

Agenda for Council

Wednesday, 15 October 2014; 6.30pm



To: [All elected Members of the Council](#); Honorary Aldermen

Venue: Council Chamber, Knowle, Sidmouth, EX10 8HL
[View directions](#)

Contact: [Diana Vernon](#), 01395 571541 (or group number 01395 517546);
Issued 6 October 2014

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

Dear Sir/Madam

Meeting of the Council of the District of East Devon on Wednesday 15 October 2014 at 6.30 pm

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

Yours faithfully

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

Chief Executive

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

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

If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make

an oral commentary during the meeting. The Chairman has the power to control public recording and/or reporting so it does not disrupt the meeting.

Members of the public exercising their right to speak during Public Question Time, but do not wish to be recorded, need to inform the Chairman who will instruct those taking a recording to cease while they speak.

Agenda:

- 1 [Public speaking](#)
- 2 To receive a petition of over 900 signatures.
Subject – No to more retirement homes.
“The residents of Seaton would like to inform East Devon District Council that they wish to see a growing vibrant town with an opportunity for tourism and trade to expand. We petition East Devon District Council to only provide permission for a Hotel/Holiday accommodation on the Harbour Road/Tesco regeneration site (Seaton).”
- 3 Minutes of the meeting of the Council held on 23 July 2014.
- 4 Apologies
- 5 [Declarations of interest](#)
- 6 [Matters of urgency](#) – none identified
- 7 Announcements from the Chairman and Leader
- 8 Confidential/exempt items – there are no items which Officers recommend should be dealt with in this way but if confidential minutes from Cabinet and/or the Council’s Committees are being discussed, Officers may recommend consideration in the private part of the meeting.
- 9 Presentation of Long Service Awards
- 10 Presentation of Best Kept Village awards:
 - a) The Chairman to present certificates to those East Devon villages who have won or been runner up in a category of the Devon-wide Best Kept Village competition.

Devon Wide results for East Devon villages	
Kilmington	Devon-wide winner in large village category (past winner category)
Musbury	Runner-up in Devon-wide large village category
Dalwood	Devon-wide winner in small village category (past winner category)
Offwell	Runner-up in Devon-wide small village category (past winner category)
Lympstone	Devon-wide winner in new entry category

- b) The Chairman to present cups and certificates to high scoring East Devon villages.

East Devon results (those who have not won in the Devon-wide competition but who receive awards from EDDC).	
East Budleigh	Large village - winner of EDDC Baker Cup
Talaton	Small village – winner of EDDC Glanvil Cup
Axmouth	Runner-up – large village
Hawkchurch	Runner-up – small village

11 To answer questions asked by Members of the Council pursuant to Procedure Rules No 9.2 and 9.5.

12 Reports from the Cabinet and the Council's Committees and questions on those reports:

Cabinet	Minutes	51-70, 71-91
†Overview and Scrutiny Committee	Minutes	18-24, 25-34
†Housing Review Board	Minutes	21-40
Development Management Committee	Minutes	12-15, 16-21, 22-26
Planning Inspections Committee	Minutes	7-9, 10-12, 13-15
Audit and Governance Committee	Minutes	14-24
Licensing and Enforcement Committee	Minutes	4-6
Licensing and Enforcement Sub Committee	Minutes	6-8, 9-10, 11-13

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

13 **Strata (Joint Teignbridge DC, Exeter CC and East Devon DC ICT Partnership)**

The report on governance and scrutiny proposals for Strata was referred to Cabinet on 1 October 2014. The decision and recommendation of Cabinet are set out in the Council minute book.

Cabinet is responsible for appointing EDDC's representatives to Strata's Joint Executive Committee.

Representatives to Strata's politically balanced Joint Scrutiny Committee is the responsibility of Council – 2 x Conservative representatives and 1 x Liberal Democrat representative.

14 **Housing Review Board – tenant and/or leaseholder representatives**

To confirm the following appointments of tenant/leaseholder representatives to fill two vacancies on the Housing Review Board:

Harry Roberts
Joyce Ebborn

15 **Representation on Committee**

That Bob Buxton be allocated to serve on the Development Management Committee with immediate effect – Councillor Ken Potter has stepped down from this Committee for health reasons.

Please note that under Procedure Rule 9.2, Councillors may submit written questions to Council Leader or specific Portfolio Holders

[Decision making and equalities](#)

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

Meeting of the Council – 15 October 2014

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EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of the Council held at Knowle, Sidmouth on 23 July 2014

Attendance list at end of document

The meeting started at 6.30pm and ended at 8.35 pm.

***18 Public Speaking**

Paul Freeman criticised the Council's Electoral Registration Officer. He said that the Council's administration of Individual Electoral Registration had resulted in over six thousand people in East Devon being removed from the register. He added that the Council's doorstep canvassing had been incomplete over the last three years and asked if canvassers had now been recruited.

The Chief Executive responded as Electoral Registration Officer. He advised that Mr Freeman first check his facts. The Council was in transition from a householder electoral registration system that the Government had deemed unfit for purpose. In any change process, it is the end position, rather than where you start from, that counts. The first new register involving Individual Elector Registration would be published in December this year.

Paul Arnott referred to the minutes of the Overview and Scrutiny Committee and its recommendation to change the existing public speaking arrangements at future Development Management Committee meetings. The recommendations had been referred to Cabinet where there had been no debate.

The Chief Executive assured Mr Arnott that the recommendations would be considered at this meeting and in fact, the minute had been 'called'.

***19 Minutes**

The minutes annual meeting of the Council held on 14 May 2014 were confirmed and signed as a true record.

(The minutes of the ordinary meeting held on 9 April 2014 had already been referred to annual council and signed then but were included in the Council minute book for information and ease of reference.)

***20 Declarations**

Cllr Andrew Moulding declared a personal interest in Housing Review Board minute 12 (Supporting People) because he had a disabled relative who was in receipt of the service provided by mobile support.

***21 Chairman/Leader notices/announcements**

a) Ken Potter

The Chairman advised that Councillor Ken Potter was unwell and had been taken to hospital; he would write a letter of best wishes on behalf of the Council.

b) Fire at Woodbury Car Breakers' Yard

The Chairman invited Councillor Jill Elson, Portfolio Holder for Sustainable Homes and Communities to address the Council. Councillor Elson advised that the blaze had started in the yard in Woodbury at about 14.30 on Sunday, 20 July 2014. At least 10 fire crews were called to deal with this very serious and significant fire. Housing Officers were called out and about 30 homes next to the yard were evacuated. A rescue centre was set up in the village hall. Honorary Alderman Bernard Hughes also attended the scene to see if he could help. Environmental Health was also involved due concern about asbestos.

Councillor Elson thanked the staff for their valued efforts but gave particular praise to the local people who had rallied to help and support residents temporarily evacuated from their homes.

c) Denise Lyon – Deputy Chief Executive and Monitoring Officer

The Chairman advised that Denise Lyon was leaving the Council and that this would be her last Council meeting. He invited Members to a small reception for Denise in the Members' Area at the close of the meeting and hoped that all Members would join him.

d) Cranbrook Planning Submission award

The Leader announced that he had collected a prestigious award on behalf of the Council that day from the Royal Town and Planning Institute. The award presented was for best submission in planning excellence. He suggested that the award be given pride of place at the Younghayes Centre, Cranbrook.

***22 Long service awards**

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

Diane Rowland, Interventions Officer, Revenues and Benefits – 20 years

Michael Wakefield, Building Cleaner, Property Services – 10 years

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

Seven questions had been submitted.

a) Timetable for the Strategic Housing Market Assessment

In response to a supplementary question, the Chief Executive advised that the consultation referred to in the printed answer was in respect of the Strategic Housing Market Assessment and as this covered 945 square miles, 452,200 residents and 195,000 households, it was a very complex process.

b) Estimated cost of proposed Office relocation

In response to a supplementary question, the Leader said that the Council publicised as much information as it could but elements had to remain confidential due to their commercial sensitivity.

c) Progress re police investigation into former councillor Graham Brown

The Chief Executive advised that the Council had contacted the Police for a progress report and a response was awaited.

d) Support for cut in Tourism VAT

In response to a supplementary question, the Leader advised that the local MPs had not supported this proposal.

- e) **Request for update on first meeting of Trees Task and Finish Forum**
Councillor Iain Chubb, Environment Portfolio Holder, responded to a supplementary question by advising that much work was being progressed in respect of trees, including a tree-planting scheme. However, he questioned why Councillor Wright had not contacted him direct for this information; he would have been happy to discuss the current situation over the phone.
- f) **Council's appeal re publishing the survey on Knowle buildings**
No supplementary question was asked.
- g) **Cost to EDDC of Information Commissioner's public hearing on publishing survey.**
In response to a supplementary question, the Chief Executive advised that the cost was dependent on the length and complexity of the hearing; this was the first time the Council had ever been involved in this type of hearing.

*24 **Minutes of Cabinet and Committees**

RESOLVED

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

Cabinet

Minutes 230-246, 1-25, 26-50

Development Management Committee

Minutes 71-72, 73-77, 78-79, 1-5, 6-11

Planning Inspections Committee

Minutes 26-28, 1-3, 4-6

Audit and Governance Committee

Minutes 1-13

Standards Committee

Minutes 37-45

Licensing and Enforcement Committee

Minutes 1-3

Licensing and Enforcement Sub Committee

Minutes 50-51, 52-53, 54-56, 57-60, 1-2, 3-5

RESOLVED

2. that the under-mentioned minutes be received.

Cabinet (minutes 236, 8, 32 and 33) had noted or accepted the following Overview/Scrutiny Committees' recommendations with or without amendment.

Overview and Scrutiny Committee

Minutes 71-78, 1-5, 6-17

Housing Review Board

Minutes 1-20

Arising from consideration of the above minutes:-

a) Recommendations of the Overview and Scrutiny Committee re public speaking arrangements at Development Management Meetings (Cabinet minute 8)

Councillor Claire Wright said that the proposed amendments to the public speaking arrangements were controversial. The proposed new arrangements included pre-registering to speak, limiting the number of speakers, appointing a spokesperson and re-ordering the published agenda. Councillor Wright suggested that a contributing problem was that debate was not moved on to a vote even when general agreement was apparent. She asked that the current arrangements be retained for a year; that public speaking be monitored but not restricted until the Local Plan was in place. If the problem continued after that time, then there should be a full review.

Councillor Ben Ingham seconded Councillor Wright's proposal to retain the status quo.

Councillor Ray Bloxham, Portfolio Holder – Corporate Business referred to the package of recommendations, which he said would extend the public involvement in Development Management Committees, help address the problem of the length of planning meetings and increase their effectiveness. The proposals would allow the Council to be much more specific about when those interested in an application should arrive; this was not possible under the present arrangements.

During the debate, the following points were raised:

- There had been a full debate at the Overview and Scrutiny Committee on the proposed changes.
- There had been opportunity to debate the proposals at the Overview and Scrutiny Committee and Cabinet.
- The proposals were not restrictive but gave the public more opportunities to speak than at other councils.
- The Development Management Committee meetings were currently far too long
- Improvements could be achieved without changing the public speaking arrangements.
- Development Management Committee members should not repeat points already made.
- Councillors were democratically elected to make decisions on behalf of everyone. Those serving on the Development Management Committee had to be trained before they could take part in the meetings. If the debate on applications was limited and if Committee members were not seen to debate an issue fully, the Council would be open to judicial review. It was vital to allow proper debate.
- The views of the public were already included in the Officer reports to Committee.
- It would be difficult for individuals to co-ordinate their response and appoint a spokesperson.
- Meetings could be split – such as east and west or strategic and non-strategic applications. This change could effectively involve local Ward Councillors
- Information and opinions needed to be drawn from all sources and therefore public speaking arrangements should not be changed.
- There was still the opportunity to hold special meetings to discuss significant single applications.
- It could be useful to look at different ways of working and involve the Royal Town and Planning Institute in assessing members' training needs.

The request for a recorded vote was put to the vote and supported.

Members voted on the amendment to the recommendations; namely that any changes to the current public speaking arrangements for Development Management Committee meetings be deferred for a year.

Councillors voting in favour of the amendment (16):

Mike Allen, Susie Bond, Derek Button, Trevor Cope, Steve Gazzard, Pat Graham, Stuart Hughes, Douglas Hull, Ben Ingham, John Jeffery, Sheila Kerridge, Jim Knight, Frances Newth, Brenda Taylor, Graham Troman, Claire Wright.

Councillors voting against the amendment (29):

Graham Godbeer, Christine Drew, Paul Diviani, Ray Bloxham, Roger Boote, Peter Bowden, Bob Buxton, David Chapman, Maddy Chapman, Iain Chubb, David Cox, Deborah Custance Baker, Martin Gammell, Steve Hall, Peter Halse, Tony Howard, John Humphreys, David Key, Andrew Moulding, John O'Leary, Helen Parr, Philip Skinner, Pauline Stott, Peter Sullivan, Phil Twiss, Chris Wale, Mark Williamson, Tim Wood, Tom Wright.

Councillors abstaining (4):

Peter Burrows, Jill Elson, Stephanie Jones, Ian Thomas.

RESOLVED

that the recommended changes to Development Management Committee arrangements including in respect of public speaking as set out in Cabinet Minute 8 be agreed.

b) Budget constraints and impact on organisational design and structure (Cabinet Minute 25)

The Leader asked Council to note and approve the interim appointment of Ian Clarke, Monitoring Officer at South Somerset District Council as EDDC's Monitoring Officer.

RESOLVED

that as an interim measure, SSDC's Monitoring Officer be appointed as EDDC's Monitoring Officer with immediate effect.

c) Mitigation of impacts on highest tier of wildlife sites (Cabinet Minute 39)

The Leader's statement in respect of recommendation 3 of this minute had been circulated to all Councillors prior to the meeting. This had been produced because following Cabinet's endorsement, it was noted that there were two anomalies in respect of the proposed charging zones for land in East Devon and north of Exeter. The stated amendments were that:

1. A small part of the District was not specifically labelled and this should have its own specific charging zone - an Exe only area; and
2. A table in the Cabinet report referred to a charge in the 'Exe only' (this should have read 'Pebblebed only' and it would, therefore, correspond with the correctly labelled map that was also contained in the report.

The amended table reads:

Pebblebeds only – charge for on-site measures £149, charge for SANGs £477 with total charge per new dwelling being £626.

Exe and Pebblebeds – charge for on-site measures £272, charge for SANGs £477 with total charge per new dwelling being £749.

Exe only – charge for on-site measures £123, charge for SANGs £477 with charge per new dwelling being £600.

To be adopted by Council with effect from 1 August 2014 with all monies to be secured through Section 106 agreements until such time as the Community Infrastructure Levy is adopted by Council.

d) Supporting People (Housing Review Board Minute 12)

Councillor Jill Elson, Sustainable Homes and Communities Portfolio Holder advised that the withdrawal of County Council funding for mobile support would have an impact on EDDC's 1,342 tenants in sheltered housing schemes. Many of the Council's sheltered housing tenants relied on the support service to maintain their independence; EDDC would try to ensure that this valued service was maintained. EDDC had written to its tenants who would be affected by this cut to make them aware of the situation and give assurance that the Council would work with them to achieve a solution, including ensuring that they claimed the benefits that they were entitled to. The Housing Review Board wanted to make sure that its elderly and vulnerable tenants felt safe. EDDC wanted to continue to provide an alarm system and a mobile support service and would explore options available to achieve this. The Council's position had been made clear to the local media and it was hoped that the Council's intentions would be properly reported to avoid vulnerable tenants becoming unnecessarily anxious.

e) Five year land supply (Audit and Governance Committee Minute 12)

In presenting the Committee's minutes, Vice Chairman, Councillor Peter Bowden, drew Council's attention to the Audit and Government Committee's drive for more detailed robust and proactive monitoring of the five-year land supply on an on-going basis. Councillor Bowden also advised that he had attending an audit and governance training seminar that morning and was pleased to report that EDDC's audit team was very effective and, as a result, EDDC was well placed in terms of its governance arrangements.

f) Draft Annual Governance Statement (Audit and Governance Committee Minute 8)

In response to a request from Councillor Susie Bond for clarity and an up-date on the former councillor Graham Brown Police enquiry, the Chief Executive advised that the Police were the arbiters of the case and would provide an update when the investigation had been completed.

g) Standards Committee

In presenting the minutes, the Chairman, Councillor Graham Godbeer, particularly thanked the co-opted members of the Committee for their wise counsel and input.

