options for a private sector partner for the cafe.

Members praised the work put into both locations. The Deputy Portfolio Holder encouraged Members to come to Cabinet for the debate on the Gallery the following week.

Crime and Disorder

Members were reminded of the work of the Community Safety and Anti-social Behaviour Coordinator, and the close work with Mid Devon District Council. The Portfolio Holder reminded the Committee of Domestic Abuse Awareness week, which commenced on the 25 November.

Licensing

Environmental Health teams work closely with the Licensing team, providing front line inspections and investigations that ensure appropriate safety and welfare standards are maintained in a range of licensed premises.

Car Parks

The Committee were reminded of the large proportion of revenue that comes from the Council's car parks. The Portfolio Holder was keen to stress that the service strived to maintain a balance between the availability and price of car parking and the success of the District's town centres. He outlined some of the results of the pricing trials that commenced for a six-month period starting in April of this year. Trial car park income was down compared to those parking areas on the existing pricing tariff. Half price offers had not changed customer behaviour to stay longer. The good weather over the summer had benefited the car park income, particularly for the coastal car parks.

Members raised issues relating to car parks, including:

- Campervan parking at Exmouth seafront. The Portfolio Holder reminded Members that this area was of the responsibility of the County Council, but did explain that research was going into the viability of offering suitably sized parking bays in the Maer and other areas, subject to some restriction to avoid impacting on local camp sites;
- Differing opinions on the general knowledge of the trial tariffs. Signs had been in place in each car park involved in the trial;
- Consider free parking from 3pm onwards for Exmouth car parks to encourage use of the local shops on Mondays and Fridays;
- Parking spaces in Sidmouth were too valuable to be used for market stalls; however, Manor could be utilised differently to provide an income.

The Portfolio Holder welcomed any suggestions from Ward Members for ideas for the car parks in their Ward, encouraging them to e-mail him as soon as possible.

***35 Environment Portfolio Holder Update (continued)**

The Chairman, on behalf of the Committee, thanked the Portfolio Holder, his Deputy, and the officers of the related services for their valued work.

***36 Notes from Budget Task and Finish Forum**

The notes from the Budget Scrutiny Task and Finish Forum of 17 October 2013 were noted.

***37 Committee Timetable review**

The Chairman presented a paper outlining some options for committee timing, to avoid the sometimes long delay between minutes of a committee being put before a full Council meeting. Options included a six-week cycle for full Council but it was not clear how this would impact on the work of the Cabinet, who took the majority of decisions outside of the statutory elements of planning and licensing. Another option was an eight-week cycle for full Council. Research into neighbouring authorities had revealed a number of variations, with no obvious clear model to consider.

The Portfolio Holder for Corporate Business offered his help in developing alternative timetables as part of his current work.

The Committee agreed that alternative timetables should be pursued further, and reported back for future debate.

***38 Forward Plan**

A further request was made to bring forward the item on office relocation. Officer availability and progression of work on the topic was an issue that would prevent the item coming before the Committee prior to the agreed date in January.

The delay in the Business TaFF was also raised, with a request for the research with the local businesses to be progressed despite the TaFF not meeting.

Following discussion at the previous full Council on Trees, the Committee agreed that a Forum be set up with scope to be determined and agreed. Officer resource would be an issue both in providing experts and administrative support and Forum could not be progressed until the spring of 2014. Volunteers at the meeting for this Forum were Councillor Claire Wright and Councillor Roger Giles.

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Housing Review Board held at Knowle, Sidmouth on 7 November 2013

Present:

Councillors:

Pauline Stott (Chairman)
Susie Bond
Douglas Hull
Jim Knight

Co-opted Tenant Members:

Sue Saunders (Vice Chairman)
Mike Berridge
Victor Kemp

Officers:

Sue Bewes, Landlord Services Manager
Dennis Boobier, Housing Needs and Strategy Manager
Emma Charlton, Housing Projects Officer
James De Leburne, Senior Graphic Designer
Amy Gilbert, Housing Support Services Manager
John Golding, Head of Housing
Paul Lowe, Housing Enabling Officer
Jane Reading, Tenant & Communities Section Leader
Giles Salter, Solicitor
Alethea Thompson, Democratic Services Officer

Also Present:

Councillors:

Paul Diviani – Leader
Christine Drew
Stephanie Jones – Deputy Portfolio Holder for Sustainable Homes and Communities
Phil Twiss – Portfolio Holder for Corporate Services

Tenants:

Eric Howard – Tenant Scrutiny Panel
Jose Ireland – Tenant Scrutiny Panel
Sylvia Martin – Tenant Scrutiny Panel
Roger Pell – Tenant Scrutiny Panel

Apologies

Councillors:

Peter Sullivan (Board member)
Jill Elson - Portfolio Holder for Sustainable Homes and Communities
Deborah Custance Baker
Steve Gazzard
Andrew Moulding

Tenant:

John Powley

**Apologies
(cont'd)**

Co-opted Independent Community Representatives:
Julie Adkin
Rob Finch

The meeting started at 6.00pm and ended at 8.10pm.

***32 Public question time**

There were no questions raised by members of the public.

The Chairman welcomed everyone present to the meeting. She especially welcomed new tenant member Mike Berridge to his first meeting of the Housing Review Board and to the members of the Tenant Scrutiny Panel who were in attendance.

***33 Minutes**

The minutes of the meeting of the Housing Review Board held on 5 September 2013, were confirmed and signed as a true record.

Councillor Knight withdrew his request to further investigate car parking at Bucknall Close, Branscombe (minute 25, recommendation 3, 05.09.13 refers).

***34 Declarations of interest**

Board Member	Minute number	Type of interest	Nature of interest
Sue Saunders		Personal	Sheltered housing tenant.
Douglas Hull		Personal	Sister lives in a Council owned property.
Jim Knight		Personal	Daughter lives in a Council owned property.
Mike Berridge		Personal	Family member lives in a Council owned property.

***35 Urgent item**

The Chairman agreed for the Head of Housing to report to the Board in Part B of the meeting on anti social behaviour issues that had occurred at a block of Council owned flats.

***36 Exempt Information**

RESOLVED: that the classification given to the documents to be submitted to the Housing Review Board be confirmed. There were two items which Officers recommended should be dealt with in Part B.

***37 Housing Review Board forward plan**

The Head of Housing presented the forward plan.

It was noted that a new report template had been used for the agendas and feedback from the Board was requested.

The Chairman reported that Devon County Council's (DCC) Leader had assured her that the County Council would be considering Danby House and Exe Bank after April 2014.

RESOLVED: that the forward plan be noted.

***38 Home Safeguard rebranding exercise**

The Board received a presentation from the Senior Graphic Designer and the Housing Support Services Manager on proposals for a new Home Safeguard logo. The logo would be linked directly to a revised Home Safeguard marketing strategy that was currently being produced and would set out the service aspirations over the next five years. The Board were invited to comment on the new logo proposals and the Senior Graphic Designer expressed his appreciation for the Board's input.

The Housing Support Services Manager was pleased to report to the Board that Home Safeguard had recently undergone a Telecare Services Association (TSA) inspection, which it had passed with no improvement notices.

RECOMMENDED: that a new Home Safeguard logo be approved, in order to better reflect what the service delivers.

***39 Voids management – response to the Tenant Scrutiny Panel report**

The Board had received a presentation and report from the Tenant Scrutiny Panel (TSP) at its last meeting (5 September 2013) on its review of the voids process. The report made a number of recommendations and the Housing Needs and Strategy Manager's report set out a response to this.

The Housing Needs and Strategy Manager's report provided a response to all the recommendations made by the TSP. It was suggested that the Board considered the report and the recommendations before any revisions were made to the void procedure.