***25 Motion 1 – Land Supply**

The following motion was proposed by Councillor Susie Bond, seconded by Councillor Ben Ingham and supported by Councillors Roger Giles, Claire Wright and Martin Gammell.

The lack of an adopted Local Plan and the lack of a 6-year housing land supply has created an uncertain planning position with a consequential risk of housing development being approved over and above the numbers the Council believes is justified and in locations that the Council believes are inappropriate. This Council notes the decision of 7 April 2014 by Planning Inspector Jessica Graham to impose a 2-year start condition in allowing a planning appeal at Feniton.

This Council therefore asks Development Management Committee to give careful consideration to the Feniton Appeal decision, and when giving approvals that are being granted *specifically* to address 6-year land supply issues, agree that approval should be

conditioned such that work should commence within 2 years of approval being granted, instead of the current 3 years. This will allow the Council to address the shortfall in the 6-year land supply in a timely fashion.

In proposing, Councillor Bond asked the planning service to make use of a power that already existed – namely to condition specific applications in respect of the timing of start of development. She said that this would stop the practice of land banking and also help address the Council's required land supply. A significant number of outstanding permissions existed at a time when there was a desperate need for more housing.

In seconding, Councillor Ben Ingham said that as the Local Plan was not yet in place and the Council did not have an adequate land supply, areas outside the Area of Outstanding Beauty designation were at risk of inappropriate development.

Councillor Helen Parr, Chairman of the Development Management Committee agreed that the power to add such a condition was already being used. She gave a list of examples in support where permission had been granted subject to the development commencing within 2 years of approval being given. The Committee would consider this option but determined all applications on their own merit, taking a wide range of other issues into account. It was a problem when a developer made a material start to a development and then stopped.

The debate included the following:

- The Development Management Committee did not determine an application simply on the land supply issue.
- Sometimes there was a good reason why developers were unable to commence – such as funding or time taken to address the conditions attached to the permission.
- Development must be delivered where it was needed.
- The district was doing a good job of delivering affordable housing with improving numbers year on year.

In summing up, Councillor Bond thanked the Chairman of the Development Management Committee for the examples given of where the power had been used.

The motion was put to the vote and lost.

*26 **Motion 2 – Democratic process**

The following motion was proposed by Councillor Claire Wright, seconded by Councillor Ben Ingham and supported by Councillors Trevor Cope, Susie Bond and Roger Giles.

This council believes wholeheartedly in democracy and the fundamental right of its citizens to be fully represented by their elected members. This council also believes in the democratic process and commits to do everything within its power to enhance the role of the elected member.

In proposing, Councillor Claire Wright suggested that the Council's reputation was under threat and gave a number of examples including the changes to public speaking arrangements at Committee, the Local Plan not yet in place, the lack of progress of the East Devon Business Forum and lack of transparency in respect of the proposed office relocation. She also referred to a joint Corporate Business and Corporate Services Think Tank, which she alleged was discussing ways to further restrict public and non-majority group contribution. She wanted the Council to have a greater respect for public opinion and encourage public involvement. Councillor Wright thought that in her opinion the matter

should be referred to Overview and Scrutiny Committee for a full debate about her concerns.

In seconding, Councillor Ben Ingham referred to decisions made by the controlling group, which he said were reducing public and member participation in the democratic process.

The debate included the following points:

- Chairmen always invite debate at meetings from all Members – whether or not they are appointed to those committees.
- Attendance at meetings of the Overview and Scrutiny is often low.
- The words of the motion were supported but not for the reasons suggested or for the manner in which it had been proposed.
- Democratic agreement is achieved through debate; not everyone will agree with the outcome.
- Councillors represent democracy – they are elected to represent their electorate.
- The Joint Corporate Business and Corporate Services Think Tank had been set up to discuss how to make best use of Council meetings. All Councillors had been invited and the associated paperwork had been presented to stimulate debate and question.
- As the Cabinet was single party, the only place where there could be a proper debate was at meetings of the Council.
- Motions at Council were a useful way of exploring ideas and wider issues.

After a full debate, it was proposed by Councillor Philip Skinner and seconded by Councillor Phil Twiss that the motion as printed be put. This proposal was carried and the consequential vote on the motion was unanimously in favour.

RESOLVED

This Council believes wholeheartedly in democracy and the fundamental right of its citizens to be fully represented by their elected members. This Council also believes in the democratic process and commits to do everything within its power to enhance the role of the elected member.

Attendance list

Councillors present:

Graham Godbeer, Chairman
Christine Drew, Vice Chairman
Mike Allen
Ray Bloxham
Susie Bond
Roger Boote
Peter Bowden
Peter Burrows
Derek Button
Bob Buxton
David Chapman
Maddy Chapman
Iain Chubb
Trevor Cope
David Cox
Deborah Custance Baker
Paul Diviani

Jill Elson
Martin Gammell
Steve Gazzard
Pat Graham
Steve Hall
Peter Halse
Tony Howard
Stuart Hughes
Douglas Hull
John Humphreys
Ben Ingham
John Jeffery
Stephanie Jones
Sheila Kerridge
David Key
Jim Knight
Andrew Moulding
Frances Newth
John O'Leary
Helen Parr
Philip Skinner
Pauline Stott
Peter Sullivan
Brenda Taylor
Ian Thomas
Graham Troman
Phil Twiss
Chris Wale
Mark Williamson
Tim Wood
Claire Wright
Tom Wright

Also present:

Honorary Aldermen

Vivienne Ash
Ray Franklin
Mike Green
Bernard Hughes
Ann Liverton
Ron Mudge
Bob Peachey
Tony Reed
Dr Bill Waterworth

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Denise Lyon, Deputy Chief Executive
Rachel Pocock, Corporate Legal and Democratic Services Manager

Diana Vernon, Democratic Services Manager
Hannah Whitfield, Democratic Services Officer
Edward Chubb, Work Experience Student

Councillor apologies:

David Atkins, Geoff Chamberlain, Alan Dent, Vivien Duval Steer, Mike Howe, Geoff Pook,
Ken Potter, Eileen Wragg, Steve Wragg

Honorary Alderman apologies:

Graham Liverton
Margaret Rogers

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Knowle, Sidmouth on 3 September 2014

Attendance list at end of document

The meeting started at 5.30pm and ended at 7.24 pm.

***51 Public Speaking**

There were no questions from the public at this part of the meeting.

***52 Minutes**

The minutes of the Cabinet meeting held on 2 July 2014 were confirmed and signed as a true record.

Note - Mitigation of impacts on highest tier of wildlife sites – minute 39 refers.

Members were asked to note the amendment made by the Leader at the meeting of the Council on 23 July 2014 to correct two anomalies in the report to Cabinet in respect of charging zones for land in East Devon and north of Exeter.

The amendments were because:

1. A small part of the District was not specifically labelled and this should have its own specific charging zone - an Exe only area; and
2. A table in the Cabinet report referred to a charge in the 'Exe only' (this should have read 'Pebblebed only' and it would, therefore, correspond with the correctly labelled map that was also contained in the report).

The amended table to read:

Pebblebeds only – charge for on-site measures £149, charge for SANGs £477 with total charge per new dwelling being £626.

Exe and Pebblebeds – charge for on-site measures £272, charge for SANGs £477 with total charge per new dwelling being £749.

Exe only – charge for on-site measures £123, charge for SANGs £477 with charge per new dwelling being £600.

The amended minute was adopted by Council with effect from 1 August 2014 with all monies to be secured through Section 106 agreements until the Community Infrastructure Levy was adopted by Council.

***53 Declarations**

No declarations of interest were made.

***54 Exclusion of the public**

RESOLVED:

that the classification given to the documents to be submitted to the Cabinet be confirmed; there were 2 items which officers recommended should be dealt with in Part B.

***55 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 September to 31 December 2014.

***56 Matters referred to the Cabinet**

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

***57 Overview and Scrutiny Committee – 14 August 2014**

Members received and noted the minutes of the meeting of the Overview and Scrutiny Committee held on 14 August 2014.

One of the items for consideration by the Committee had been the review of the format of full council meetings. The Committee recommended that no presentation be made at meetings of the Council unless there was a compelling reason to do so. The Chairman of the Overview and Scrutiny advised that the Committee had felt that Council was not always the most appropriate meeting for the presentations to be made. Councillor Bloxham, Portfolio Holder – Corporate Business suggested that this recommendation should be referred back to the joint Think Tank held with the Portfolio Holder for Corporate Services to enable a list of criteria to be drawn up, against which requests for presentations could be assessed objectively.

RESOLVED:

that the joint Corporate Business and Corporate Services Think Tank draw up an objective set of criteria against which requests for presentations can be assessed and present these to the Overview and Scrutiny Committee for further discussion.

***58 Recycling and Refuse Partnership Board – 24 July 2014**

Members received and noted the minutes of the meeting of the Recycling and Refuse Partnership Board held on 24 July 2014.

Councillor Iain Chubb, Portfolio Holder - Environment advised that the meetings of the Partnership Board would now be in two parts with the first part to discuss performance/operation of the current contract and the second part to discuss various commercially sensitive issues including business plans and future contract arrangements. Councillor Chubb advised that a very useful meeting of his Think Tank had been held (all Councillors had been invited) to discuss the new refuse contract processes and options. He wanted to keep Councillors as well informed as possible, invite their views and determine what Councillors regarded as contract essentials, such as increasing the recycling options, achieving best value for money and maintaining a quality service.

The recommendations of the Partnership Board were reflected in the Recycling and Waste Collection options report which was considered in later in the agenda, (Minute 70 refers).

***59 New Homes Bonus Panel – 22 July 2014**

Members received the notes of the meeting of the New Homes Bonus Panel held on 22 July 2014 presented by the Panel's Chairman, Councillor Ray Bloxham. Cabinet supported the decisions made by the Panel.

RESOLVED:

that the New Homes Bonus Panel's decisions be supported and its recommendations approved, as set out in the notes of the Panel's meeting.

60 **Otterton Village Shop – interest free loan application**

In the interests of the public present, the Leader agreed for the item to be brought forward earlier in the meeting.

Viv Price, Chairman of the Otterton Community Shop Committee spoke of the need for a community shop in the village. She advised that the previous village shop had closed over eight years ago. Residents of the village currently had to make a six mile round trip to reach the nearest shop and that the nearest supermarket was over seven miles away. She believed that a community shop would bring a ‘heart’ back into the village. The population of the village was largely made up of elderly and young families and an infrequent public transport service resulted in a reliance on the private car – this was not sustainable. Results of a village survey, which had received a 35% return, had shown all but one person was in a favour of a community shop. The shop had been set up as an Industrial and Provident Society and currently had 88 shareholders. A loan was sought in case there were insufficient funds from other sources to meet the sum required to set up and stock the shop.

Consideration was given the report of the Head of Finance in respect of the request received from Otterton Community Shop Limited for an interest free loan to help set up a village shop in Otterton. The business plan was included within the report to Cabinet. The Ward Member, Councillor Bloxham spoke of the hard work of all those involved in the project to set up a village shop and to find a suitable location. He advised that the Community Shop Committee had raised a significant amount of the funding themselves and would continue to try and raise the remaining funds required, however the loan would provide a short-term solution should there be a shortfall in funds, to enable the shop to be stocked.

During discussion, Members spoke of the success of the community shop in East Budeigh and wished Otterton Community Shop Ltd the same success. In response to a question, the speaker advised that the intention was to use local suppliers where possible.

RECOMMENDED:

that a five year interest free loan be granted to Otterton Community Shop Limited of up to £10,000.

REASONS:

The interest free loan would be used to assist in the setting up of a Community Shop in Otterton by an Industrial and Provident Society for the benefit of the community.

61 **Exmouth and Dawlish Beach Management Scheme – key decision**

The Head of Housing introduced the joint report of the Senior Engineer and Streetscene Manager, which identified the technically preferred option for the future management of the Exmouth Beach – this option had been reached following analysis of technical assessments and having run a workshop and public exhibition with partners. The preferred option involved future recycling of material from areas of the beach that have built up over the years to areas that are eroding. Beach levels would continue to be monitored with the Environment Agency and Coastal Observatory groups up until these works are undertaken and earlier action will be taken if necessary.

A summary of flood and coastal erosion risks, proposed timings, cost, potential funding arrangements and alternative options were detailed in the report.

61 **Exmouth and Dawlish Beach Management Scheme – key decision cont...**

The Head of Housing updated Members that since the report was published information had been received from the Plymouth Coastal Observatory confirming the consultant's findings in respect of the effects of the winter storms of 2013/14. The storms had confirmed earlier erosion patterns – significant loss of beach material by the Maer and significant build up adjacent to the west of the Octagon.

Comments and points raised during debate included:

- The local feeling in Exmouth was that the Exmouth and Dawlish Management Beach Management Scheme focused primarily on resolving issues in Dawlish rather than Exmouth;
- The proposed option only provided a short-term solution – a better understanding of the patterns and causes of the erosion was required to enable a long-term beach management plan to be implemented. Consideration should be given to allocating funds for this work;
- A narrow channel currently existed to enable boats to reach the sea and this raised safety concerns. Exeter City Council, as the Exe Harbour/Navigation Authority, should be looking to dredge the river as a priority. The harbour control boat was also advised to be no longer fit for purpose;
- Sections of the dunes at the Maer had reduced significantly. It was suggested that the sand swept up by Street Scene could be emptied in this location;
- Concerns were raised about the rate beach levels had dropped and that if this continued sea defences could be undermined. Repair works had been required as a result of the exceptional storms of winter 2013/14. Access to the beach was also affected by the erosion – at one particular access there was now a significant drop from the bottom of the steps accessing the beach down to the sand;
- Better joint working was required with Exeter City Council and Teignbridge District Council to address the issues identified. The Chief Executive advised that meetings had been held between the three authorities at officer level and highlighted that there was a cross-party commitment through the Habitat Mitigation Fund to do more than had been done in the past;
- The alternative option, which was to join with the Dawlish works to recharge the beach would involve costs to the Council of between £4m and £6m – this work would not be eligible for government funding;
- It was suggested that a site visit be arranged for Members to visit Exmouth to view the effects of the erosion for themselves.

RECOMMENDED:

that the option to recycle beach material as a means of managing Exmouth beach be agreed as the preferred approach; the works to be carried out in the period 2020/25.

RESOLVED:

1. that a site visit be held, with appropriate officers to attend, to enable Members to view and understand the impact of sand erosion on Exmouth beach.
2. that officers request a meeting with the Exe Harbour Authority (Exeter City Council) to address recreational and safety concerns as a result of the build up of sediment on the riverbed and discuss dredging the River Exe to increase the depth of the navigation channel.