The report considered the three key recommendations from the TSP report, and suggested that a tenant and member led group be set up to review the void/lettable standard. This group could include representatives from those who had recently become tenants and a survey of new tenants could inform the review. The group could also consider the written information given to tenants on the work to be carried out on their new home, and the standard they could expect the property to be in at the start of their tenancy.

*39 **Voids management – response to the Tenant Scrutiny Panel report (cont')**

The Housing Needs and Strategy Manager stressed the need to limit the proposed Task and Finish Forum (TaFF) to the particular function of the void standard, rather than considering the void procedure itself, as this had been the subject of a Systems Thinking Review. Members were invited to put their names forward for the TaFF and the following names were noted:

- Tenant Mike Berridge
- Councillor Susie Bond
- Tenant Victor Kemp
- Councillor Jim Knight
- Councillor Pauline Stott

The third key TSP recommendation was that tenants should be given choice over dates and times of viewings. The opportunity to view a property was already part of the void procedure. Potential tenants were offered accompanied viewings at three different time slots over two days. The limiting factor was the capacity of the contractor and the Void and Allocation Officer. The purpose of an accompanied viewing was to allow the potential new tenant to view the property and decide whether to accept the offer of housing; and to allow the technical staff and contractor to decide what essential work needed doing, and how quickly the property could be relet. The time slots offered represented a compromise between giving tenants a choice of viewing times and the need to relet a void property as quickly as possible.

The cost of void works was noted, including the number of elements of repair works. On average there were 250 voids per year and the average cost of void works was £7,750. In addition there was rent loss due to voids. It was feared that there could be a significant increase in void costs as a result of implementation of the TSP recommendations. However, until the lettable standard had been reviewed and any additional works identified, it was not possible to estimate all the additional costs to void works.

The Chairman thanked the Tenant Scrutiny Panel for their hard work in reviewing the voids process and for attending the meeting.

- RECOMMENDED:**
- 1 that a Task and Finish Forum be set up to review the void/lettable standard.
 - 2 that the current arrangements relating to the dates and times of viewings offered to potential tenants of void properties be continued.
 - 3 that the officer's response to the recommendations made by the Tenant Scrutiny Panel, contained in Annex A to the report, be agreed.

***40 Devon Home Choice – policy update**

The Housing Needs and Strategy Manager's report updated the Board on the changes to the Devon Home Choice (DHC) policy. DHC was the Council's adopted housing allocations policy. The DHC Board undertook a review of the allocations policy used across Devon to prioritise housing applications and to let social housing. The result of the review was that a number of changes to the policy were being implemented from October 2013. The key changes were outlined in the report, with the main one being the change in age that people (of the same sex) were assessed as needing their own room from 21 back to 16.

RECOMMENDED: that the changes to the Home Choice Policy be endorsed.

***41 Downsizing policy review – options for change**

A review of the Council's downsizing policy had been carried out and the Housing Needs and Strategy Manager's report presented options for consideration following an increased demand for downsizing due to the spare room subsidy rules (bedroom tax). The report proposed at this stage to continue to provide financial incentives to encourage tenants to downsize.

The report included a comparative table showing the key factors/financial incentives provided by East Devon Homes and other landlords in Devon and elsewhere in the country. The incentives offered varied, with some landlords offering no incentive at all.

Since April 2013 20 transfers and 14 mutual exchanges had been approved. There had been an increase in tenants wishing to move within general needs accommodation. The Housing Allocation Assistant's role over the last two years had been to proactively encourage and support tenants downsizing. This has resulted in a large increase in the numbers of downsizing tenants compared with previous years.

The report suggested at this stage the Council should continue to:

- Provide the same level of financial incentive.
- Proactively encourage tenants to downsize.
- Provide support where required to help tenants downsize.
- Maximise the numbers of family housing available for reletting.

Members were asked to approve a change to the existing downsizing policy. This was to restrict the opportunity to downsize and receive the financial reward to one application within a five year period. Members were asked to otherwise maintain the current policy and to undertake a further review in 12 months time. In the meantime the current budget and policy should be maintained to maximise the number of tenants downsizing.

During consultation by the Tenant Representative Group (TRG) several tenants had expressed concern over what they perceived as vagueness between downsizing and mutual exchange, as well as differences in the information provided in the two editions of a downsizing leaflet. The TRG proposed three additional recommendations which were debated by the Board and put to the vote. These were:

***41 Downsizing policy review – options for change (cont'd)**

- That written clarification of both the mutual exchange and downsizing processes should be provided in Plain English and be approved by the Board.
- That HRB approved guidelines for the classification of tenants wishing to downsize should be introduced.
- That tenants should be made aware that paper application forms were freely available.

In response the Head of Housing stated that EDDC had a generous downsizing scheme which it intended to keep. However, there needed to be some limitations on the scheme. Although there was no intention to remove the policy, it had been refined within the policy parameters already set by the Board. He felt that there was a clear distinction on the Council's website between downsizing and mutual exchange, and that tenants had a clear choice to make. Paper copies of the leaflet and application forms were available, but as part of the Council's 'paper light' agenda online applications were encouraged. Officers reported that this was becoming standard practice and that application forms were very rarely sent out as most people were able to access the internet through a variety of different ways.

- RECOMMENDED:**
- 1 that the existing policy and current budget level in 2014/15 be maintained.
 - 2 that the financial assistance given to repeat applicants who wish to downsize be restricted to one application in five years.
 - 3 that officers continue to be allowed to apply the policy flexibly to maximise the number of tenants who wish to downsize.
 - 4 that written clarification of the downsizing and mutual exchange processes be provided in Plain English and approved by the Board.
 - 5 that the Housing Review Board introduce approved guidelines for the classification of tenants wishing to downsize.
 - 6 that tenants be made aware that paper application forms were available.

***42 Energy company obligations**

Consideration was given to the report of the Housing Needs and Strategy Manager concerning the Green Deal and Energy Company Obligation (ECO) funding proposals to improve the energy efficiency and thermal insulation of housing stock. Members had previously agreed to monitor the development and implementation of the Green Deal and to consider any change to the agreed approach at a future date. The proposals to access funding from ECO earlier this year provided East Devon Homes an opportunity to access funding to help improve the energy efficiency and thermal insulation of its homes. The report proposed a partnership with SSE energy company to take forward a pilot proposal for a small number of 'off gas' properties in rural areas to find out the level of funding that could be available. There was no financial commitment or obligation for the Council to go any further than assessing around 300 of its homes and understanding more clearly the level of funding that could be provided by SSE.

***42 Energy company obligations (cont'd)**

RECOMMENDED: that officers progress feasibility work with SSE to clarify the funding available through Energy Company Obligation that the Council could access.

***43 HRA financial monitoring report 2013/14 – month 6 September**

The Board received a report from Head of Housing, presented on behalf of the Housing Accountant giving a summary of the overall financial position on the Housing Revenue Account (HRA), HRA Capital Programme and the Business Plan for 2013/14 at the end of month six (September 2013). Regular monitoring would highlight any areas of concern or unforeseen expenditure in the HRA and associated capital programme and enable corrective action to be taken as required. Any significant variances would be reflected in the Business Plan.

Current monitoring indicated that:

- The Housing Revenue Account Balance would be maintained at or above the adopted level.
- The position on the HRA Business Plan remained in a healthy position.

It was noted that the capital programme would see large expenditure in the future, with the shared house proposal previously brought to the Board expected to exchange contracts the following week.

RESOLVED: that the variances identified as part of the HRA revenue and capital monitoring process up to month six be acknowledged.

***44 Benchmarking of housing costs and performance**

Consideration was given to the report of the Head of Housing, which presented the results of a cost and performance benchmarking exercise using the last financial year's data. The report compared EDDC with its peers in a number of key areas of housing management service delivery. The data related primarily to 2012/13 although the report also showed the Council's costs and performance in 2011/12 as a comparison. EDDC was a member of HouseMark and participate in their housing benchmarking project, which the Board agreed was a useful exercise to undertake.

A number of factors which stood out from the results included:

- High levels of tenant satisfaction.
- Relatively low overheads as a percentage of turnover and direct costs.
- High satisfaction with anti-social behaviour case handling.
- High cost of void works.
- Relatively low percentage of responsive repairs completed on time.
- High proportion of urgent responsive repair jobs.
- Low cost of housing management per property.
- Low level of rent arrears.

RESOLVED: that the results of the benchmarking survey be noted.

***45 Community development**

The Tenant & Communities Section Leader's report explained the valuable work that the Community Development team undertook and brought the Board up to date with the different activities and events carried out over the last 12 months. The report advised on the progress being made to improve the 14 housing Community Centres and the role of the Community Development Worker appointed to carry out that work, as well as how the programme might be extended.

There were currently two part time permanent Community Development Workers (youth). A third full time temporary officer was recruited in November 2012 to carry out the recommendations made by the Tenant Scrutiny Panel to improve the 14 community centres, promote greater community use and increase revenue, as well as to spend one day a week on community development work. It was suggested that this officer should become a full time permanent employee and that a fourth Community Development Worker should be employed, with a slightly different set of targets, focusing on family type issues.

Some of the range of ways the Community Development Officers worked with communities included:

- The very successful SWITCH project in Axminster and Exmouth.
- Arranging and running community festivals and fun days.
- Recruiting, training and supporting community volunteers.
- Supporting and adding value to other groups such as youth clubs.
- Promoting community development by giving talks to interested groups.

The Chairman thanked the Community Development Workers on behalf of the Board for the marvellous work that they did and for providing such an invaluable service.

- RECOMMENDED:**
- 1 that the Community Development activities undertaken in the past 12 months be noted.
 - 2 that the post of Community Development Worker with specific responsibilities for Community Centres be made permanent.
 - 3 that an additional Community Development Worker be recruited.
 - 4 that the annual Community Development budget be increased by £10,000.
 - 5 that the Community Development Workers be awarded a virtual bouquet on behalf of the Housing Review Board in appreciation of the valuable work that they carry out.

***46 Exclusion of the Public**

- RESOLVED:** that under Section 100(A) (4) of the Local Government Act 1972, the public (including the press) be excluded from the meeting as exempt information, of the description set out on the agenda is likely to be disclosed and on balance the public interest is in discussing these items in private session (Part B).

***47 Affordable housing acquisition proposal**

The Housing Enabling Officer's report outlined a proposal to purchase a property using Housing Revenue Account funding and Right to Buy receipts. The property was situated in Exmouth and would provide much needed additional Council owned accommodation in the town. The property was a modern purpose built small block of flats with off road parking spaces.

- RECOMMENDED:**
- 1 that it be agreed that this type of accommodation would be a beneficial addition to the current Council property portfolio, making available accommodation for single people/couples within the district.
 - 2 that the Chief Executive be given delegated authority to acquire the proposed property.
 - 3 that funding from the Housing Revenue Account and Right to Buy receipts be used to purchase the proposed property.
 - 4 that the Chief Executive be authorised to make similar purchase offers, subject to contract.

***48 Anti social behaviour at Council owned flats**

The Head of Housing briefly outlined some incidents in Council owned flats in Exmouth. The Council had been working jointly with the police and the Community Safety and Anti Social Behaviour Coordinator to resolve the issues. Efforts were being made to improve the blocks generally with new lighting and repairs, and improvements to bin stores, as well as anything else that could be done to improve the appearance and safety in the blocks. The Council had also increased its presence in the area over the past few weeks. The Head of Housing would keep the Board updated on these issues.

RESOLVED: that the incidents of anti social behaviour in Council owned flats in Exmouth and actions being taken to address these, be noted.

Chairman

Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Development Management
Committee held at the Council Chamber, Knowle, Sidmouth,
on Tuesday 12 November 2013

Committee Members Present: Councillors:
Helen Parr (Chairman)
David Key (Vice Chairman)

Mike Allen
David Atkins
Peter Burrows
Geoff Chamberlain
Alan Dent
Martin Gammell
Tony Howard
Mike Howe
Geoff Pook
Ken Potter
Peter Sullivan
Mark Williamson

Also present: Councillors: Douglas Hull
Peter Bowden John Jeffery
Deborah Custance Baker Stephanie Jones
Roger Giles Andrew Moulding
Graham Godbeer Pauline Stott
Peter Halse Claire Wright
Steve Hall Tom Wright

Officers: Matt Dickins, Planning Policy Manager (am only)
Ed Freeman, Development Manager
Henry Gordon Lennox, Principal Solicitor
Janet Wallace, Principal Environmental Health Officer (am only)
Hannah Whitfield, Democratic Services Officer

Apologies:	<u>Committee Members</u>	<u>Non-Committee Member</u>
	Councillors: Vivien Duval Steer Ben Ingham	Councillors: Jill Elson Steve Gazzard Jim Knight

The meeting commenced at 10am and ended at 6.42 pm.

***34 Minutes**

The minutes of the meeting of the Development Management Committee held on 15 October 2013 were agreed and signed as a true record subject to:

- Cllr Geoff Chamberlain's declaration of a personal interest in respect of application 13/0971/FUL being included. Cllr Chamberlain had declared that he was a friend of the applicant.
- Cllr Rogers Giles' name being added to the list of Councillors present.

***35 Five Year Housing Land Supply in East Devon - update**

The Chairman agreed to the Planning Policy Manager's report being taken as an urgent item so that Members could be updated on the latest position regarding housing land supply figures in East Devon in the light of more recent housing commitment and completion data. The Committee had asked for regular updates on the housing land supply issue.

The Planning Policy Manager advised the Committee that up to the end of September 2013, based on a projected development assessed against a housing requirement of 17,100 new homes over 2006 to 2026 period, there was a recorded 5.19 years land supply for housing. This fell short of the five years plus 20% (six years) required. However the Committee noted that, assuming the Local Plan was adopted as currently drafted (including its provision of 15,000 new homes), the Council would exceed the six year housing land position.

The Planning Policy Manager was thanked for his update.

RESOLVED: that the Development Management Committee notes that at 5.19 years housing land supply, the Council does not currently have a five year, plus 20% (six year) housing land supply.

***36 Planning appeal statistics**

The Committee received and noted the report of the Development Manager setting out appeals recently lodged and decided.

The Committee's attention was drawn to an appeal allowed at West Hayes, West Hill for the construction of 10 houses (6 affordable). An appeal for a similar scheme on the same site had previously been dismissed by a different Inspector. This indicated that sustainability could be subjective. A member of the Committee expressed West Hill community's disappointment at the decision to allow the appeal and felt this was inconsistent with the previous appeal decision. It also raised the question of how much weight the Committee should be giving to previous appeal decisions when considering applications.

***37 Hawkwell Park, Wareham Road, Hawkchurch (13/0308/VAR) – update report**

The Committee considered the Development Manager's report which sought agreement from Members to withdraw reason 2 (drainage) on determined application 13/0308/VAR) and for this reason for refusal not to be defended at the forthcoming appeal.