61 **Exmouth and Dawlish Beach Management Scheme – key decision cont...**

REASON:

The preferred option for the management of Exmouth Beach was based on technical assessment and was the most appropriate way to maintain the coastal defence element of the beach and achieve government funding for the required works. The preferred option did not address amenity value elements of beach recharge as these would not attract any government funding.

*62 **Financial monitoring report 2014/15 – month 4 July 2014**

The Head of Finance presented the summary of the Council's overall financial position for 2013/14 at the end of month four (31 July 2014). This indicated:

- The General Fund Balance (predicted at £3,501k) was being maintained at or above the adopted level (within the range of £2,800 - £3,600k).
- The Housing Revenue Account Balance (predicted £4,703k) would be maintained at or above the adopted level (£2,100k). This is well above the recommended level and will be used for further investment in the housing stock, to offset the adverse effects of Welfare Reform and to ensure sufficient funds are available to service the self-financing loans. In addition, £2.9m was held in a volatility reserve.
- There was sufficient Capital Reserve to balance this year's Capital Programme. However, due to Exmouth Regeneration funding commitments and timing of capital receipts, it was estimated that no funds would be available in the Reserve to support the Capital Programme for general use in 2015/16 and 2016/17. Short-term borrowing from the Public Works Loan Board would be required.

The current contract with CAPITA would expire on 31 October 2014. Members were asked to agree to an exemption from Contract Standing Orders, for reasons given in the report, in respect of the contract to provide local authority treasury advice

RESOLVED:

- 1) that the variances identified as part of the Revenue and Capital monitoring process up to month four be acknowledged,
- 2) that exemption from Contract Standing Orders be agreed for the purchase of Treasury Management Advice Service.

REASONS:

- 1) To up-date Members on the overall financial position of the authority following the end of each month; the report included recommendations where corrective action is required for the remainder of the year.
- 2) The current Treasury Management Advice Service contract would expire on 31 October 2014 – there were only two companies operating in the local authority treasury advice market and therefore three quotes could not be obtained.

***63 Local Welfare Support scheme – exit strategy**

The Portfolio Holder – Sustainable Homes and Communities, Councillor Elson introduced the report of the Housing Needs and Strategy Manager giving an update on the implementation of the Local Welfare Support (LWS) scheme that had been introduced in April 2013. Funding provided by DWP through Devon County Council for EDDC's LWS scheme would cease from the end of this financial year. The report sets out proposals to end the Council's LWS scheme from 31 March 2015. The Council was no longer able to provide funding for this crisis scheme beyond that date due to other competing demands for funding. Members were asked to consider the provision of a small budget made up from underspends in 2013/14 and 2014/15 to mitigate the impact of no longer providing LSW – this budget would be used to complement the Council's work with homeless and low income households and vulnerable new tenants setting up home for the first time.

An Equalities Impact Assessment had been included within the report. This was taken into account by Members during their consideration of this item. Consultation with Homemaker and other stakeholders on the proposals would be carried out before a final decision was made.

RESOLVED:

1. that the progress made in implementing the Local Welfare Support scheme be noted;
2. that delegated authority be given to the Head of Housing to consider the consultation responses and finalise and implement a new scheme in consultation with the Sustainable Homes and Communities Portfolio Holder and Head of Finance;
3. that the Local Welfare Support funding not spent in 2013/14 and carried forward in reserves amounting to £28,600 plus any unspent funding in 2014/15 be used to provide a limited level of assistance to homeless/low income/vulnerable households – costing £16,000 per year.

REASONS:

The DWP is withdrawing funding for the LWS schemes from 1 April 2015. The Council believes this service is important and that a level of support to vulnerable people should continue to be provided following the end of the LWS scheme.

***64 Employer Pension discretions – Local Government Pension Scheme (LGPS)**

The report of the Corporate Organisational Development Manager set out EDDC's approach to pension discretions. The LGPS regulations require the Council to keep its statement of policy about the exercise of discretionary functions under review. The policy had been included with the report with new areas of discretion indicated in red.

RESOLVED:

that the pension discretions set out in the report be approved, published and kept under review for EDDC's members of the LGPS.

REASONS:

Keeping the statement of policy about the exercise of discretionary functions under review was a requirement under LGPS regulations.

***65 Proposed designation of Otterton, Rockbeare (part), Aylesbeare and Feniton Neighbourhood Areas**

Members considered proposals for designation as Neighbourhood Areas; all had been subject to the requisite six-week consultation period. No objections were received in respect of the Otterton, Aylesbeare and Feniton applications.

The Chief Executive reported that since the report had been published Devon County Council had submitted an objection in respect of the proposed designation area for Rockbeare. They considered that the neighbourhood area should not extend into the possible future expansion area of Cranbrook that lies to south of the old A30. Members noted that no objection had been received by the New Community Partners.

RESOLVED:

That the following designations as individual Neighbourhood Areas be approved:

- Otterton
- Aylesbeare
- Rockbeare (part)
- Feniton

REASONS:

To enable the parishes to prepare a Neighbourhood Plan under the auspices of the Localism Act 2011 and the Neighbourhood Planning Regulations 2012.

***66 Annual performance report**

The Cabinet considered the Corporate Organisational Development Manager's annual report, which was part of the Council's regular performance monitoring cycle. This, with the monthly and quarterly reports, tracked performance against the Council Plan, Service Plans and performance indicators.

Members welcomed the format in which the information was presented and wished to pass thanks to the Corporate Organisational Development Manager and her team for their work in producing the report. The report demonstrated the positive work of the Council in delivering quality services.

The annual report was one of a number of documents aimed at improving the flow of communication and dialogue with residents.

In response to a query raised by a member of the Cabinet, the Chief Executive clarified that reference to 'Fort Field' in respect of section 106 contributions received by the Council in the draft annual report was an error. This was actually referencing the existing Fortfield Hotel development. An erratum slip would be printed to correct this sentence.

Members noted that the Overview and Scrutiny Committee would be considering a report which compared this year's annual report with the previous year's. The presentation of information to the public by the Council would also be discussed.

Minor editorial amendments raised were noted and would be incorporated into the final document.

***66 Annual performance report cont...**

RESOLVED:

that the Council's performance against the priorities in the Council Plan as set out in the annual report 2013/14 be noted – minor editorial amendments raised at the meeting will be incorporated in the final refreshed document which will be uploaded onto the Council's website.

REASONS:

To monitor performance against the Council Plan, Service Plans and performance indicators.

***67 Monthly performance report – June and July 2014**

The Cabinet considered the report of the Corporate Organisational Development Manager setting out performance information for the 2014/15 financial year for June and July 2014.

No performance indicators showed as concern. The following indicators showed excellent performance.

- Percentage of planning appeal decisions where the planning inspector has disagreed with the Council's decision
- percentage of Council Tax collected
- days taken to process Housing Benefit/Council Tax Benefit new claims and change events
- percentage of invoices paid within 10 working days (new indicator for 2014/15)
- percentage of invoices paid within 30 days

The usefulness of the monthly performance snapshots was highlighted.

RESOLVED:

that the progress and proposed improvement action for performance measures for the 2014/15 financial year for June and July 2014 be noted.

REASON:

The performance monitoring report highlights progress using a monthly snapshot report; SPAR reports on monthly indicators and systems thinking measures in key service areas including Streetscene, Housing, Development Management and Revenues and Benefits.

***68 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).

***69 Seaton Jurassic – key decision**

The Cabinet considered and discussed the Principal Regeneration Project Manager's report updating Members on the current position regarding the appointment of the contractor for the main build for Seaton Jurassic. The Council was asked to agree additional funding to enable the works to start on site whilst further fund raising was carried out. A further addendum paper was circulated at the meeting with a further recommendation seeking agreement to enter into a Construction South West Framework pre-construction agreement with the Kier Contractors.

RESOLVED:

1. that the appointment of Kier Contractors to construct the main build of Seaton Jurassic at the contract sum as detailed in paragraph 1.1 of the confidential report be approved, subject to the Council agreeing to underwrite the additional funding as set out in recommendation 2 below;
2. that agreement be given to enter into a Construction South West Framework pre-construction agreement with Kier for up to £200,000 to allow certain works to be undertaken on the Seaton Jurassic Site before the contract documents are finalised.
3. that underwriting the additional funding as set out in paragraph 1.15 of the confidential report be agreed – this to cover the further identified construction costs that have arisen following more detailed analysis of costs associated with ground works, external interpretation and an increase in sub-contractor costs in the market place. (A contingency as set out in paragraph 3.2 is included in the main budget available.)
4. that a loan to the project budget as set out in paragraph 1.7 to cover the part of the Heritage Lottery Fund funding that has been provided as revenue rather than capital be approved. (This sum will be repaid to the Council within the first two years of operation).

REASON:

To address the additional funding requirement and ensure contractors could start on site on the agreed date. The Project Team intends to recoup much of this underwriting requirement via the future fundraising efforts. This was an urgent decision on behalf of the Council.

***70 Recycling and Waste collections options report**

The Head of Housing introduced the report of the Recycling and Waste Contract Manager giving an update on progress towards procurement of a new recycling and waste collection contract. Members considered and discussed the commissioning, procurement and mobilisation options set out in the report and took into account the minutes of the Recycling and Refuse Partnership Board considered earlier in the meeting.

RESOLVED:

1. that the progress made to date be noted and the tendering recommendations outlined in the report be approved, whilst undertaking further exploration of the business case Integrated Devon Waste.
2. that the procurement options as presented be noted and the suggested procurement route of competitive dialogue following a detailed commissioning period, to be commenced in December 2014 and run alongside the Integrated Devon Waste option if still considered viable at that point in time be agreed.
3. that the creation of a sub-group of the Recycling and Waste Board (the Recycling and Refuse Commissioning Group) be agreed to aid the commissioning process;
4. that the outline timetable produced be approved.
5. that the Recycling and Refuse Partnership Board be invited to review the Integrated Devon Waste option and recommend the best way forward for the Council.

*70 **Recycling and Waste collections options report cont...**

REASONS:

To follow the optimum route towards commissioning, procurement and mobilisation of a new contract for this important and valued frontline service that will allow for future improvements to recycling rates and provide reduced tonnages of waste for disposal.

Attendance list

Present:

Paul Diviani Leader/Chairman
Andrew Moulding Deputy Leader/Portfolio Holder Strategic Development and Partnership

Portfolio Holders:

Ray Bloxham Corporate Business
Iain Chubb Environment
David Cox Finance
Jill Elson Sustainable Homes and Communities
Ian Thomas Economy
Phil Twiss Corporate Services

Deputy Portfolio Holders

Stephanie Jones Sustainable Homes and Communities
Tom Wright Environment

Also present:

Councillors:

Peter Bowden
Maddy Chapman
Deborah Custance Baker
Christine Drew
Martin Gammell
Steve Gazzard
Graham Godbeer
Tony Howard
Douglas Hull
John Humphreys
Sheila Kerridge
Frances Newth
John O'Leary
Pauline Stott
Frances Newth
Helen Parr
Tim Wood

Also present:

Officers:

Mark Williams, Chief Executive
Simon Davey, Head of Finance
John Golding, Head of Housing
Rachel Pocock, Corporate Legal and Democratic Services Manager
Andrew Hancock, Streetscene Manager
Alison Hayward, Principal Regeneration Project Manager
Paul McHenry – Recycling and Waste Contract Manager
Hannah Whitfield, Democratic Services Officer

Apologies:

Non Cabinet:

David Atkins
David Chapman
Alan Dent
Jim Knight
Brenda Taylor
Mark Williamson

Officer apologies:

Richard Cohen, Deputy Chief Executive
Karen Jenkins, Corporate Organisational Development Manager

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Knowle, Sidmouth on 1 October 2014

Attendance list at end of document

The meeting started at 5.30pm and ended at 7.12 pm.

***71 Public Speaking**

There were no questions from the public at this part of the meeting.

The Leader took this opportunity to wish Councillor Stephanie Jones a happy birthday and to extend thanks on behalf of the Council to Nigel Harrison, Economic Development Manager, on his forthcoming retirement.

***72 Minutes**

The minutes of the Cabinet meeting held on 3 September 2014 were confirmed and signed as a true record.

***73 Declarations**

Cllr Andrew Moulding; min no. 87; Personal interest; reason: President of the Cloakham Lawns Sports Centre

Cllr Bob Buxton; min no. 87; Personal interest; reason: involvement with Tower Cross project - Honiton

Cllr Mike Allen; min no. 87; Personal interest; reason: member of the Honiton Development Trust Committee

***74 Exclusion of the public**

RESOLVED:

that the classification given to the documents to be submitted to the Cabinet be confirmed; there was one item which officers recommended should be dealt with in Part B.

***75 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 October 2014 to 31 January 2015.

***76 Matters referred to the Cabinet**

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

77 Housing Review Board – 4 September 2014

Members received and noted the minutes of the meeting of the Housing Review Board held on 4 September 2014.

RESOLVED 1 – that the following decisions be noted:

Minute 25

Housing Review Board forward plan

Minute 27

The variances identified as part of the HRA revenue and capital monitoring process up to month four.

Minute 29

Draft of Annual Report to tenants 2013/14

Minute 31

Progress on the Targeted Families initiative.

Minute 32

The Board's 'in principle' indication of support to part-fund a Countryside Outreach Programme.

Minute 33

The developments in older people's targeted support.

Minute 34

The report on the Right to Buy update.

Minute 36

The quarterly performance indicator report for quarter 4 – 2013/14.

Minute 36

The new approaches to allocations publication

RESOLVED 2 – that the following HRB decisions be supported:

Minute 29

that the Board's suggested changes be incorporated into the Annual Report to tenants before being published.

Minute 30

that a comprehensive tenant profiling exercise be not progressed until the new housing system has been implemented.

Minute 33

that Officers commence consultation with tenants of the Council's sheltered schemes across the district on selected options for older people's targeted support.

Minute 35

that no change be made to the existing practice of decorating void General Needs properties where it is considered necessary.

Minute 39

1. that it be agreed that this type of accommodation (Mountain Close – Exmouth - former council owned flat) would be a beneficial addition to the current Council property portfolio;
2. that funding from the Housing Revenue Account and Right to Buy receipts be used to purchase the proposed property.

Minute 40

that the Portfolio Holder – Sustainable Homes and Communities and the Head of Housing be authorised to acquire 9 new affordable homes at Barnards Hill Lane, Seaton on terms and conditions to be agreed and at the increased purchase price (£20,000 above the figure contained in the confidential report) proposed by the Board.

RECOMMENDED - that the following recommendations be referred to Council:

Minute 26

that the contents of the draft Housing Revenue Account Business Plan 2014 be noted and recommended for approval.

Minute 28:

- 1) that the Government's guidance on rents for social housing and social tenants with high incomes be adopted from April 2015 onwards;
- 2) that, in addition to the guidance on rents, the proposals for increasing social rents for tenants with high incomes be adopted;
- 3) that a framework for the introduction of service charges be created where new or extended services are provided to some tenants.

Minute 31

that the Council's commitment to the Targeted Families programme be reaffirmed.

***78 Overview and Scrutiny Committee – 11 September 2014**

Members received and noted the minutes of the meeting of the Overview and Scrutiny Committee held on 11 September 2014.

The Committee Chairman, Councillor Tim Wood advised that after a full debate on the proposed Exmouth and Dawlish Beach Management Scheme, the Committee had resolved to set up an Exmouth Beach Management Task and Finish Forum. He also advised that his Committee had considered the annual report of the Council and that this had been positively received.

RESOLVED – that the following decision be supported:

Minute 31

that a task and finish forum be scoped and set up to look at the issues affecting Exmouth beach management.