The Development Manager advised that, contrary to Officer recommendation, Members at their meeting in June had refused permission to effectively increase the number of permanent permitted pitches on the Hawkwell Park site by six through a variation to the conditions of an earlier application. The application was refused by the Committee on the grounds of there being insufficient evidence to demonstrate that the drainage system could accommodate the proposed development and that there was insufficient evidence of the need for further gypsy and traveller pitches in the Hawkchurch area.

*37 **Hawkwell Park, Wareham Road, Hawkchurch (13/0308/VAR) – update report cont...**

Since that decision the applicant had lodged an appeal and Officers were having difficulty in constructing an evidence base to defend the reason for refusal relating to drainage issues. It was noted that there had been a history of complaints relating to drainage matters associated with the site and however through an assessment by an independent drainage consultant appointed by the Council and as a result various additional works being carried out on site these problems had been resolved. Environmental Health Officers had visited the site since the Committee's decision to refuse the application and the drainage system was found to be functioning adequately. The system in place was considered to be technically capable of accommodating any additional flows from the occupation of the proposed additional pitches. The water within the adjoining field was advised to be clean water and that any movement of clean water from one boundary to another should be considered a private matter between the landowners. On this basis and without any technical support to suggest that the additional pitches would make the situation worse, it was not considered that the drainage reason for refusal would withstand the scrutiny of an appeal and as there was a likelihood that costs would be awarded against the Council.

The Committee heard that since the agenda had been published an independent survey report had been received from a neighbour to the site. This report suggested that water pooling at the end of the adjoining field was seeping through the bank between the field and the drainage channel. This was said to be a result of gaps in the bank caused by tree routes and rocks allowing water to percolate through. The committee were advised that although these claims could not be substantiated the bank could be sealed and it would seem reasonable in light of this new information to suggest to the inspector that should he be minded to allow the appeal that a condition be imposed requiring the bank to be sealed prior to occupation of the proposed caravans. The reason for such a condition would be to ensure that the additional caravans did not worsen this current situation despite it being private matter now that the relevant permissions had been given for the drainage scheme.

The Ward Member and County Councillor representing Hawkchurch both spoke about the long running drainage issues relating to the site and the affect this had on the adjoining land owners. They did not believe the drainage system had been in place for long enough to know whether or not it would work adequately in times of heavy rain and it was requested that it be monitored for a minimum of 12 months.

The Development Manager clarified that the recommendations from the independent report commissioned by the Council to investigate the issues had all been actioned and that in some cases the owner of the site had gone beyond what had been recommended. The independent report stated that application should not proceed until it had been proven that the drainage system was working correctly – a time scale had not been given.

The Committee discussed the report and the Development Manager's proposed amendment to the recommendation presented in the Officer report asking for a specific condition to be imposed if the Inspector was minded to allow the appeal. The Committee was reminded that all conditions needed to be reasonable in planning terms.

***37 Hawkwell Park, Wareham Road, Hawkchurch (13/0308/VAR) – update report cont...**

RESOLVED: that the Development Management Committee agrees to remove reason 2 (drainage) in respect of determined application 13/1308/VAR and that this reason be not defended at the forthcoming appeal, subject to the Inspector, if minded to allow the appeal, being asked to impose a condition requiring the appellant to submit a scheme to the Council, to be agreed with the Environment Agency, to ensure that water cannot pass through the bank between the site and the adjoining land.

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

RESOLVED: that the applications before the Committee be determined as set out in Schedule 6 – 2013/2014.

The following declarations of interest were made during consideration of the applications:

Councillor/ Officer	Application Ref. / Minute number	Type of interest	Nature of interest
Cllr Mike Allen	13/2132/FUL	Personal Interest (remained in the Chamber for the debate and vote)	Honiton Town Councillor
Cllr David Atkins	13/0380/FUL	Personal Interest (remained in the Chamber for the debate and vote)	Clerk to Newton Poppleford and Harpford Parish Council
Cllr Peter Burrows	13/1641/MOUT 13/1168/MOUT	Personal Interest (remained in the Chamber for the debate and vote)	Seaton Town Councillor
Cllr Peter Burrows	13/1641/MOUT	Personal Interest (remained in the Chamber for the debate and vote)	Member of the Axe Vale and District Conservation Society
Cllr Alan Dent	13/1916/FUL	Personal Interest (remained in the Chamber for the debate and vote)	Budleigh Town Councillor
Cllr Helen Parr	13/1168/MOUT	Personal Interest (remained in the Chamber for the debate but did not vote)	Applicant is secretary to the Colyton and Colyford branch of the Conservative Association of which the Councillor is a member

***38 Applications for Planning Permission and matters for determination cont...**

Cllr Peter Sullivan	13/2132/FUL	Personal Interest (remained in the Chamber for the debate and vote)	Appointed EDDC representative on the Leisure East Devon Trustee Board
Cllr Mark Williamson	13/2007/FUL	Disclosable Pecuniary Interest (left the Chamber during debate and vote)	Councillor is the applicant
Cllr Mark Williamson	13/1909/FUL	Personal Interest (remained in the Chamber for the debate and vote)	Exmouth Town Councillor

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Planning Inspections Committee
held at Exmouth Town Council Offices on
Thursday 31 October 2013

Present: Councillors:
Helen Parr (Chair)
David Key (Vice Chairman)

David Atkins
Geoff Chamberlain
Geoff Pook
Peter Sullivan
Mark Williamson

Ward Members: Councillor Tim Wood
(not on Committee)

Officers: Henry Gordon Lennox, Principal Solicitor
Chris Rose, Principal Planning Officer
Hannah Whitfield, Democratic Services Officer

Apologies Councillors:
Alan Dent
Tony Howard

The meeting started at 3.10 pm and ended at 4.15 pm.

***11 Minutes**

The minutes of the meeting of the Planning Inspections Committee held on 4 October 2013 were confirmed and signed as a true record.

***12 Declaration of Interests**

There were none.

***13 Applications referred to the Planning Inspections Committee**

The Committee considered the applications referred to it by the Development Management Committee.

- a) Exmouth Littleham: Application No: 13/1441/MFUL – Demolition of existing dwelling and construction of 14 no apartments within two blocks, laying out of parking area and provision of bin and cycle stores

RESOLVED: REFUSED contrary to officer recommendation due to Members concerns that the scale and positioning of the annex building (containing two flats) would result in overshadowing and an overbearing impact that would be detrimental to the living conditions/amenity of occupiers of 34A Cranford Avenue. Delegated authority given to the Development Manager to draft reasons for refusal.

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Audit and Governance Committee held at Knowle, Sidmouth, on Thursday 14 November 2013

Present:

Councillors:
Ken Potter (Chairman)
Peter Bowden (Vice Chairman)
Roger Boote
Bob Buxton
Steve Gazzard
Tony Howard
Geoff Pook

Also present:

Councillors:
David Cox – Portfolio Holder for Finance
Roger Giles

Officers:

Simon Allchurch, Senior Building Surveyor
Jo Avery, Management Information Officer
Richard Cohen, Deputy Chief Executive Development,
Regeneration and Partnership
Simon Davey, Head of Finance
Henry Gordon Lennox, Principal Solicitor
Libby Jarret, Revenues & Benefits Manager
Denise Lyon, Deputy Chief Executive Transformation and
Systems Thinking
Rachel Pocock, Corporate Legal & Democratic Services Manager
Alethea Thompson, Democratic Services Officer
Brian Wilkes, Solicitor

**Internal
Auditors:**

Ian Baker, Group Audit Manager, SWAP
Andrew Ellins, Audit Manager, South West Audit Partnership
(SWAP)
Nick Hammercott, Senior Auditor, SWAP

**External
Auditors:**

Barrie Morris, Public Sector Assurance Director, Grant Thornton

Apology:

Committee Member:
Steve Hall

The meeting started at 2.00 pm and ended at 4.00 pm.