***79 Community Fund Panel – 21 August 2014**

Members received and noted the report of the meeting of the Community Fund Panel held on 21 August 2014. The scheme had previously been administered by the Community Council of Devon and was now administered by EDDC. The list of applications and recommendations were set out in the report.

RESOLVED:

that the recommendations as set out in the report of the Community Fund Panel of 21 August be approved.

80 Council Tax Support (CTS) scheme – key decision

Members considered the report of the Revenues and Benefits Manager providing an annual update of the CTS scheme as required by legislation. The local reduction scheme, had been introduced on 1 April 2013, and was for working-age customers. Members were asked to consider the impact of the scheme after Year 1 and to approve the 2015/16 scheme. EDDC along with all other Devon local authorities were not seeking to consider changes to their current CTS schemes until 2016/17.

A detailed Equality Impact Assessment had been undertaken and this was included in full in the agenda. It indicated that there was no disproportionate impact on any groups within the protected characteristics.

Government funding had been reduced and it was proposed that the Council Tax Support Grant passed to town and parish councils be similarly reduced.

The report referred to the support given to EDDC customers by the service and the inclusion within the scheme of an Exceptional Hardship Fund, which safeguarded the Council's most vulnerable customers. It was anticipated that in order to reduce costs, the scheme might have to be amended in 2016/17 when a number of options would be considered in line with the Devon framework; consultation would have to be undertaken on any proposed changes.

The Portfolio Holder – Finance acknowledged the work undertaken and said that the report was clear and well set out. He supported the officer recommendation to retain the existing scheme until 2016/17.

RESOLVED:

that the impact of the Council Tax Reduction Scheme be noted.

RECOMMENDED:

1. that the Council Tax Support scheme for working age customers be approved for 2015/16 (unchanged from 2014/15), with delegated authority being given and included in the Policy to the S151 Officer and the Portfolio Holder for Finance to take into account any typographical issues and any further changes in law, government guidance or policy,
2. that the Council Tax Support Grant passed to town and parish councils for 2015/16 be reduced by 15% in line with this Council's reduction in its overall Finance Settlement from Government in 2015/16.

REASONS:

- The recommendations reflected the Devon-wide approach,
- The current scheme was still bedding in after only one complete year of operation and therefore it was too early to predict the full impact of the changes,
- It was anticipated that the Department for Communities and Local Government will implement a more robust statutory framework for the CTS schemes from 2016/17 and so it was appropriate to avoid undertaking reviews in both 2015/16 and 2016/17,
- Funding implications to East Devon and town and parish councils – see paragraph 9.

81 **ED serviced workspace demand & delivery appraisal – key decision**

The Economic Development Manager presented the report in respect of future delivery of workspace for self employed and small businesses in East Devon. Following discussion by Cabinet at its meeting on 11 April 2014, Carter Jonas consultants had been appointed to undertake an 'East Devon Serviced Workspace Demand and Delivery Appraisal'. The consultants had undertaken thorough analysis of businesses and demand for workspace across the district. The percentage of self employed and small businesses of fewer than 10 employees was significantly above the national average; also noted was the high survival rate of new businesses.

The consultant's recommendations based on the appraisal were set out in the report. These were for the Council to prioritise sectors and locations where there was likely to be continuing market failure; to focus on achieving the delivery of additions to the stock of serviced office space, ideally in partnership with existing light industrial property owners and serviced office accommodation operators. The Council was recommended to explore potential vacant industrial buildings on East Devon trading estates rather than going for the more costly option of new build development. Specific sites, including the vacant second floor accommodation at Exmouth Town Hall, will be analysed to assess their commercial workspace potential.

The recommended approach was for the Council's role to be that of enabler - to be adaptable to the diverse business needs across the district; a single approach to successful business workspace delivery would not fit all.

The discussion on the report included the following points:

- It would be useful to determine the demographics of start-up business entrepreneurs as it could be that these were older people with second careers. Although the district benefited from economically active older people, opportunities needed to be in place for young people. Young entrepreneurs often ran their businesses from home.
- The appraisal showed that certain areas within East Devon had good business provision. Seaton and Axminster were identified as having inadequate provision; targeted improvements could be factored into the regeneration projects.
- Often long leases were a barrier to growing businesses – there was a lack of business units with flexible/short-term leasing arrangements.
- New and aspiring businesses would benefit from support and mentoring from experienced business people. The Council currently used the West Devon BIP to provide professional advice at business planning stage.
- The Council needed to focus its support on self employed and small businesses. Sometimes the step from start-up unit to business space in the commercial world was too great and resulted in businesses outgrowing their original space but being unable to expand due to risk.
- Some of the space in the Centre was leased to voluntary organisations and trusts. A pragmatic decision to let space to these organisations had been made 6-7 years ago when the Centre was not fully occupied. Members were reminded that these organisations made a valuable contribution to the economy of the district.
- Further work was needed to identify partnerships and potential joint ventures.
- There was potential to invest in real estate to address the gap in provision of flexible lease business sites.
- There were benefits in cross-border working with other authorities to support growing businesses.
- Good broadband provision was fundamental to businesses.
- The consultants have been invited to attend the November meeting of the Asset Management Forum.

RECOMMENDED:

1. that the Draft East Devon Workspace Demand and Delivery Appraisal be approved subject to the receipt of further detailed information and modelling guidance on the practical delivery of new facilities;
2. that the Council seeks to play an active part in securing private investment in the creation of workspace for new businesses and the self employed throughout East Devon;
3. that in those locations where market failure is evident, the Council will seek ways of co-operating with property owners and investors to overcome barriers to sustainable local employment growth;
4. that the Carter Jonas consultancy team be invited to work through the Asset Management Forum on the specification and delivery of a small number of demonstrator projects for office and workshop space delivery in the period to April 2015.

REASONS:

To inform the preparation of the Economy Service Plan 2015 -18

82 EDDC Green Spaces Strategy proposal – key decision

The Countryside and Leisure Manager presented his report outlining the rationale and aims for developing a district wide Green Space Strategy. The report set out the benefits of adopting a holistic approach to the Council's management of its green spaces. The value of green spaces within urban areas to the district's health and wellbeing was acknowledged. As well as contributing to quality of life, green spaces also had a role in boosting the local economy by attracting visitors. The aim of the report was to help shape the future management of these importance green spaces for public recreation and enjoyment.

The benefits of the strategy included

- helping to co-ordinate and improve decision making in relation to the planning and management of the Council's green spaces, and
- identifying ways in which green spaces within the district could be improved.

The strategic objectives of the document were set out in the report. Also included was a report of proposed actions, which emphasised the importance of supporting community involvement in the management of green spaces. Further work on costing would be carried out to assist future decision-making.

RECOMMENDED:

that the development of a Green Space Strategy to provide the strategic management of those areas owned by East Devon District Council and defined as green spaces be approved.

REASON:

To enable the work to begin in developing the EDDC Green Spaces Strategy and bringing together those key services involved in green space management across the Council in helping to share and inform the document.

83 Update of Member IT Policy – key decision

The Corporate ICT Manager presented an updated Member IT Policy, which took into account Councillors' migration to the new 'cloud' system – Microsoft Office 365 and the greater emphasis now placed on Members' responsibility for security and use of Council data. The detailed policy was attached in full in the agenda.

RECOMMENDED:

that the updated Member IT Policy be approved.

REASONS:

The current ICT Equipment and Services for Members policy was now 5 years old; many changes have occurred with regard to information security, cloud computing and provision of IT services which need to be taken into account.

***84 Financial monitoring report 2014/15 – month 5 August 2014**

The Head of Finance presented the summary of the Council's overall financial position for 2013/14 at the end of month five (31 August 2014). This indicated that the Council was currently in a good financial position with no major variances in respect of the General Fund or Housing Revenue Account:

- The General Fund Balance (predicted at £3,462k) was being maintained at or above the adopted level (within the range of £2,800 - £3,600k).

- The Housing Revenue Account Balance (predicted £4,703k) would be maintained at or above the adopted level (£2,100k). This is well above the recommended level and will be used for further investment in the housing stock, to offset the adverse effects of Welfare Reform and to ensure sufficient funds are available to service the self-financing loans. In addition, £2.9m was held in a volatility reserve.
- There was sufficient Capital Reserve to balance this year's Capital Programme. However, there is a predicted shortfall of £397k in 2015/16, which would need to be covered by a PWLB loan. The Reserve will be reinstated in 2017/18 when capital receipts are received.

RESOLVED:

that the variances identified as part of the Revenue and Capital monitoring process up to month five be acknowledged.

REASONS:

To up-date Members on the overall financial position of the authority following the end of each month; the report included recommendations where corrective action is required for the remainder of the year.

85 **Corporate Asset Management Plan 2014/17 – Whole life costing**

The report of the Principal Estates Surveyor provided a progress update in relation to the Corporate Asset Management Plan. Members were advised that embedding whole life cost assessments into decision-making prior to significant investment would ensure that the Council had a better understanding of the long-term revenue implications.

The Overview and Scrutiny Committee Chairman raised concern about the revenue costs resulting from Section 106 agreements.

The report set out how the assessments would be carried out and the projects involved.

RECOMMENDED:

1. that the Council adopt assessment of whole life costing appraisal for:
 - property based capital expenditure projects in excess of £100,000
 - New build projects
 - To assist budget setting for the planned maintenance programme.
2. that the formation of a Whole Life Costing Project Group with a remit to formulate and establish how the principle of whole life costing appraisal is best embedded into the Council's decision making processes, be endorsed.

REASONS:

The benefits of whole life costing and how this approach could be embedded within the Council's decision-making processes, are set out in the report.

86 **Strata – Governance and Scrutiny**

The report, presented by the Corporate ICT Manager, had been prepared jointly by the legal teams of the three local authorities within the partnership - East Devon, Exeter City and Teignbridge. The report set out a proposed structure for the governance and scrutiny of Strata – a shared ICT service provided through a wholly owned company.

The company's governance and scrutiny would be achieved by establishing joint committees.

The joint committees would be:

- a Joint Executive Committee (JEC) to govern Strata – to be set up by the Cabinets/Executive of the three authorities, and
- a politically balanced Joint Scrutiny Committee to scrutinise Strata – to be set up by the Councils of the three authorities.

The proposed governance and scrutiny arrangements would require the three local authorities to amend their constitutions. The suggested structures and terms of reference for the JEC and JSC were set out in the report and the appendices to the report.

The Leader thanked the Corporate ICT Manager for his valued work and contribution to this initiative.

RESOLVED:

that the Cabinet:

- a) Appoints a Joint Executive Committee (JEC) together to govern Strata with effect from the go-live date on 1 November 2014;
- b) Appoints the Leader to the JEC;
- c) Agrees the JEC's Terms of Reference as set out in Section 4 of the report;
- d) Adopts the Rules of Procedure for the JEC set out in the appendix to the report;
- e) Agrees the composition of the Strata Management Board as set out in paragraph 4.7 of the report.

RECOMMENDED:

Cabinet noted that the following recommendation will be considered by full Council on 15 October:

that Council for each authority resolves to amend its Constitution to:

- a) Appoint a Joint Scrutiny Committee (JSC)
- b) Agree the JSC Terms of Reference as set out in Section 5 of the report
- c) Nominate a total of 3 members of each Council to sit on the JSC in compliance with the rules of political balance
- d) Adopts the Rules of Procedure for the JSC set out in the appendix to the report.

REASONS:

The delegation of powers to the JEC is necessary to enable the joint management of Strata by Teignbridge, Exeter and East Devon Councils.

This structure is designed to allow decisions to be taken once by the Joint Committee and will be binding on all Councils. This will speed up the decision-making process and will eliminate the possibility that a Council may take conflicting decisions.

***87 Draft East Devon Playing Pitch Strategy (PPS)**

Members considered the report of the Planning Policy Officer outlining key outcomes of the work to date on the Playing Pitch Strategy, key draft action plans and a proposed four-week targeted consultation exercise. The Strategy would be owned by multiple bodies that would be jointly responsible for its delivery.

Feedback from the consultation would be incorporated into the final draft PPS which would be referred to Cabinet for consideration. A report would also be referred to the Development Management Committee requesting endorsement for use of the strategy in determining planning applications.

Discussion with specific local examples included:

- The value of organisations working together was acknowledged – particularly when sports grounds were being re-located.
- Proposed options in respect of Millwey Rise football pitch needed to be reviewed to ensure that any such use did not prevent future development of the site for affordable homes; Axminster was adequately served with current pitches – the Strategy had not taken account of football pitches marked on the cricket pitch at Cloakham Lawns. In addition, a new 3G pitch was due to be developed at the Community College. The Millwey site was a sloped and the changing facilities had been removed making it inappropriate to bring back into use as pitches.
- There was support for an all weather pitch provision in Exmouth for the benefit of the rugby football club and community college.
- Increased detail about Exmouth plans would be helpful to ensure adequate football provision was in place to compensate for teams displaced from the Rolle site.
- Honiton's needs did not seem to be addressed in the strategy. There were currently no junior pitches and provision was inadequate. All Hallows was not suitable for competitive sport. Consultation on provision at Tower Hill could be a positive step although local clubs were currently looking to remain in the town. Certain key facts with regard to pitches in Honiton had been inaccurately reported.
- The financial implications needed to be quantified to assist in the decision-making.
- Local views should be sought and local clubs actively consulted to make sure that the data included in the draft was accurate. Members were asked to get their parish councils and local clubs to send accurate information to the Planning Policy Officer as soon as possible if they felt that information within the strategy was incorrect.

RESOLVED:

that consideration of the draft East Devon Playing Pitch Strategy be deferred to enable the Planning Policy Officer to undertake further work based on the comments made by Members; an updated report would be referred to a future meeting of Cabinet.

REASONS:

To enable further work to be carried out on the draft Strategy.

***88 Appointment of Inspector to examine the Lypstone Neighbourhood Plan**

The report of the Planning Policy Manager advised that exemption to Standing Orders had been applied in order to appoint an independent examiner of the Lypstone Neighbourhood Plan. Reasons given for the exemption included the need to secure a speedy examination (early adoption of the Neighbourhood Plan would help with establishing a positive planning policy framework for the parish to inform determination of planning applications in Lypstone) and to accord with the wishes of the plan produces. Ward Member, Councillor Ben Ingham reiterated Lypstone's wishes to proceed.

RESOLVED:

that exemption to Contract Standing Order 8.1 to enable the appointment of Nigel McGurk to undertake Examination of the Lymstone Neighbourhood Plan be noted.

REASONS:

To ensure that an independent examiner is in place and appointed.

*89 **Monthly performance report – August 2014**

The Cabinet considered the report of the Corporate Organisational Development Manager setting out performance information for the 2014/15 financial year for August 2014.

Most of the performance indicators showed acceptable performance

The following indicators showed excellent performance.

- percentage of Council Tax collected
- days taken to process Housing Benefit/Council Tax Benefit new claims and change events
- percentage of invoices paid within 10 working days (new indicator for 2014/15)

RESOLVED:

that the progress and proposed improvement action for performance measures for the 2014/15 financial year for August 2014 be noted.

REASON:

The performance monitoring report highlights progress using a monthly snapshot report; SPAR reports on monthly indicators and systems thinking measures in key service areas including Streetscene, Housing, Development Management and Revenues and Benefits.

*90 **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).

*91 **Sale of land at Symonds Farm, Exmouth**

Members considered a request to give authority to sell garden land to the owners of Symonds Farm. Conditions of sale were included in the report.

RESOLVED:

that delegated authority be given to the Principal Estates Surveyor to sell land at Symons Farm, Exmouth for use as a private garden.