*19 **Public questions**

No questions were raised by members of the public at this point in the meeting.

***20 Minutes**

The minutes of the meeting of the Audit and Governance Committee held on 26 September 2013 were confirmed and signed as a true record.

***21 Declarations of interest**

There were no declarations of interest from Members.

***22 Annual audit letter**

Barrie Morris of Grant Thornton presented the annual audit letter for EDDC, which summarised the audit activity undertaken over the last financial year. He was pleased to report that the quality of the financial statements had improved considerably over the previous years and significantly fewer issues had been identified. In terms of value for money, Grant Thornton were satisfied that in all significant respects the Council had in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ending 31 March 2013.

It was reported that for the financial year 2012/13 there were three grant claims and returns that required certification, with a value of £70 million. Work on this was continuing and would be completed by the end of the year. There had been no additional audit fees charged.

On behalf of the Committee the Chairman thanked the external auditors for their work.

RESOLVED: that the annual audit letter be noted.

***23 SWAP report on governance arrangements**

The Chairman welcomed the Monitoring Officer, Head of Finance and three representatives of South West Audit Partnership (SWAP) to the meeting. A request was made to and agreed by the Audit and Governance Committee at their last meeting on 26 September 2013 for the full SWAP report on governance arrangements to be published and discussed by the Committee (minute 17 refers).

Questions were taken from the public gallery at this point in the meeting:

Mr Peter Whitfield questioned the thoroughness of the SWAP report, especially regarding risk area 4, poor decision making.

Mr Tony Green congratulated the Committee and the auditors for publishing the report. His main area of concern was risk 2 and the involvement of members on outside bodies that could enable biased decisions to be made.

***23 SWAP report on governance arrangements (cont'd)**

Mrs J Green also thanked SWAP for their report and questioned the auditors on their perceived lack evidence to support the statement that 'all Council members, management and staff were found to be diligent in their application of the Council's governance arrangements, committed to further improvement and receptive to feedback'. She feared that the Council's reputation had been tarnished by recent press reports. She also wanted to know why the auditor failed to question the Council's decision not to immediately implement the national guidelines on Probity in Planning produced by the Local Government Association (LGA).

Mrs M Rixsam asked how EDDC could publicly describe SWAP as independent when EDDC was included as a partner with SWAP and had a Council representative on its Board.

The Head of Finance reminded members why this item was on the agenda and reported that there had been no significant audit findings/risks identified and that the audit had gained reasonable assurance. It was not standard practice to publish an internal audit report which had achieved reasonable assurance. Reporting was on an exceptional basis. An audit was a snap shot in time and risk was about likelihood.

Andrew Ellins, SWAP Audit Manager briefly explained the background behind audit reporting. This was the first time a full audit report had been published. The report had been written for management purposes, not as a public document. The purpose of the report was to improve and enhance internal control. He then went on to answer questions raised by members of the public. He stated that details of the audit report were available and urged anyone with any concerns to contact him outside of the meeting with those issues so that he could address them fully. The method and scope (the constitutional and framework arrangements regarding governance) of the audit were contained in the report and the Audit Manager further explained the scope and internal controls. The Audit and Governance Committee had commissioned the report, but the terms had been agreed by the Corporate Legal and Democratic Services Manager, Service Manager (Democratic Services Manager), the Monitoring Officer and the Head of Finance, in conjunction with SWAP, which had its own framework of areas to consider. He also explained that a sample of people had been tested and that the outcome was that everyone questioned was well aware of their roles and responsibilities.

The Corporate Legal & Democratic Services Manager added context in relation to LGA guidelines on Probity in Planning, which provided an update to an existing code. The Standards Committee had considered this and added some extra suggestions. This had now been incorporated into the Council's Constitution.

In response to the question regarding SWAP's independence, the Group Auditor issued a statement. SWAP worked to the global professional standards of the Institute of Internal Auditors, further explained by the Public Sector Internal Auditing Standards, and had a Code of Ethics to guide them. SWAP had been assessed against these standards and ethics and found to be in conformance with them. He assured Members that they currently had a governance arrangement with their Internal Audit Service which was more independent than the traditional Internal Audit model. SWAP's activities were also scrutinised through the Council's external auditors.

***23 SWAP report on governance arrangements (cont'd)**

The Group Auditor felt that there appeared to be a lack of understanding in relation to the scope of the review under question and a naivety around governance, risk and control. The table at the end of the report clearly set out the key controls that would be expected to be in place so as to provide a reasonable assurance that effective governance arrangements were in place. The review tested each of the controls for East Devon and found them to be sufficiently adequate and proportionate to allow reasonable assurance to be given. SWAP found that the Council did have in place proportional controls to effectively govern arrangements relating to Members' interests. Some reliance was placed on honesty and integrity beyond those controls. The Group Auditor stated that they were open to practical and realistic suggestions on how controls could be enhanced further, but these must always be proportionate to resource, time and money.

The Chairman thanked the Group Auditor for his statement and reassured the Committee of SWAP's independence. He also thanked members of the public who had taken an interest in the report.

***24 RIPA annual report and the introduction of Surveillance Camera Code of Practice**

The Committee considered the annual report of the Corporate Legal and Democratic Services Manager outlining the use of Regulation of Investigatory Powers Act [RIPA]. The Corporate Legal and Democratic Service Manager confirmed that there had been no instances where the Council had used directed surveillance to detect and prevent crime, under the terms of RIPA during 2013. Training relevant staff to understand when RIPA applied was part of the Council's compliance arrangements.

In addition, the report gave Members information about the Surveillance Camera Code of Practice. This was statutory guidance which came into force in August 2013, to which the Council should have regard. Officers would review the surveillance camera systems which the Council operated in conjunction with the Police, in the light of the code of practice, to ensure proportionality and transparency of its use. There were two of these, in central Sidmouth and in central Exmouth.

The Chairman thanked the Corporate Legal and Democratic Services Manager for her report.

RESOLVED: that the Regulation of Investigatory Powers annual report and the Surveillance Camera Code of Practice be noted.

***25 Council Tax and Benefit Penalty and Prosecution Policy**

The Revenues and Benefits Manger's report explained to the Committee that following changes in legislation relating to council tax and benefits, it was necessary to implement a new policy for dealing with the prevention and detection of council tax and benefit fraud. The new policy would also include where customers failed to notify EDDC of a change of circumstances relating to council tax discounts and exemptions, and how this could result in a penalty being issued.

***25 Council Tax and Benefit Penalty and Prosecution Policy (cont'd)**

The Revenues and Benefits Manager outlined measures and the proactive approach that had already been taken to help a large number of customers impacted by the changes to the council tax reduction scheme and the 'bedroom tax'. It was noted the cost of the fraud team was covered fully by the Department of Work and Pension's administration grant along with overpayments that were recovered.

RESOLVED: that the draft policy be adopted.

RECOMMENDED: that delegated authority be given to the Head of Finance, in consultation with the Finance Portfolio Holder to make amendments to the policy to reflect changes in legislation, Government guidance and policy.

***26 First risk review of 2013/14**

Consideration was given to the report of the Management Information Officer. The risk information for the 2013/14 financial year until September 2013 was supplied to allow the Audit and Governance Committee to monitor the high strategic and operational risks. This followed the first risk review by responsible officers for 2013/14.