REASON:

There is no operational need to retain the land and the sale will create a capital return.

Attendance list

Present:

Paul Diviani Leader/Chairman
Andrew Moulding Deputy Leader/Portfolio Holder Strategic Development and Partnership

Portfolio Holders:

Ray Bloxham Corporate Business
Iain Chubb Environment
David Cox Finance
Ian Thomas Economy
Phil Twiss Corporate Services

Deputy Portfolio Holders

Stephanie Jones Sustainable Homes and Communities
Tom Wright Environment

Also present:

Councillors:

Mike Allen
Roger Boote
Bob Buxton
David Chapman
Maddy Chapman
Deborah Custance Baker
Alan Dent
Martin Gammell
Steve Gazzard
Graham Godbeer
Steve Hall
Peter Halse
Tony Howard
John Humphreys
Ben Ingham
Sheila Kerridge
Frances Newth
John O'Leary
Helen Parr
Tim Wood

Ric Pallister – Leader of South Somerset District Council

Also present:

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Simon Davey, Head of Finance
John Golding, Head of Housing
Karen Jenkins, Corporate Organisational Development Manager
Chris Powell, Corporate ICT Manager
Nigel Harrison, Economic Development Manager
Charlie Plowden, Countryside and Leisure Manager
Graeme Thomas, Planning Policy Officer
Diana Vernon, Democratic Services Manager

Apologies:

Cabinet

Jill Elson Sustainable Homes and Communities

Non Cabinet:

- David Atkins
- Peter Bowden
- Douglas Hull
- Jim Knight
- Geoff Pook
- Pauline Stott
- Mark Williamson

Hon Alderman Vivienne Ash

Officer apologies:

Rachel Pocock, Corporate Legal and Democratic Services Manager

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Overview and Scrutiny Committee held at Knowle, Sidmouth on 14 August 2014

Attendance list at end of document

The meeting started at 6.30pm and ended at 8.30pm.

***18 Public Speaking**

Jacqueline Green, a Sidmouth resident, asked the Leader how many candidates were considered for the appointment of Monitoring Officer and how the selection was made. The Leader responded that the appointment was the responsibility of the Chief Executive; as an interim measure, the monitoring officer function was now being provided by the South Somerset District Council.

***19 Minutes**

The minutes of the Overview and Scrutiny Committee meeting held on 12 June 2014 were confirmed and signed as a true record.

Councillor Roger Giles made reference to the Clinical Commissioning Group (CCG) visit to the last meeting, and the reference in the minutes to consultation documentation being available in late July to early August. This documentation was still not available, and a response to a question relating to bed cost comparison had yet to be provided to the Committee.

The Chairman noted the comments and the committee were advised that the answer to Councillor David Chapman's question at the last meeting was being pursued.

***20 Declarations**

No declarations were stated.

***21 Sustainable Homes and Communities Portfolio Update**

The Chairman welcomed Councillor Jill Elson, Portfolio Holder for Sustainable Homes and Communities, to the meeting.

She outlined some major achievements by the housing service in recent months, including:

- 311 new affordable homes completed during 2013/14, including completion of homes at Cranbrook, and purchase of existing properties;
- Housing Revenue Account is in strong position, including a rent collection rate of 99.8%. A Debt Repayment Volatility Fund has been created to protect against any downturn in finances in the future;
- Key work by repairs and asset & property teams in maintaining housing stock, including dealing with additional work caused by water damage in the past winter months. A new Partnering Charter has been signed with two responsive repairs contractors, including a trial of agreement between tenant and contractor based on when the work is undertaken, not arbitrarily set by an officer timescale;
- Continued upgrading programmes of kitchens, boilers, bathrooms, electrical wiring and door upgrades
- High profile evictions for anti-social behaviour
- Leading the Honiton Together initiative attracting some resource and community involvement for the benefit of the town;
- New Home Safeguard rota to provide more staffing at peak call times;

***21 Sustainable Homes and Communities Portfolio Update (continued)**

- Homelessness prevention work resulting in less budget spent on emergency accommodation;
- Successful open day held by tenants at East Budleigh in June.

The committee received a number of statistics relating to the performance of the service and an update on the work of the Housing Review Board. A new panel has also been established entitled the Designated Tenant Complaints Panel, leading to an amended formal complaints process to reflect the role of tenants in the complaint resolution.

Key challenges for the future for the service included:

- Loss of DCC Supporting People Grant from 2015
- Implementation of new software, which will provide the service with the ability of improved customer care and tenant and contractor reporting.

In response to a question about affordable housing policy, Councillor Elson reminded the committee of the decision by the Development Management Committee to have a policy in place to help protect the element of affordable housing in larger developments using an overage clause.

Questions for the Portfolio Holder included:

- What work was being undertaken to tackle houses of multiple occupation where quality issues of housing were questioned? In response, councillors were reminded of the importance of reporting of any concerns over multiple occupation buildings so that those concerns could be investigated;
- Why had 19 houses been sold from the stock in the past year? The committee were reminded about the right to buy legislation which permitted a tenant to apply to purchase the property they lived in, subject to conditions relating to tenancy and discount terms;
- The target of affordable homes of 100 was set to be exceeded again, with an expected total of 300, due largely to the Cranbrook building phase progressing. The considerable increase in available homes, compared with previous years, plus the positive work in preventing homelessness, had led to a significant reduction in the housing waiting list.

The Chairman thanked the Portfolio Holder, the Head of Housing and related teams for the continued valued work in the service area.

***22 Review of format of full council meetings**

The Chairman welcomed the Portfolio Holder for Corporate Business to the meeting. Recently two think tanks, held jointly with the Portfolio Holder for Corporate Services, had discussed whether the Council was making best use of full council meetings. The committee had before them some possible recommendations raised to date, but the Portfolio Holder was keen to stress that debate should continue, with at least one further think tank planned before he approached the committee again with firmed up recommendations for consideration.

Debate by the committee covered:

- Evening meetings convenient for those working during the day, but may still be too much for people to undertake after long working hours;

***22 Review of format of full council meetings (continued)**

- Allowances could be reviewed to see if an increase would attract more people to stand as local councillors;
- Presentations to full council were mostly unnecessary, and a criteria would be helpful to determine what presentations should be made to which committee;
- Reminder on employer right to give 24 times per year off to attend council meetings, unpaid and at employer's discretion;
- Portfolio Holders should be held to account at full council meetings and give regular reports (currently undertaken by the committee);
- Support for specific key decisions being listed as an agenda item rather than being contained within a set of minutes for a decision and/or ratification;
- Review overall committee structure so more portfolio holder work undertaken at committee level;
- Look for best practice from other authorities;
- Ensure that the overview and scrutiny committee functions (including Audit and Governance and Housing Review Board) are strong and consider that some recommendations go directly to Council as a means of holding Cabinet to account, rather than all being referred to Cabinet in the first instance;
- Respect between councillors at full council meetings.

The Portfolio Holder for Council Business thanked the committee for their debate, and would bring a further report back to the committee with fully drafted recommendations, following further work of the joint think tank.

RECOMMENDED:

that Council receive no presentations at their full meetings unless there is a compelling reason to do so.

***23 Budget scrutiny notes**

The committee noted the recent budget scrutiny notes. The next meeting is scheduled for 22 September 2014.

***24 Overview and Scrutiny Forward Plan**

Since publication, some changes had been made to the plan, including the item on playing pitch strategy moving to the October meeting; and a presentation from Business Information Point at the September meeting.

Councillor Claire Wright requested that the CCG attend the September meeting to bring their consultation documentation for debate to the committee. Councillor Jill Elson, Portfolio Holder for Sustainable Homes and Communities, had sought agreement from the Leader for her to chair special full council meetings over the coming months to debate the CCG consultation in full, involving all members.

The Chairman highlighted that the October meeting would include, subject to availability, an update from Honiton Town Council and the Beehive group on the new community hall, but stressed that this was an opportunity for the committee to question in relation to the capital investment made by this Council, not to question related finances of other councils or bodies.

Attendance list

Present:

Tim Wood (Chairman)
Graham Troman (Vice Chairman)

Peter Bowden
Vivien Duval Steer
Roger Giles
Peter Halse
John Humphreys
Sheila Kerridge
Frances Newth
Brenda Taylor
Eileen Wragg
Clare Wright

Debbie Meakin, Democratic Services Officer
Henry Gordon Lennox, Principal Solicitor

Ray Bloxham
Iain Chubb
Alan Dent
Christine Drew
Paul Diviani
Jill Elson
Stephanie Jones
Helen Parr
Pauline Stott
Ian Thomas
Phil Twiss
Tom Wright

Apologies:

Mike Allen
David Chapman
Maddy Chapman
Deborah Custance Baker
David Key
Tony Howard
Chris Wale
Steve Wragg
David Cox
Andrew Moulding
Peter Sullivan

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Overview and Scrutiny Committee held at Knowle, Sidmouth on 11 September 2014

Attendance list at end of document

The meeting started at 6.30pm and ended at 8.15pm.

***25 Public Speaking**

Robert Crick, a Sidmouth resident, asked when the Business Task and Finish Forum would be resumed and why it had been kept on hold for such a long period. The Chairman shared his concerns on the delay and the length of time that the continuing police investigation into former councillor Graham Brown, and indeed other cases, was taking. He had taken further advice and that advice was not to proceed with the Forum while the police investigation was ongoing. If the police investigation had not concluded by the November meeting of the committee, the Chairman would pursue the matter with the Police and Crime Commissioner who is due to attend on that date.

***26 Minutes**

The minutes of the Overview and Scrutiny Committee meeting held on 14 August were confirmed and signed as a true record with the inclusion of apologies from Councillor Sheila Kerridge.

Councillor Roger Giles asked again for information promised by the CCG and received confirmation that despite continued requests the information had not yet been received.

In response to a question by Councillor Claire Wright on when the committee would hear from the CCG again on their new proposals, the Chairman outlined the planned briefing event chaired by the Portfolio Holder for Sustainable Homes and Communities. All Members of the Council were encouraged to attend, and the notes from that event would go forward to a meeting of the committee in due course. The Overview and Scrutiny Committee would then be able to comment on the proposals.

***27 Declarations of Interest**

No declarations were stated.

***28 Matters of urgency**

The Chairman had agreed to take an urgent item on Exmouth Beach Management, recently discussed at Cabinet on 3 September 2014. The item was agreed to be taken later in the agenda.

***29 Business Information Point**

The Economic Development Officer set the scene for the committee with an outline of the number of businesses trading in the district, with a higher than average survival rate against national levels. At a cost of £25k per annum, the council provided a resource for businesses via the Business Information Point.

BIP West Devon Limited provides business advice to small businesses on behalf of the council under a service level agreement. Under this agreement, BIP are targeted to deliver 250 interventions for 2014/15. In 2013/14 BIP had delivered a substantially greater number and it was believed that these had been very helpful. An intervention is defined as any interaction with an East Devon business or client, carried out on a one to one basis, or at workshops. BIP also attend Enterprise Clubs and offer advice over the phone.

After the presentation by Petra Davies and Steward Horne, the committee raised some questions, including:

- Did BIP maintain contact with the main banks? Yes, although there were other choices available to business in terms of start up loans, through job centres and other sources, particularly if credit rating was an issue;
- What percentage of business in the district starting up were rural with a relatively small number of employees? Statistics for this were not immediately available but would be provided based on information provided through job centre plus. 6 months data was available, but there was no government requirement on job centre plus to produce data for a longer period, for example how many had been operating for a longer period of a year to 18 months;
- The Frederic Foundation was explained as a charitable, last resort lender for businesses that had been turned down for a loan elsewhere. The BIP recommended other, lower rate lenders in the first instance;
- BIP was made up of 12 staff covering an area of Penzance to Bristol, with the majority of work undertaken in Devon;
- Aside from marketing and finance as the main issues for new businesses, confidence was also a key area that BIP were able to help new businesses in making the necessary steps to create a sound business plan and secure funds.

A preliminary report on workspace in the district was being prepared for the October Cabinet and subsequent reports would be coming forward in the coming months to give a clear picture to Members of the statistics of the area. Regular reports from BIP would also now be directed to the committee for information.

The Chairman wished the operation continued success and looked forward to statistical information on the business sector being provided in future reports.

***30 Council Members IT Policy**

The committee considered the draft policy before the final version went before the Cabinet for a decision and implementation. The revision covered development in new technologies including:

- New “cloud” system, Microsoft Office 365, for Members to carry out council business
- Members to access Office 365 from their own equipment
- Office 365 enabling connection to mobile devices
- Greater emphasis on Members being responsible for the security and use of their data.

The committee discussed:

- Preventing phishing – Members were reminded to be vigilant as scammers continued to develop new methods and no system can completely stop this problem.
- Security of the cloud – the committee were assured that the government standard of IL2 adopted for use of their Office 365 system was good, confirmed by the Portfolio Holder for Corporate Services as the best balance of risk against usability.
- Further training still required for Members on the system to enable them to use Office 365 fully

The committee also received an update in progress regarding the Shared ICT implementation as agreed by Council in July. A report is being prepared for Cabinet in October, dealing with Joint Cabinet/Executive arrangements and Joint Scrutiny

arrangements with the three authorities. This report will then go on to Council for a final decision. The report will cover:

- An anticipated live date for the new company of Strata on 1 November 2014;
- Joint scrutiny and joint executive arrangements in place at that date;
- Members from each scrutiny committee of each authority will make up the joint scrutiny panel, operating with a rotating chairman, meeting venue and servicing arrangements. Membership for this council would be drawn from both the Overview and Scrutiny committee and the Audit and Governance committee.

The council had also received news of a successful bid for funding of £970 towards the project.

***31 Exmouth beach management**

At the meeting of Cabinet on 3 September, Members considered the Exmouth and Dawlish Beach Management Scheme and made a recommendation to Council. Following the issue of the Cabinet minutes, Councillor Eileen Wragg requested that the matter be called-in. This request was in time and had the required support for a call-in. However because the outcome of the Cabinet debate was a recommendation to Council and not a resolution/decision, a call-in was not appropriate.

The Chairman had agreed that the matter be considered at the meeting as a matter of urgency, with any recommendations from the Committee being referred to Council on 15 October – at the same time as the recommendation from Cabinet.

The Cabinet report of 3 September set out the preferred option for the future management of Exmouth beach, following analysis of technical assessments, workshops, and public exhibitions with partners. The preferred option outlined recycling material from areas of the beach, which have built up over the years onto areas that are eroding. Consistent with consultants' advice the proposed work would be carried out in the period of 2020/25 and may be eligible for Flood Defence Grant in Aid (FDGiA) from Defra.

The committee considered the Cabinet report, subsequent minutes and a briefing note that highlighted that technical assessment had revealed that on current advice the coastal defence in Exmouth is not threatened by beach erosion until the 2020s. The other option open to the Council was to join with Dawlish Warren works to recharge the beach with sand from Pole Sands commencing in 2017/18, but this would involve a cost to the Council of between £4m and £6m and we understand would not be eligible for Flood Coastal Risk Management Grant in Aid (FGRMGiA) funding. The proposal had come before the Cabinet at this time due to the impending Dawlish scheme being prepared in the autumn.

The Head of Housing reiterated points made at Cabinet, making clear that, on the evidence provided, he could not recommend to Members to spend between £4m and £6m on recharging the beach. This did not mean that the beach would be ignored; there would be continued monitoring of the area and scanning of funding opportunities, along with minor recycling to help maintain the beach. He reminded the committee of the resolution of the Cabinet to hold a further workshop and site visit before the Cabinet recommendation went before Council in October.