Members were reminded that the Council's Risk Management Policy required all risks identified by the Council to be reviewed bi-annually. There were currently 18 strategic and 107 operational risks, each when first identified were considered high or medium level risks which required some form of mitigation through control actions. For this first review for 2013/14 all risk owners were asked to reassess the overall risk, update their control action/s and re-score to give a residual score in light of the mitigation from the control actions undertaken.

The four risks which scored as high were:

- Significant loss or non-collection of rental income will have a major impact on the Housing Revenue Account and the Council's ability to deliver housing services to its tenants.
- Loss of Supporting People contracts would mean a significant loss of income that part pays for the housing related support service received by tenants in sheltered housing.
- Failure to notify the responsible authority when staff suspect a child is at risk.
- The risks associated with being a developer of council homes, especially with regards potential abortive costs, cost overruns, failure to obtain planning permission and loss of HCA grant.

Since the last review there were no new risks emerging. It was noted that two risks had moved from low to intermediate and seven had moved from medium to low. Each risk had control actions which were listed as working and effective.

***26 First risk review of 2013/14 (cont'd)**

Some concern was expressed over the increase of risk relating to the safeguarding of children and the Committee requested that the Head of Housing attend a future meeting to discuss this matter, including a full remit of what involvement EDDC had with children.

On behalf of the Committee the Chairman thanked the Management Information Officer for her report. The Vice Chairman stated that over the past few years risk management had become an embedded system of work. He thanked the Management Information Officer and the SWAP team for improving the risk management process and heartily endorsed the report.

- RESOLVED:**
- 1 that the current status of all risks until October 2013 be noted.
 - 2 that the Head of Housing be invited to attend a future meeting to discuss actions taken by the Council to safeguard children.

***27 Thelma Hulbert Gallery progress report**

The Audit & Governance Committee, at its meeting on 27 June 2013, requested that the Council's contributions towards the Thelma Hulbert Gallery (THG) be considered at a future meeting (minute 7, 27.06.13 refers). The Committee were presented with a report which had been agreed by Cabinet on 30 October 2013 and noted the resolutions and recommendation made.

Concern was expressed over the presentation of the accounts in the report. The Committee was assured by the Head of Finance that the figures had been signed off for accuracy by the finance team.

It was noted that a consultant's report was currently being prepared on the THG and it was anticipated that this would be presented to and debated by Cabinet in February 2014. It was therefore agreed that the Audit & Governance Committee would consider this at its March 2014 meeting, with the item being added to the forward plan.

- RESOLVED:**
- that the Thelma Hulbert Gallery be included on the forward plan and considered again at the March 2014 Audit & Governance Committee meeting.

***28 Honiton Beehive Centre progress report**

Consideration was given to the Deputy Chief Executive, Regeneration and Partnership's report concerning the new community centre, the Beehive which was being constructed in Honiton on the Dowell Street car park site. The report provided an update on progress as well as information relating to a specific issue of additional drainage infrastructure to the site and associated cost. EDDC had been involved in advising and funding the project.

***28 Honiton Beehive Centre progress report (cont'd)**

The Deputy Chief Executive, Regeneration and Partnership outlined the Council's additional financial commitment to the project, agreed by Cabinet in June 2013. The Committee wanted reassurance that the cost of the additional drainage infrastructure works would not rise above the amount already agreed and expressed concern over the amount of money already spent on the project over the years. The Deputy Chief Executive, Regeneration and Partnership reported that he had met with Honiton Town Council to monitor progress and explained that no further additional funding would be provided by EDDC. Any additional monies would need to be raised by Honiton Town Council and any risks remained with them. The transfer of the land had been signed off and the community centre was in the ownership of the Town Council. It was the responsibility of the Town Council to manage the business plan. EDDC was not expecting to hold an interest in the building.

RESOLVED: that the progress and detail of the Beehive Community Centre project be noted.

***29 Forward Plan 2013/14**

The Committee noted the contents of the forward plan for 2013/14.

Items to be considered at the January Committee included:

- Certification report
- Internal audit activity – Quarter 3
- Report on safeguarding children
- Asset disposal and management.
- District valuer reports
- Five year land supply update

At the end of the meeting the Chairman gave particular thanks to SWAP for all their hard work and also thanked all the officers present.

RESOLVED: that the forward plan be noted.

Chairman Date

*10 Committee update – Licensing Act 2003, Gambling Act 2005 and General Licensing (cont) – issues raised

licensing issues. On 16 August licensing officers attended the Beautiful Days event held in the grounds of Escot House which had been licensed by way of a time limited premises licence. This annual event was found to be well run with no issues or complaints made to the Licensing Authority.

On 12 September and 7 October officer chaired pre-review meetings were held at a licensed premise in the Seaton area. Concerns had been raised by both the Police and Environmental Health Service about the operation of a ‘nightclub type venue’ in the basement of the premises. At the second meeting (that was also attended by the area manager of the brewery which owned the premises and the DPS), agreement was reached about the future operation of the premises. It was also reported that the ‘nightclub type events’ had now been cancelled. There had been no further complaints since the last meeting. Following discussions, a member of the Committee raised the issue of Ward Members being informed via email when issues regarding licensed premises occurred in their Ward.

On 24 October officers took part in a pre-event meeting for the Christmas Cracker Event that was now being held annually in the Strand Gardens at Exmouth. Officers’ attendance was requested by the organisers of the Christmas Cracker to give advice on licensing issues raised by the size and variety of the event. John Tippin, Licensing Manager informed members of the New Year Fireworks event which would be held in Exmouth Town Centre and had been arranged by Exmouth Town Council. A local licensee had obtained a licensed bar at this event, via a TENs application.

A member raised the issue of Ward Members, particularly in town centres; not always knowing which premises in their ward were licensed and for what purpose. The Licensing Manager pointed out that all this information was available on the website.

2. Gambling Act 2005

Members noted that a programme of visits to licensed premises and other premises where gaming was permitted continued. It was reported that no Gambling Act offences had been detected; a result that confirmed that regular inspections were a valuable tool to ensure compliance.

3. Taxis

On 5 November 2013 the current fleet of hackney carriage vehicles stood at 163, with 186 hackney carriage driver licences issued. The re-licensing period for hackney carriages was 1 November 2013 and the number of vehicles and drivers relicensed would increase in the coming weeks as there were always those who left it to the last minute to re licence. The private hire fleet licensed at 5 November 2013 stood at 14 private hire vehicles, 11 private hire operators and 21 private hire driving licences issued.

Members discussed the Sub Committee hearing during the last quarter which dealt with three separate hackney carriage applications. Members noted that some decisions at this meeting had gone against policy, but that there were exceptional reasons which the Sub Committee had felt had been valid to make these decisions.

*10 Committee update – Licensing Act 2003, Gambling Act 2005 and General Licensing (continued) – issues raised

The importance of having valid reasons for any such decisions and having these reasons recorded and detailed was emphasised.

Members noted that the work to lower the kerb stones at the new Strand taxi rank had still not been completed by Devon County Council. John Tippin, Licensing Manager, updated Members on a reply from Devon County Council which indicated that the lowering of the pavement at one end of the rank had been further delayed by an objection by Exmouth Town Council to the proposed design of the new shelter at Rolle Street. It was hoped that a new design for the shelter could be agreed shortly.

4. General Licensing including Animal Licensing and skin piercing
The Committee noted that since the last update report in September, the Scrap Metal Dealers Act 2013 had come into force. A separate report was considered below at minute *11.

The Sidmouth Folk Festival 2013 had taken place and all the sea front street trading pitches had been sold. Application numbers for street trading permits at this time of year was traditionally low after the busy summer demand during the Sidmouth Folk Festival.