Councillor Eileen Wragg informed the committee of a recent meeting of the South West Regional Flood and Coastal Committee that she had attended, where £8.7m had been agreed with Devon County Council. This sum would seem to cover the cost involved in joining in with the Dawlish scheme. She described to the committee the deterioration of the

beach area and the impact on roads in close proximity. She also commented that the Shoreline management plan, being led by Teignbridge District Council, would not necessarily have the focus on Exmouth that the council would desire.

The Head of Housing assured the committee that officers were working closely with the Environment Agency and would welcome examination of any funding offer. The Senior Engineer confirmed that in checking with the project manager at the Environment Agency, the £8.7m had not been allocated until a Project Appraisal Report (PAR) had been passed – money had only been allocated to allow this PAR to be produced.

Other Members, including the Chairman, outlined recent changes to the topography of the beach area. The senior engineer explained to the committee that, whilst he understood the concerns visually, the evidence showed that sand had not left the area, but had been pushed out towards the navigational channel. Work by the Environment Agency had confirmed that, contrary to popular belief, the sands did not migrate between the Exmouth and Dawlish beach areas, but moved out into the channel and back into the estuary itself.

RESOLVED

that a task and finish forum be scoped and set up to look at the issues affecting Exmouth beach management.

***32 Annual report of the Council**

The Chairman invited the committee to consider the two most recent reports, with a view to examination of the plans proposed and the committee's role in scrutinising the delivery.

The annual report for 2013/14 is designed as a helpful communication tool to inform residents and other interested parties of some of the work that the Council has progressed during the year. It is based on performance monitoring reports that are regularly presented to the committee.

Councillor Brenda Taylor commented on the presentation of the report being clear and comprehensive and welcomed the use of the report. This comment was endorsed by the committee.

***33 Performance monitoring for first quarter 2014/15**

The committee raised the following items from the monitoring report for further explanation:

- Continue development at Cranbrook and elsewhere to ensure best quality of build and design of homes, high street and public spaces showed a variation on status. In light of complaints from local residents, a question was asked on the progression of the high street being built when over 700 homes were already in place at Cranbrook. The Leader and the Portfolio Holder for Corporate Services confirmed that whilst the building of the high street was a large undertaking, progress was being made.
- The Portfolio Holder for Sustainable Homes and Communities informed the committee that the education provision for Cranbrook would be a "through school" which educated years 2 to 16 years and would be the first in Devon.
- Performance indicator percentage of municipal waste land filled (LAA) was challenged as a misleading figure, as it included an amount of waste that was incinerated to produce energy, and therefore not landfill. Could the indicator be amended to reflect a more accurate figure?
- General comments that any indicator or council promise showing a variation should receive clear and substantial explanation for the variation to help inform Members.

***34 Overview and Scrutiny Forward Plan**

The committee noted the forward plan.

Attendance list

Present:

Tim Wood (Chairman)

Graham Troman (Vice Chairman)

Eileen Wragg

Steve Wragg

Claire Wright

Roger Giles

Brenda Taylor

Frances Newth

Peter Bowden

John Humphreys

Deborah Custance Baker

Vivien Duval Steer

Maddy Chapman

Peter Halse

Also present:

Graham Godbeer

Peter Sullivan

Pauline Stott

David Cox

Iain Chubb

Jill Elson

Tom Wright

Stephanie Jones

Paul Diviani

Ian Thomas

Phil Twiss

John Golding, Head of Housing

Keith Steel, Senior Engineer

Simon Davey, Head of Finance

Chris Powell, Interim Chief Operations Manager STRATA

Tammy Down, East Devon Business Centre

Nigel Harrison, Economic Development Officer

Debbie Meakin, Democratic Services Officer

Giles Salter, Solicitor

Apologies:

Mike Allen

Tony Howard

Chris Wale

Ray Bloxham

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Housing Review Board held at Knowle, Sidmouth on 4 September 2014

Attendance list at end of document

The meeting started at 6.00pm and ended at 7.45pm.

***21 Public Speaking**

There were no questions raised by members of the public.

***22 Minutes**

The minutes of the Housing Review Board meeting held on 5 June 2014 were confirmed and signed as a true record.

***23 Declarations**

Mike Berridge

Personal Interest - Family member lives in a Council owned property.

Douglas Hull

Personal Interest - Sister lives in Council owned property.

Jim Knight

Personal Interest - Daughter lives in Council owned property. He is also a Devon County Council Councillor and a Member of the Fire Authority

Pat Rous

Personal Interest - Housing tenant

***24 Exclusion of the Public**

RESOLVED:

That the classification given to the documents to be submitted to the Board be confirmed; there were two items that officers recommended should be dealt with in Part B.

***25 Housing Review Board forward plan**

The Head of Housing presented the forward plan and advised Members that the forward plan would help act as a reminder of agenda items to come forward to future meetings.

RESOLVED:

that the forward plan be noted.

***26 Housing Revenue Account business plan update**

The Board considered the report setting out the updated Housing Revenue Account (HRA) Business Plan. The Business Plan sets out the Council's known income and expenditure plans and included a series of assumptions projected over the next thirty years.

The Business Plan was originally produced to coincide with the reform of social housing finance and the introduction of self-financing. It had now been updated to include the latest developments and financial challenges likely to affect the HRA over the next few years.

RECOMMENDED:

that the contents of the draft Housing Revenue Account Business Plan 2014 be noted and recommended for approval.

***27 Financial Monitoring report**

The Board was presented with a summary of the overall financial position on the Housing Revenue Account, HRA Capital Programme and the Business Plan for 2014/15 at the end of month four (July 2014).

Regular monitoring highlighted any areas of concern or unforeseen expenditure in the HRA and associated capital programme, enabling corrective action to be taken as required. Any 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 healthy.

Discussions included the following:

- Funding for improvements in the Housing Revenue Account was referred to in the HRA Business Plan Operating Account.
- Figures were based on projected Right to Buy sales which had increased in recent months.

RESOLVED:

That the variances identified as part of the HRA revenue and capital monitoring process up to month four be acknowledged.

***28 Rent Restructuring Scheme**

The Board received a report from the Rental Manager, which set out the Government's policy on rents for social housing and the rents for social tenants with high incomes from April 2015 onwards. This guidance replaced the "Guide to Social Rent Reforms", published by the Department of Environment, Transport and the Regions in 2001, and "A Guide to Social Rent Reform in the Local Authority Sector", issued in February 2003; and any other guidance on rents issued in relation to those documents.

The Government's aims for this new rent policy were to:

- Ensure that rents for social housing remain affordable in the long term.
- Protect social tenants from excessive increase in rents.
- Ensure rents take account of local conditions.
- Provide long-term certainty and stability to social tenants, social landlords and their funders, in order to:
 - Enable tenants to understand their future housing costs better;
 - Enable landlords to plan for future investment better;
 - Encourage landlords to invest in new affordable housing, helping more people in need;
 - Support landlords to drive value for money; and
 - Give investors confidence in social housing.

- Give landlords significant income to invest in the maintenance and improvement of existing homes, the provision of new affordable homes, and in providing good services to their tenants.
- Control public expenditure – principally, housing benefit costs.
- Support landlords to charge a fairer rent to those social tenant households with high incomes.

Discussions included the following:

- Joint income would only include spouse or partner and not include adult children living in the property.
- Income would be assessed on an annual basis and obtained by written communication.
- Expenditure would not be taken into account.
- Previous year's income would determine how much rent tenants would pay.

RECOMMENDED:

- 1) that the Government's guidance on rents for social housing and social tenants with high incomes be adopted from April 2015 onwards;
- 2) that, in addition to the guidance on rents, the proposals for increasing social rents for tenants with high incomes be adopted;
- 3) that a framework for the introduction of service charges be created where new or extended services are provided to some tenants.

***29 Draft Annual Report to Tenants**

The Board was informed that this year a shorter, more concise, summary report would be produced. This would be available on the council's website in October and sent out to all tenants in December with the Housing Matters magazine. The Board was invited to comment on the draft text of the report and suggest any amendments.

RESOLVED:

1. that the draft of the Annual Report to tenants 2013/2014 be noted;
2. that the Board's suggested changes be incorporated into the report before being published.

***30 Tenant Profile report**

The Board was presented with a report on key and interim statistical information on tenants using data gathered from a variety of different sources. This information was a valuable source of insight into the demographic profile of EDDC's tenants. It would be used to support the work of the service and help it to be more tailored and personalised.

The new housing software system would have the facility to store all sorts of different data against the individual, such as attitude and behavioural data. This will give the service a much better opportunity to produce a more comprehensive tenant profile.

The new housing system would provide the opportunity to 'fill in the gaps' by collecting appropriate personal information about tenants online (through the tenant portal on the new housing system) and during face to face and telephone conversations with tenants, for example, when a tenant gets in touch to report a repair. This approach to gathering data would help replace the current method, which was heavily reliant on paper surveys.

RESOLVED:

that a comprehensive tenant profiling exercise be not progressed until the new housing system has been implemented.

***31 Targeted Families Programme**

The Head of Housing gave an update on the Troubled Families Initiative, which in Devon had been labelled Targeted Family Support programme. The project was designed to turn around the lives of dysfunctional families and was an important feature of the DCC work programme with partners, and this Council's own Public Health Plan that prioritises this work. The Council had engaged with 145 families in East Devon through key worker attachment and our local Programme Coordinator.

RESOLVED:

that the progress on the Targeted Families initiative be noted.

RECOMMENDED:

that the Council's commitment to the Targeted Families programme be reaffirmed.

***32 Countryside Outreach Programme**

The Head of Housing informed the Board that the Countryside Service was looking to expand their Education Ranger services by appointing an additional part time officer. The Council had an opportunity to commission part of the service for the benefit of EDDC's tenants. This complimented the Council's community development and health and wellbeing aspirations for tenants and their families, as well as its sustainable communities' interest.

RECOMMENDED:

That the Board's 'in principle' indication of support to part-fund a Countryside Outreach programme be noted.

***33 Older people's targeted support**

The Board received a report from the Landlord Services Manager, which detailed recent developments with regard to the future of Older Persons Targeted Support in Devon, and outlined options for the future of the Council's support service for sheltered housing residents. At its last meeting, the Board had been advised that Devon County Council had given notice that the Older Persons Targeted Support Agreement would end this financial year and would not be extended for 2015/16. The Board noted that this would result in lost income and a need to find alternative ways to fund the agreed housing support scheme.

The report set out consultations and progress since the Board's last meeting. Further costed details of the options outlined to the Board at its June meeting were set out in the report. These took into account tenants' ability to pay and Government issued guidance on inflationary levels for service charges. The report included the risks associated with charging all customers for the Home Safeguard alarm service; the preferred option of the small focus group of tenants was to provide targeted support.

The next steps were for Officers:

- to consult with tenants currently in receipt of the support service and involve them in the process whilst there is more than one option available;

- to continue the work with Devon County Council to have as many of the supported tenants as require it assessed for a social care package;
- to continue work alongside consultants Support Solutions to scope out the exact shape of the enhanced housing management service, and assess any necessary changes to job descriptions;
- to bring a report back to the Board's November meeting on developments made and to seek guidance and direction.

RESOLVED:

1. that the developments outlined in the report be noted;
2. that Officers commence consultation with tenants of the Council's sheltered schemes across the district on the selected options.

***34 Right to Buy (RTB) update**

The Housing Landlord Services Manager updated the Board on the latest Government changes to the RTB criteria. It was anticipated that these changes would increase the number of sales and further deplete the housing stock of East Devon Homes. At its March meeting, the Board was advised that there had been a significant increase in RTB sales over the past year. It was now anticipated that the new arrangements, as set out in the report, would generate interest in the scheme still further. Further loss of social housing stock would have serious implications for the Council's ability to meet housing needs within the district and could serve to undermine the Council's self-financing arrangements.

RESOLVED:

that the report on the Right to Buy update be noted.

***35 Decoration of General Needs void properties**

The Board considered a report of the Housing Needs and Strategy Manager which considered whether or not to redecorate all general needs void properties in line with the Council's current practice in sheltered housing void properties.

RECOMMENDED:

that no change be made to the existing practice of decorating void General Needs properties where it is considered necessary.

***36 Quarterly Performance Indicator report**

The Head of Housing presented the Board with the Quarterly Performance Indicator report for quarter 4 of 2013/14.

RESOLVED:

that the Quarterly Performance Indicator report for quarter 4 2013/14, be noted.

***37 New approaches to allocations publication**

The Home Connections publication – New Approaches to Allocations - had been included on the agenda for the Board's information. The document sets out current best practice, opportunities for review, challenges and emerging issues.

RESOLVED:

that the new approaches to allocations publication be noted.

***38 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).

***39 Mountain Close, Exmouth**

The Housing Development and Enabling Officer's report outlined a proposal to purchase a property using Housing Revenue Account funding and Right to Buy receipts. The property was a former council flat situated in Exmouth and would, if supported, provide much needed additional Council owned accommodation.

RECOMMENDED:

1. that it be agreed that this type of accommodation would be a beneficial addition to the current Council property portfolio;
2. that funding from the Housing Revenue Account and Right to Buy receipts be used to purchase the proposed property.

***40 Barnards Hill Lane, Seaton**

Members considered the report of the Housing Development and Enabling Officer setting out the business case for the acquisition of nine additional affordable homes direct from a developer. This approach was consistent with the Council's Homes and Communities Plan and Housing Revenue Account Business Plan. The Board discussed increasing the purchase price from that set out in the report.

RECOMMENDED:

that the Portfolio Holder – Sustainable Homes and Communities and the Head of Housing be authorised to acquire 9 new affordable homes at Barnards Hill Lane, Seaton on terms and conditions to be agreed and at the increased purchase price (£20,000 above the figure contained in the confidential report) proposed by the Board.

Attendance list

Present:

Pauline Stott (Chairman)
Susie Bond
Christine Drew
Douglas Hull
Jim Knight

Co-opted tenant members:

Mike Berridge (Vice Chairman)
Pat Rous

Co opted independent community representatives:

Julie Adkins

John Golding, Head of Housing
Peter Richards, Rental Manager
Melissa Wall, Housing Projects Officer
Emma Charlton, Housing Projects Officer
Giles Salter, Solicitor
Mandy White, Housing Accountant
Wendy Harris, Democratic Services

Jill Elson
Steve Gazzard
Phil Twiss

Apologies:

Cllr Diviani
Cllr Stephanie Jones
John Powley
Rob Finch

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 29 July 2014

Attendance list at end of document

The meeting started at 2.00pm and ended at 6.35pm.

***12 Minutes**

The minutes of the Development Management Committee meeting held on 1 July 2014 were confirmed and signed as a true record.

The minutes of the Development Management Committee (1 July) and of Cabinet (2 July) had been presented to Council on 23 July 2014. At the Council meeting, a statement from the Leader corrected two anomalies in respect of the charging zones for habitat mitigation. The approved correction is set out in full in the [minutes of that Council meeting](#) (Minute 24 (c) refers).

***13 Declarations of interest**

Cllr Geoff Pook; 14/0270/FUL; Pecuniary Interest (left the Chamber during the debate and vote); Councillor has a commercial interest in the site.

Cllr Geoff Pook; 14/1340/FUL; Personal Interest (remained in the Chamber during the debate and vote); Councillor is a member of Beer Parish Council

Cllr Geoff Pook; 14/0819/COU; Pecuniary Interest (left the Chamber during the debate and vote); Councillor is the applicant

Cllr Mike Howe; 13/1616/FUL; Personal Interest (remained in the Chamber during the debate and vote); Landowner was known to the Councillor.