5. Consultations and Partnership Working
The Licensing Manager advised that a very useful liaison meeting with the taxi trade had been chaired by Cllr Steve Hall on Thursday 31 October 2013. This was one of the twice yearly meetings held on behalf of taxi proprietors and operators. The minutes were attached to the report. The next liaison meeting would be held on Thursday 3 April 2014.

RESOLVED

1. that the report be noted;
2. that all Ward Members be informed by email when issues surrounding licensed premises in their Ward occurred.

*11 Implementation of the Scrap Metal Dealers Act 2013

The Licensing Manager reported that the Scrap Metal Dealers Act 2013 received Royal Assent on 28 February 2013 delivering much needed reform of the scrap metal sector. The Act provides effective and proportionate regulation of the sector, creating a more robust, local authority run, licensing regime that would support legitimate dealers yet provide powers to effectively tackle unscrupulous operators. The aim was to raise trading standards across the whole sector.

The Commencement and Transitional Provisions Order was made by Parliament on 6 August 2013 bringing into force the Act in stages with the majority of the criminal offences in the legislation coming in from 1 December 2013. All existing operators who were already registered with the council were written to and invited to apply for a licence under the new legislation to ensure they could continue to trade.

*11 Implementation of the Scrap Metal Dealers Act 2013 (Cont)

The key features of the new regime included:

- Requiring all individuals and businesses to complete an enhanced application process to obtain a scrap metal dealer’s licence. The local authority has the power to refuse unsuitable applicants.
- Giving the local authority power to revoke licences.
- Requiring all sellers of metal to provide personal identification at the point of sale, which must be recorded by the scrap metal dealer.
- Powers for the police and local authority to enter and inspect sites.
- Creating a central public register hosted by the Environment Agency of all individuals and businesses licensed as scrap metal dealers.
- Widening the definition of a scrap metal dealer to include motor salvage operators.
- Giving local authorities power to set fees to recover costs stemming from administering and seeking compliance with the regime. That power, however, did not extend to recovering costs of enforcement action against unlicensed activities.

Members noted that the Council had received 19 applications for Scrap Metal Dealer Licences including 14 applications for Collector’s licences and 5 for Site Licences. The fees had been set at £280 for the grant of a Site Licence and £200 for the grant of a Collector’s Licence.

The Act provided that an application for a licence must be accompanied by a fee. The fee was set locally by each council on a cost recovery basis, but local authorities have a duty to have regard to guidance issued by the Secretary of State. The guidance outlines the issues that should be considered by councils when setting the fee and what activities the fee could cover. The licence fee table was agreed by Council at its meeting on 23 October 2013. Licences under the Scrap Metal Dealers Act 2013 were issued for three years meaning the fee needed to cover not only the assessment of the application and grant of licence but also the cost of enforcement/inspections of licensed sites and collectors over a three year period.

The local authority may not issue or renew a licence unless it is satisfied that the applicant is a suitable person to carry on a business as a scrap metal dealer. If there were concerns about the suitability of an applicant which could mean a refusal or a revocation or the imposition of conditions the applicant had an opportunity to make representations before a decision was made. In these circumstances the application would be considered by a Sub Committee of three members of the Licensing & Enforcement Committee. If the Sub Committee decided to refuse, revoke or impose conditions then the applicant did have the right of appeal to the Magistrates’ Court.

RESOLVED that the report be noted;

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Licensing &
Enforcement Sub-Committee held at Knowle, Sidmouth on
Tuesday, 15 October 2013

Present: Councillors:
Steve Hall (Chairman)
David Atkins
Frances Newth

Officers: Giles Salter - Solicitor
Neil McDonald – Licensing Officer
Chris Lane – Democratic Services Officer
John Tippin – Licensing Manager
Jill Wheller – Environmental Health Officer

Also Present: Councillors:
Maddy Chapman
Steve Gazzard
Tom Wright
Eileen Wragg

Apologies: Councillors:
(from Non Christine Drew
Members of John Jeffery
Sub Ctte) Jim Knight

The meeting started at 9.30 am and ended at 11.50am.

***26 Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 17 September 2013, were confirmed and signed as a true record.

***27 Application for a premises licence to be granted under the Licensing Act 2003 to allow live & recorded music, performance of dance, anything similar to live music, recorded music and performance of dance, late night refreshment and the supply of alcohol on the premises at Ocean Blue, The Esplanade, Exmouth**

The Sub Committee gave consideration to an application for the grant of a premises licence to allow live and recorded music, performance of dance, anything similar to live music, recorded music and performance of dance, late night refreshment and the supply of alcohol on the premises at Ocean Blue, The Esplanade, Exmouth.

The Sub Committee carefully considered the application with a view to deciding whether the application promoted the licensing objectives, as required by the Licensing Act 2003. Members also took into account Government Guidance and the Council's own licensing policy and the Human Rights Act 1998 in making the decision.

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Application for a premises licence to be granted under the Licensing Act 2003 to allow live & recorded music, performance of dance, anything similar to live music, recorded music and performance of dance, late night refreshment and the supply of alcohol on the premises at Ocean Blue, The Esplanade, Exmouth
(Cont)

The Sub Committee carefully considered the application with the amendments the applicant proposed for the variation of licensable activities and the extension of the proposed hours of operation with a view to deciding whether the application promoted the licensing objectives, as required by the Licensing Act. 2003. The Sub Committee had also taken into account Government Guidance and the Council's own licensing policy and the Human Rights Act 1998 in making this decision.

The Sub Committee considered the particular locality of the premises on the seafront close to a large town centre and its physical relationship with other residential properties in the vicinity. Members considered the relevant representations that all parties had made and the written representations and other documentation put before the Sub Committee.

It was considered relevant that no representations had been received from the police in relation to the Licensing Act objectives that had been the subject of representations, which were: public safety, public nuisance and crime and disorder. From this it was concluded that the police did not consider that there was currently or would be any significant problem associated with the current operation of the premises, or that was likely to be if the amended application was granted provided the conditions they requested were imposed. At a mediation meeting the applicant reduced the hours originally asked for.

The applicant's case was that the premises had been open for about 9 months, operating from the ground floor. This application was for a premises licence for all three floors of the operation. The top floor and first floors were to be used as a multipurpose venue including a children's play zone, restaurant and function suites. The building had been designed around acoustic equipment and its use.

The Chairman invited Jill Wheller, Environmental Health Officer to comment on the noise impact. Mrs Wheller stated that this was a new build and it had been possible to advise and over see that the best noise reduction specification and equipment had been installed to reduce the impact on local residents. She was very happy with the results of the build; mediated conditions were above those asked for. There would be no need for the windows to be opened when amplified music was being played because the property was fully air conditioned.

Mr Quinn stated that he had also sought the advice of an acoustic consultant and had installed equipment above and beyond that suggested in his report.

At the mediation Mr Quinn had invited local residents into the building for a tour so that they could see the high standard of finish. He had agreed to the conditions set out in Appendix H to the report, including activities finishing on the south balcony at 11.00pm. He stated that he had licensed premises in Cornwall which were less than 20m from the nearest residential property, but that good management had meant that there had never been a noise issue.

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Application for a premises licence to be granted under the Licensing Act 2003 to allow live & recorded music, performance of dance, anything similar to live music, recorded music and performance of dance, late night refreshment and the supply of alcohol on the premises at Ocean Blue, The Esplanade, Exmouth
(Cont)

Mr Quinn stated that he hoped to work with the residents to ensure that the premises were well managed for the benefit of local residents. He confirmed that the capacity for the three floors was as follows: ground floor 245, first floor 730 and second floor 460. The numbers were designed with Exmouth's needs in mind, particularly on a wet summer day. Mr Quinn confirmed that SIA staff would monitor the issue of capacity within the building and this was set out in the operating schedule. The first floor was designed for multipurpose usage, a children's play zone, a restaurant, and a function/meeting room.