Cllr Peter Burrows; 14/0927/FUL & 14/0894/FUL; Personal Interest (remained in the Chamber during the debate and vote); Councillor is a member of Seaton Town Council.

Cllr Peter Sullivan; 14/1471/GPD; Personal Interest (remained in the Chamber during the debate and vote); Councillor is a member of Sidmouth Town Council.

Cllr Mark Williamson; 14/1110/FUL; Personal Interest (remained in the Chamber and spoke as Ward Member - did not vote); Applicant is a friend and fellow Ward Member. Councillor is a member of Exmouth Town Council.

Cllr Mark Williamson; 14/1166/FUL; Personal Interest (remained in the Chamber during the debate and vote); Councillor is a member of Exmouth Town Council.

***14 Planning appeal statistics**

The Committee received and noted the Development Manager's report setting out appeals recently lodged and appeal decisions notified.

The Development Manager drew the Committee's attention to the two appeals allowed. An appeal dismissed for a major development at land adjacent to Little Orchard (adjacent to Badger Close) in Newton Poppleford was also highlighted; sustainability and landscape reasons for refusal had been upheld by the Inspector despite the Council not being able to demonstrate a 5 year (+20%) housing land supply.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 3 – 2014/2015.

Attendance list

Present:

Committee Members

Councillors:

Helen Parr (Chairman)

David Key (Vice Chairman)

Mike Allen

David Atkins

Roger Boote

Peter Burrows

Geoff Chamberlain

Alan Dent

Martin Gammell

Mike Howe

Ben Ingham

Geoff Pook

Peter Sullivan

Mark Williamson

Officers

Ed Freeman, Development Manager

Henry Gordon Lennox, Principal Solicitor

Hannah Whitfield, Democratic Services Officer

Also present

Councillors:

Ray Bloxham

Bob Buxton

Roger Giles

Graham Godbeer

Tony Howard

Stephanie Jones

Jim Knight

Claire Wright

Apologies:

Committee Members

Councillors:

Vivien Duval Steer

Ken Potter

Non-Committee Members

Councillors:

Trevor Cope

Ian Thomas

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 26 August 2014

Attendance list at end of document

The meeting started at 2.00pm and ended at 5.50pm.

***16 Minutes**

The minutes of the Development Management Committee meeting held on 29 July 2014 were confirmed and signed as a true record.

***17 Declarations of interest**

Cllr Geoff Pook; 14/1359/FUL; Personal Interest (remained in the Chamber during the debate and vote); Councillor is a member of Beer Parish Council.

Cllr Alan Dent; 14/1511/COU & 14/1588/COU; Personal Interest (remained in the Chamber during the debate and vote); Councillor had been a customer.

Cllr Alan Dent; 14/1234/FUL; Personal Interest (remained in the Chamber during the debate and vote); Councillor is a member of Budleigh Salterton Town Council.

***18 Emerging work on defining an objectively assessed housing number for East Devon**

The Chairman agreed for the Planning Policy Manager's report to be taken as an urgent item in order to update the Committee Members on ongoing work to establish appropriate housing numbers.

Under the National Planning Policy Framework (NPPF), local plans and policy for housing provision need to be informed and led by an objective housing need assessment. The Local Plan Inspector, in his letter to the Council in March 2014, had highlighted concerns about the plan policy not being informed by an objective assessment and advised that the Council should produce a new Strategic Housing Management Assessment (SHMA).

The SHMA was a technical piece of work, which collective authorities of the Exeter Housing Market Area (Dartmoor National Park Authority – part in Teignbridge District, East Devon District Council, Exeter City Council, Mid Devon District Council and Teignbridge District Council) had jointly commissioned in the summer of 2013 (this was ahead of the Inspector's letter to EDDC). The Planning Policy Manager reported that this piece of work had been timetabled for completion by the end summer 2014, however unfortunately there had been delays in the production of the SHMA due to complexities associated with the modelling work and integrating this into the wider assessment.

The Committee's attention was drawn to the table (4.3) within the report setting out a demographic breakdown of the projected 2033 population in East Devon using the Devon County Council modelling based on trend data. Noticeably this information showed a significant projected increase in the 65+ age group, against the 2014 level. The modelling also indicated that on a trend based figure only, there would be a need for 11,360 extra homes in East Devon up to 2033, however this was not an objectively assessed housing figure. Two of the key stages in arriving at an objectively assessed housing number for the District were measuring affordable housing need and calculating the future employment and economic growth assumptions/aspirations.

***18 Emerging work on defining an objectively assessed housing number for East Devon cont...**

The Planning Policy Manager advised that it was not possible to provide a timetable for completion of the SHMA work. However all the authorities in the Exeter Housing Market Area were working together on supporting work to arrive at objectively assessed housing numbers for the SHMA.

The Committee was invited to comment on the report. During discussion, concern was raised about the slow progress, lack of urgency and absence of a timetable for completion of this critical piece of work and the impact this would have on the Council being able to adopt a sound local plan. In response to a request, the Planning Policy Manager advised that a SHMA update report would be presented to the October Committee meeting. He also commented that he and his colleagues at the other authorities concerned were all well aware of the urgency for the completion of this piece of work, particularly Mid Devon District Council who also required the figures for their local plan.

RESOLVED: that the ongoing work and proposed future work to inform future housing provision be noted and that a further update report be presented to the October Committee meeting.

***19 Planning appeal statistics**

The Committee received and noted the Development Manager's report setting out appeals recently lodged and six appeal decisions notified, of which five had been dismissed.

The Development Manager drew the Committee's attention to an appeal dismissed at land east of High Bank Bridge View in Rockbeare for the construction of nine dwellings. The application had been a delegated refusal based on the site being within the Green Wedge, which could lead to or encourage undesirable coalescence between Cranbrook, Rockbeare and Whimble. The Inspector had not upheld this reason for refusal, however had instead dismissed the appeal on highway safety grounds (which had not been a reason put forward by EDDC). In response to a comment made by a Committee Member about relying on highway advice, the Development Manager advised that this was an unusual case, as the Inspector had not been convinced that the visibility splays could be secured due to the land required forming part of a splay for an adjacent development.

RESOLVED: that appeal decision for application 13/2676/OUT be circulated to the Committee for information.

***20 Feedback on West Dorset and Weymouth & Portland Local Plan consultation**

The Committee considered the Planning Policy Manager's report detailing the Council's proposed response to the consultation on changes to the West Dorset and Weymouth & Portland Local Plan. West Dorset is located to the east of the District's boundary and the two Councils need to work jointly to ensure that they meet the Duty to Cooperate. Over the past months, officers of the two Councils had undertaken a considerable amount of work in order to have a better understanding, assess, and examine cross-boundary issues in around Lyme Regis and Uplyme.

The changes proposed were highlighted as being relatively minor and relating to adjustments to overall housing numbers. The Committee's attention was drawn to the proposed response set out the table within the report.

***20 Feedback on West Dorset and Weymouth & Portland Local Plan consultation cont...**

RESOLVED: that East Devon District Council welcomes the summer 2014 changes to the West Dorset and Weymouth & Portland Local Plan and that the table set out in the Committee report be submitted as the Council's response to the latest consultation.

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

RESOLVED: that the applications before the Committee be determined as set out in Schedule 4 – 2014/2015.

Attendance list

Present:

Committee Members

Councillors:

Helen Parr (Chairman)

David Key (Vice Chairman)

Mike Allen

David Atkins

Roger Boote

Peter Burrows

Geoff Chamberlain

Alan Dent

Vivien Duval Steer

Martin Gammell

Mike Howe

Ben Ingham

Geoff Pook

Peter Sullivan

Mark Williamson

Officers

Richard Cohen, Deputy Chief Executive

Matt Dickins, Planning Policy Manager

Ed Freeman, Development Manager

Linda Renshaw, Senior Planning (Policy) Officer

Ross Sutherland, Planning (Policy) Officer

Graeme Thompson, Planning (Policy) Officer

Hannah Whitfield, Democratic Services Officer

Peter Woodcock, Locum Solicitor

Also present

Councillors:

Peter Bowden

Susie Bond

Bob Buxton

Paul Diviani

Roger Giles

Graham Godbeer

Also present cont...

Tony Howard
Frances Newth
Tom Wright

Honorary Alderman Ray Franklin

Apologies:

Committee Members
Councillor Ken Potter

Non-Committee Members

Councillor Steve Gazzard

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 23 September 2014

Attendance list at end of document

The meeting started at 2.00pm and ended at 6.52pm.

***22 Minutes**

The minutes of the Development Management Committee meeting held on 26 August 2014 were confirmed and signed as a true record.

***23 Declarations of interest**

Cllr Ben Ingham; 14/0829/FUL; Personal Interest (spoke as ward member and left the Chamber during the debate and vote); Councillor's partner is a close friend of the applicant's wife.

Cllr Peter Burrows; 14/1700/FUL, 14/1726/CPL & 14/1458/FUL; Personal Interest (remained in the Chamber during the debate and vote); Councillor is a member of Seaton Town Council.

Cllr Peter Sullivan; 13/0851/FUL; Personal Interest (remained in the Chamber during the debate and vote); Councillor is a member of Sidmouth Town Council.

Cllr Mark Williamson; 14/1664/FUL; Personal Interest (remained in the Chamber during the debate and vote); Councillor is a member of Exmouth Town Council.

Cllr Alan Dent; 14/1634/FUL; Personal Interest (remained in the Chamber during the debate and vote); Councillor is a member of Budleigh Salterton Town Council.

***24 Planning appeal statistics**

The Committee received and noted the Development Manager's report setting out appeals recently lodged and decisions notified.

***25 Response to a technical consultation on planning**

The Committee considered the Development Manager's report detailing the Council's proposed responses to the latest government consultation on changes to the planning system. The Assistant Development Manager took Members through the six sections of the consultation, which covered:

- Neighbourhood Planning
- Reducing planning regulations to support housing, high streets and growth
- Improving the use of planning conditions
- Planning application process improvements
- Environmental Impact Assessment thresholds
- Improving the nationally significant infrastructure planning regime

The Chairman, echoed by the Committee, thanked the Development Manager for preparing the responses.

RESOLVED: that the proposed responses to the consultation on planning as detailed in the Committee report be endorsed and be submitted to the Department for Communities and Local Government as the Council's formal response to the consultation.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 5 – 2014/2015.

Attendance list

Present:

Committee Members

Councillors:

Helen Parr (Chairman)

Alan Dent (Vice Chairman for the meeting)

David Atkins

Roger Boote

Peter Burrows

Geoff Chamberlain

Martin Gammell

Ben Ingham

Geoff Pook

Peter Sullivan

Mark Williamson

Officers

Andy Carmichael, Assistant Development Manager

Henry Gordon Lennox, Principal Solicitor

Chris Rose, Principal Planning Officer

Hannah Whitfield, Democratic Services Officer

Also present

Councillors:

David Cox

Paul Diviani

Steve Gazzard

Roger Giles

Tony Howard

Andrew Moulding

Eileen Wragg

Apologies:

Committee Members

Councillors:

Mike Allen

Vivien Duval Steer

Mike Howe

David Key

Ken Potter

Non-Committee Members

Councillors:
Stephanie Jones
Jim Knight
Frances Newth
Tom Wright

Chairman Date.....

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Planning Inspections Committee
held at Knowle, Sidmouth on Friday 11 July 2014

Present: Councillors:
Helen Parr (Chairman)
Alan Dent (Vice Chairman for the meeting)

David Atkins
Peter Sullivan
Mark Williamson
Geoff Pook

Officers: Henry Gordon Lennox, Principal Solicitor
Ed Freeman, Development Manager
Stephanie Lewis, Assistant Democratic Services Officer

Apologies: Councillor:
David Key
Martin Gammell

The meeting started at 10.05am and ended at 10.25am.

***7 Minutes**

The minutes of the meeting of the Planning Inspections Committee held on 13 June 2014 were confirmed and signed as a true record.

***8 Declaration of Interests**

There were none.

***9 Application referred to the Planning Inspections Committee**

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

Committee reports, including recommendations, can be viewed at:
http://www.eastdevon.gov.uk/110714_combined_pic_agenda.pdf

Feniton and Buckerell: Application No: 13/2744/MOUT - Outline application comprising residential development (up to 300 units 40% of which would be affordable) including a new access onto Hayne Lane, highway improvements, open space, allotments and drainage (access only to be considered at this stage) at land West Of Hayne Lane.

RESOLVED: DEFERRED to a future meeting of the Planning Inspections Committee to allow officers time to consider late reports received from consultees.

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Planning Inspections Committee held at Knowle, Sidmouth on 8 August 2014

Attendance list at end of document

The meeting started at 10.30am and ended at 11.10am.

***10 Minutes**

The minutes of the Planning Inspections Committee meeting held on 11 July 2014 were confirmed and signed as a true record.

***11 Declarations of interest**

There were none.

***12 Application referred to the Planning Inspections Committee**

The Committee considered the following application referred to it by the Development Management Committee.

The committee report, including recommendation, can be viewed at:

http://www.eastdevon.gov.uk/combined_dmc_agenda_290714.pdf

Seaton: 14/0927/FUL – Construction of two storey extensions to the eastern side of the property to provide new entrance and ancillary space on the ground floor and additional bedrooms on the first floor; construction of two storey extension to the north west side to provide additional bedrooms at Thornfield, 87 Scalwell Lane, Seaton EX12 2ST.

RESOLVED:

APPROVED as per recommendation subject to:

- Condition 4 being amended to require that Ward Members be consulted on the proposed landscaping scheme; and
- Condition 7 being amended to include that the window in the en-suite of bedroom 38 be obscure glazed in perpetuity.

Attendance list

Present:

Committee Members

Councillors:

Helen Parr (Chairman)

David Key (Vice Chairman)

David Atkins

Alan Dent

Martin Gammell

Geoff Pook

Peter Sullivan

Mark Williamson

Officers

Henry Gordon Lennox, Principal Solicitor
Gavin Spiller, Principal Planning Officer
Hannah Whitfield, Democratic Services Officer

Ward Members:

Peter Burrows
Stephanie Jones
Jim Knight

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Planning Inspections Committee held at Knowle, Sidmouth on 5 September 2014

Attendance list at end of document

The meeting started at 11am and ended at 12.28pm.

***13 Minutes**

The minutes of the Planning Inspections Committee meeting held on 8 August 2014 were confirmed and signed as a true record.

***14 Declarations of interest**

Cllr Helen Parr; 13/2744/MOUT; Personal Interest (remained in the Chamber during the debate and vote); Councillor's husband attended the same annual shoot as the landowner.

***15 Application referred to the Planning Inspections Committee**

The Committee considered the following application:

Feniton and Buckerell: 13/2744/MOUT – Outline application comprising residential development (up to 300 units, 40% of which would be affordable) including a new access onto Hayne Lane, highway improvements, open space, allotments and drainage (access only to be considered at this stage).

The committee report, including recommendation, can be viewed at:

http://www.eastdevon.gov.uk/050914_combined_pic_agenda.pdf

RESOLVED: APPROVED subject to conditions and a Section 106 agreement as per recommendation and subject to a health and education contribution being sought if officers, in consultation with the Chair and Ward Member, are satisfied that such a contribution meets the requirements of Regulation 122 of the Community Infrastructure Levy Regulations and the guidance in the National Planning Practice Guidance (NPPG).