Councillor Eileen Wragg, Exmouth Town Councillor, supported the application but broadened her representation to include issues that had been discussed at Exmouth Town Council, and wider issues of licensing within Exmouth. Members debated around the issue of opening hours and comparisons with the Exmouth Pavilion, in fact the Pavilion's opening hours were later than Ocean Blue had applied for.

Mr Quinn reassured the 'interested parties' that it wasn't his intention to ever have the building used at full capacity. It wasn't going to have 1500 people using the premise at the same time but there would be a flow of people in and out using bars, restaurants, children's play zone or the function suites. For example no child would be in the premise at 1.00am at the same time as the bars were closing or the function suites were operating. He also stated that he would not be encouraging 'Hen' and 'Stag' events; he had invested money in the business to operate it properly and to ensure that it was a success.

Mr Quinn confirmed that a manager or assistant manager would be in attendance at the premises at all times when there were functions. He also confirmed that drinks promotions would be in line with the operating schedule and the licensing policy.

The interested parties' case was on paper, firstly in relation to the prevention of crime and disorder, there would be anti social behaviour from drinkers using the premises late into night. Secondly, regarding public safety, there would be an increase in traffic movements relating to the premises. Lastly, regarding the prevention of public nuisance, there would be loud intrusive music, shouting of people leaving the premises on foot and by vehicle; migration of drinkers from the town centre could lead to noise and nuisance and anti social behaviour, noise detriment to residential properties.

Councillor Bill Nash (Exmouth Town Council) referred to the Exmouth Town Planning Committee and the stated hours in the original application, which he believed were unnecessary for the sale of alcohol, but he full supported the bowling alley and wished it to be a success. He also referred to the Council's Environmental Health Policy which stated that late drinking establishments should be kept in the town and not on the fringes. In reply Mrs Wheller stated that the Council's Environmental Health policy did not refer to licensing 'zoning'. It was often a

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Application for a premises licence to be granted under the Licensing Act 2003 to allow live & recorded music, performance of dance, anything similar to live music, recorded music and performance of dance, late night refreshment and the supply of alcohol on the premises at Ocean Blue, The Esplanade, Exmouth
(Cont)

planning policy to keep licensed premises within a central area and to attempt to control the late night economy but this was a very different type of venue.

Mr D Wood referred to paragraph 6.2 of the Council's Licensing Policy which stated that there should be no presumption to prefer the applicant over interested parties in the granting of a new licence. He stated that the opening hours of the Pavilion together with the premises would lead to a cumulative impact in this area of Exmouth. He was also concerned about the balconies and noise, patrons leaving the premises, parking in residential areas and slamming car doors at 2.00am in the early hours of the morning, exacerbated by there being no street lighting in the area after 1.00am. He said that the Police were desensitised to the issues of noise and disturbance because this was their working environment.

Mrs Hudson was concerned about the effects of noise and issues of parking around the premise. The applicant assured her that they had been advising patrons to use the local council car park when large functions were booked. The applicants also offered a further condition on the use of non breakable glasses on all balconies after 7.00pm. The legal adviser also explained the review provisions once any premise licence had been granted and a time to operate.

The Sub Committee had carefully considered the operating schedule put forward by the applicants and the likely impact of the application. In relation to the evidence heard regarding the history of the premises, the Sub Committee considered that the establishment would be well managed and controlled with good policies in place and adequate supervision from line management. It was considered that SIA door staff and CCTV had an important role in preventing crime and disorder, identifying offenders and in managing public behaviour on and in leaving premises.

The Sub Committee did not accept that there was evidence of significant public nuisance, risk to crime and disorder and risk to public safety arising from the current and proposed operation of the premises. This was because of a lack of evidence of a history of complaints to the statutory authorities. Account had been taken of the concern of local residents about the future operation by ensuring that suitable and appropriate conditions were imposed and that the operating hours were not unreasonably late.

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

*27 **Application for a premises licence to be granted under the Licensing Act 2003 to allow live & recorded music, performance of dance, anything similar to live music, recorded music and performance of dance, late night refreshment and the supply of alcohol on the premises at Ocean Blue, The Esplanade, Exmouth**
(Cont)

RESOLVED 1. that the Premises Licence be granted as follows:

- (a) The extent of the areas within which the various licensable activities will be permitted is as indicated by the legends on the applicants plan.
- (b) Permitted hours for the various licensable activities will be as set out in the amended Appendix B of the Sub Committee report.
- (c) The conditions in the operating schedule as set out in Appendix G, H and I will apply.
- (d) The following amendments will also be added to Appendix H:
 - Condition 4 – Non breakable glasses to be used on all balcony areas after 7.00pm.
 - Condition 5 – Prominent signage to be placed at all exits requesting patrons to leave the premise and environs quickly and quietly in respect to local residents. Signage to the satisfaction of the Licensing Authority.
 - Condition 6 – All glass /empty bottle disposal into bins outside the premise should cease after 10.30pm on each evening the premise is open.
- (e) Amend Appendix G Condition 3 to read “Background music only to be played on the first floor balcony areas and the side balcony on the second floor”.
- (f) The Sub Committee further notes that the applicant had offered local residents a mobile phone number for local residents to contact the supervisory staff and management of any issues during the hours of operation.
- (g) The mandatory conditions of Section 19 and 21 of the Licensing Act 2003 would be imposed.

2. that the Designated Premises Supervisor would be Rachel Quinn of Kernick Farm, Otterham, Camelford, Cornwall, PL32 9SZ.

Whilst the Sub Committee acknowledged the concerns expressed by the interested parties before them, they believed those concerns had been addressed by the hours of operation for the licensable activities and the conditions imposed which had been tailored to the size, characteristics and activities on the premises and which the Sub Committee believed were necessary and proportionate.

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Tuesday, 19 November 2013

Present: Councillors:
Steve Hall (Chairman)
Jim Knight

Also present: Councillors:
Bob Buxton
Steve Gazzard
Pauline Stott

Officers:
(Neil McDonald – Licensing Officer
Chris Lane – Democratic Services Officer
John Tippin – Licensing Manager

The meeting started at 11.20 am and ended at 11.25 am.

*28 Minutes

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 15 October 2013, were confirmed and signed as a true record.

*29 Schedule of applications for Sub Committee approval where an agreed position has been reached and all Parties have agreed a hearing is unnecessary

Consideration was given to the report of the Licensing Officer which set out a schedule of applications for Sub Committee approval where an agreed position had been reached and all parties had agreed that a hearing was unnecessary.

The Licensing Officer explained the background of the application and the negotiations carried out.

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for a premises licence to be granted	The Waterfront Pier Head, Exmouth, Devon, EX8 1DU	Following mediation the applicant, the Devon & Cornwall Constabulary and the Council's Environmental Health Team have agreed that they consider a hearing to be unnecessary if the following agreed position is approved. The application be approved as submitted subject to the following amendments and conditions: 1. Withdraw the provision of recorded

		<p>music from the application.</p> <ol style="list-style-type: none"> 2. CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police in accordance with the requirements set out in the EDDC Licensing Policy. 3. CCTV images must be retained for a minimum of 14 days and to be produced on the request of the Police or a Licensing Officer of East Devon District Council. Recording media must be set to 25 frames per second. 4. The CCTV system must be operational at all times whilst the premises are trading. If the system is faulty or not working then the Police and East Devon Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book. 5. A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors. All signs must comply with the requirements of the Data Protection Act 2002.
	<p>Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003</p>	

Chairman Date