Attendance list

Present:

Committee Members

Councillors:

Helen Parr (Chairman)

David Key (Vice Chairman)

David Atkins

Martin Gammell

Geoff Pook

Peter Sullivan

Mark Williamson

Officers

Ed Freeman, Development Manager
Henry Gordon Lennox, Principal Solicitor
Gavin Spiller, Principal Planning Officer
Hannah Whitfield, Democratic Services Officer

Ward Member

Councillor Susie Bond

Also Present

Councillor Claire Wright

Apologies

Councillors:
Roger Boote
Alan Dent

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Audit & Governance Committee held at Knowle, Sidmouth on 25 September 2014

Attendance list at end of document

The meeting started at 2.30pm and ended at 4.30pm.

***14 Appointment of Vice Chairman**

In the absence of the Vice Chairman, Councillor Tony Howard was appointed Vice Chairman for the meeting.

***15 Public Speaking**

There was no public speaking.

***16 Minutes**

The minutes of the Audit and Governance Committee meeting held on 26 June 2014 were confirmed and signed as a true record.

***17 Declarations**

No declarations were stated.

***18 Statement of Accounts 2013/14**

The Head of Finance advised the Committee that the Council's Statement of Accounts for 2013/14 had now been audited and were circulated to Members for their approval.

Following the audit some presentation changes had been made to the accounts and minor changes made, these adjustment did not affect the Council's reported financial position.

The Committee considered the report of the Head of Finance which compared the final position of the Council's accounts with the position presented to Members in the Outturn report in June 2014.

a) Financial Statements

The Audit and Governance Committee had delegated responsibility to approve the Statement of Accounts. The Financial Services Manager outlined the detail of the Accounts and highlighted key financial points. Councillor Steve Gazzard raised the issue of Council spending on consultants, which was not specifically referred to in the Statement of Accounts. Simon Davey, Head of Finance, agreed to forward details of this spending to Councillor Gazzard.

b) Annual Governance Statement

The Council was required to approve an Annual Governance Statement to accompany the Statement of Accounts. The report detailed the processes in place within the Council's governance framework and in compliance with its adopted Code of Corporate Governance. The Statement included a number of improvements made in governance arrangements, including further staff training on Contract Standing Orders, improved assessment of key financial controls and differing formats of the Risk Register. Also the external report from Grant Thornton had shown a good and improving position for the Council, staff had been reminded of the key content in governance policies and preparation of the Governance Statement itself had involvement from the Chair of Audit & Governance.

***18 Statement of Accounts 2013/14 (Cont)**

The Committee noted that the review had identified an area where action was appropriate to enhance the governance and internal control environment to ensure continuous improvement. The area for improvement was: the risk of the Council not having processes in place to regularly monitor a 5 year land supply for strategic planning purposes

c) Letter of Representation

Members were asked to endorse the letter to Grant Thornton in respect of the audit of the Financial Statements for the year ended 31 March 2014 confirming the Council's position, documents produced and the sound processes in place.

d) Report to those charged with Governance

Barrie Morris, Grant Thornton, presented the Council's external audit report, which highlighted key issues arising from the Council's financial statements for the year ending 31 March 2014. This set out the adjustments and corrections made to the Council's accounts as a result of the audit and a proposed plan of recommendations for further improvement.

Grant Thornton, based on their work and having regard to the specified criteria published by the Audit Commission, had concluded that the Council had put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ending 31 March 2014. Two recommendations were made to improve the internal controls in place regarding, the improper revenue recognition and management override of controls.

e) Certification work plan for EDDC

Barrie Morris, Grant Thornton, presented the Council's Certification work plan. He reported that the only claims that required certification work at EDDC for 2013/14 were the Housing Benefit Subsidy claim and the Pooling of Housing Receipts return.

RESOLVED: that the 2013/14 Statement of Accounts be approved.

(Councillor Steve Gazzard asked to have his abstention on voting on the Statement of Accounts recorded)

***19 Internal Audit Plan – Half Yearly update 2014/15**

The report of the Audit Manager, (SWAP) provided the outturn position for the Internal Audit Plan at the end of September 2014. This was an update for quarters 1 and 2.

A list of audits planned for 2014/15 and their status at the end of quarter 2 were noted.

RESOLVED: that the Internal Audit Progress report be noted.

***20 High Risk Review 2014/15 – bi-annual report**

Members considered the report of the Management Information Officer; the Committee monitored high strategic and operational risks outside the bi-annual reporting. This followed a review of risks focusing on high risks by responsible officers to the end of August 2014.

***20 High Risk Review 204/15 – bi-annual report (Cont)**

Risks that were scored high on the risk register were:

- Significant loss or non collection of rental income will have a major impact on the Housing Revenue Account and our ability to deliver housing services to our tenants;
- Loss of Supporting People contracts would mean a significant loss of income that part pays for the housing related support service received by our tenants in sheltered housing;
- Potential move to an ICT shared service may disrupt the service.

A member raised the risk to the Safeguarding Children Policy when John Golding, Head of Housing & Communities was absent. Members noted that other staff within the Housing Service dealt with this issue and also that there was currently senior management restructure in place that was looking to appoint an additional manager within the Housing Service.

RESOLVED: that the Committee noted the current status of high risks until 30 September 2014, when a full risk review will be undertaken and reported to the following Committee.

***21 Risk Management Policy Review 2014**

The Committee considered the Risk Management Policy and Guidance which had been updated following its three yearly review and required approval by the Committee. A member asked to what extent did all staff have an understanding of the Risk Management Policy? Joanne Avery, Management Information Officer, reported that it was a mandatory requirement for all managers to have an understanding of this policy. Members wished to emphasis the importance of mandatory management training that training on the risk management policy.

RESOLVED: that the updated Risk Management Policy and Guidance be approved.

22 Enhancement and planning policy monitoring systems (5-year land supply)

The Committee consider the report of the Planning Policy Manager, which updated Members of progress towards improvements to monitoring systems. Since the meeting of the Audit and Governance Committee on 26 June 2014 (minutes *12 refers):

- Officers had met to discuss introducing more proactive monitoring systems and requirements to make them work;
- A report had been drafted with Building Control and ICT to request improvements to the existing uniform system to enable more automated monitoring, thereby freeing up officer time to proactively engage with the developers of larger sites to understand their delivery timescales and potential blocks to delivery; and
- Discussions had been held to better understand the system of monitoring employed by Teignbridge District Council and what we might be able to do to follow a similar route;
- A bid had been made for Government funding for a new Development Enabling and Monitoring Officer post who would be tasked with acting as the Council's lead on development viability issues, liaising with developers to try to unlock development sites and monitoring developers' progress with implementation of permissions when granted by keeping in regular contact with developers and working with them to

22 Enhancement and planning policy monitoring systems (5-year land supply) (Cont)

identify and assist in removing obstacles to delivery. In undertaking these roles the post could fulfil both a reactive and proactive role.

During discussion the following points were noted:

- no timetable for enhancement of planning monitoring systems had been provided;
- the monitoring officer post was not in the recommendation;
- how well was EDDC engaged with Teignbridge District Council who had a five year land supply?
- Teignbridge District Council were more able to be proactive as they had a better staffing resource to undertake the work;
- when would EDDC have a five year land supply in place?
- EDDC needed to make having a 5 year land supply a priority as not having it posed a significant risk to its reputation and needed to appoint a member of staff to help achieve this;
- a new managers position was in the process of being appointed to address the issue of strategic objectives not being met;
- there should be a more proactive approach undertaken, including joint working with other local authorities;
- there were very good ICT links with Teignbridge DC who used the same systems as this Council;
- if external Government funding for the post to monitor the 5 year land supply was not obtained then the Council should fund this position from its own funds;
- strategic planning issues should be discussed at the November meeting of the Committee.

RECOMMENDED: that progress to date in achieving the objectives set out by the Committee be noted; a further report to the November Committee was required to demonstrate sufficient progress to the Committee in order to remove the high risk related to the 5 year land supply, in particular to address the question of where best planning policy and significant associated decisions were made and evidence that appropriate resources were in place to deliver the objectives or how resources would be obtained.

*23 ICT implementation (Strata)

Members received the report to Cabinet on 1 October 2014 of Chris Powell, Corporate ICT Manager, the purpose of which was to set up a structure for the governance and scrutiny of Strata as follows:

- a) A Joint Executive Committee (JEC) to govern Strata; and
- b) A Joint Scrutiny Committee (JSC) to scrutinise Strata.

The reason for consideration by this Committee was the need Governance arrangements. The proposed 'go-live' date for Strata was 1 November 2014, when all staff would be transferred to the new organisation.

RESOLVED: that the report be noted.

***24 Audit and Governance Forward Plan**

The Committee noted the contents of the Forward Plan for 2014/15, which was updated during the meeting.

Items to be considered at the November Committee included:

- Office relocation project update
- Audit Committee update
- Annual audit letter
- Thelma Hulbert Gallery update
- Risk Management Review
- Five year land supply

RESOLVED: that the updated Forward Plan be noted.

Attendance list

Present:

Ken Potter (Chairman)
Steve Gazzard
Steve Hall
Tony Howard

Chris Lane, Democratic Services Officer
Simon Davey, Head of Finance
Chris Powell, Corporate ICT Officer
Laurelie Gifford, Financial Services Manager
Richard Cohen, Deputy Chief Executive
Matt Dickins, Policy Manager
Joanne Avery, Management Information Officer

Andrew Ellins, Audit Manager, South West Audit Partnership (SWAP)
Barrie Morris, Public Sector Assurance Director, Grant Thornton
Ashley Allen, Senior Audit Manager, Grant Thornton
Katie Haines, Associate Manager, Grant Thornton

David Cox

Apologies:

Roger Boote
Peter Bowden
Bob Buxton
Geoff Pook

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Committee held at Knowle, Sidmouth on Wednesday, 27 August 2014

Attendance list at the end of the document

The meeting started at 9.30am and ended at 10.30am

*4 Minutes

The minutes of the meeting of the Licensing & Enforcement Committee held on 11 June 2014, were confirmed and signed as a true record.

*5 Declarations of interest

Councillor Steve Hall

Minute 6

Disclosable Pecuniary Interest – private hire licence holder

Councillor John O’Leary

Minute 6

Disclosable Pecuniary Interest – personal licence holder

*6 Committee update – Licensing Act 2003, Gambling Act 2005 and General Licensing

The Licensing Manager presented his report and highlighted activities undertaken by the Licensing Service. Details of the work undertaken were included as appendices to the report.

Members raised and discussed a number of issues from the report:

1. Licensing Act 2003

Officers had completed visits to all the high risk premises in the District Council area for the year 2013/14 without any issues or concerns being found by the visiting officers. Visits to high risk premises for 2014/15 would commence with a completion date for all the visits being the end of March 2015.

On 28 May 2014 officers attended a joint agency pre-event meeting at Exmouth Town Hall for a proposed event on 2 August at Exmouth known as The Gusto Jamboree. The details of the event were discussed and suitable advice given. Councillor Pauline Stott requested that a sheet giving instructions for applicants to apply for events should be prepared for Councillors to be able to give to interested parties. The Licensing Manager agreed to prepare an instruction sheet for applicants, including input from the Environment and Street Scene services.

Officers had attended a number of other events throughout East Devon to give suitable advice and guidance to licensees during the quarter. The Chairman and Vice Chairman had undertaken their annual walkabout during Folk Festival week. Councillor Frances Newth reported that Sidmouth Ward Members had not received the phone numbers of the Sidmouth Folk Festival organisers this year. This

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

information was helpful in advising local residents who made complaints. John Tippin, Licensing Manager, agreed to ensure these numbers were available to Sidmouth Ward Members.

Gambling Act 2005

John Tippin, Licensing Manager, advised that on 14 May 2014 a Sub Committee hearing had been held to consider three applications for Club Gaming Machine permits for “staff social clubs” located at Tesco Stores in Honiton, Seaton and Axminster. The application had been adjourned to allow a Sub Committee request to see evidence that a members’ club existed for each of the stores, to include documents that evidenced there were elected officers, minutes of meetings and particularly an annual general meeting and at least two years of accounts.

On 16 July 2014 the hearing reconvened following a visit to Tesco, Axminster by Councillors Hall and Stott accompanied by the Licensing Manager and Steve Saunders, Licensing Officer. Additional documentation relating to the applications made by the clubs based at Honiton and Seaton was also supplied for consideration by the Sub Committee. Having considered all material and representations, the Sub Committee considered that the applicants at Honiton and Seaton were not members’ clubs pursuant to S266 of the Gambling Act 2005 and the applications relating to the stores at Honiton and Seaton were refused. The applications relating to the Axminster store was adjourned and subsequently withdrawn at the request of the applicant, Mr Richards

2. Taxis

The Licensing Team had continued the education based enforcement and monitoring approach to the Hackney Carriage and Private Hire drivers and vehicles as had happened with the Licensing Act. Close liaison was maintained with partner agencies and the taxi trade to ensure the principles of consistency, transparency and proportionality were maintained.

There had been no Sub Committee hearings during the past quarter. Members were reminded that at a Sub Committee meeting an existing Hackney Carriage Driver’s licence had been revoked following a recent conviction. It was also reported that he had since appealed to the Magistrates Court. The appeal hearing was held on 30 July 2014 at the Exeter Magistrates Court. After the evidence was heard, the Magistrates upheld the decision of the Licensing Sub Committee and confirmed the revocation of the applicant’s Hackney Carriage driving licence. Councillor Steve Hall, Chairman, wished to thank Councillor Jim Knight, Vice Chairman, and Officers Giles Salter and Douglas Jackson for attending the appeal hearing.

Members noted that it was hoped that the work to lower the kerb stones at the new Strand taxi rank would be started shortly to coincide with other works at the Strand.

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

3. General Licensing including Animal Licensing and skin piercing
 Members noted that the District Council had two zoo applications pending. The first was for land outside the Greendale Farm Shop, Sidmouth Road, Farringdon and the second for Bicton College, who were developing a business based on the college's new animal husbandry school. Prior to decision by the District Council on the grant of these licences, inspections were awaited from a specially qualified vet nominated by DEFRA.

There were already four zoo licences in existence in East Devon. These are at Crealy Park, Escot, Axe Valley Animal Park and World of Country Life.

Members noted that in recent months there had been an increased in interest from persons wanting to be registered as tattooists. In response to a question from Councillor Pauline Stott, the Licensing Manager agreed to provide Licensing & Enforcement Committee members with details of registered skin piercing premises in their ward so they could provide details of those premises still operating.

Members noted that the District Council currently licensed 17 mobile scrap metal dealers and 5 scrap metal dealer sites within East Devon – a total of 22. Under the new legislation recently introduced, the role of a motor salvage operator was merged into the scrap metal dealer function. A joint operation with partner agencies would be held in mid September. Unfortunately the extra funding made available to the Devon and Cornwall Police for additional work on the legislation has now been stopped.

The Sidmouth Folk Week has taken place for 2014 and all the seafront pitches were let. There had been positive feedback from the general public in relation to the street trading. The Licensing Manger wished to give particular mention to the assistance given by Street Scene to the Licensing Team on the lead up to and during the Folk Festival week. This included re-marking the pitches following last winters' storms, relocating refuse bins and benches to make room for the pitches and finally cleaning the Esplanade overnight throughout the week.

The Licensing Manager reminded Members that in the June update report an explanation was provided of the different types of collections that the public can encounter on the streets – both legal and illegal collections. He had been invited to meetings with the police at Honiton and Exmouth, the main subjects of which were direct debit canvassing companies generally called face to face collections and the operations relating to the state of periodicals. Both these 'business models' were legal if done correctly however especially in the case of the sale of periodicals the Licensing Team and police were coming across operators and individuals who used this exemption to their own advantage with little or none of the proceeds from the sale of so called periodicals being passed to the charity they purport to support.

After many months of seeking police support to attempt to eradicate some of these unscrupulous operators it now appeared in the case of Honiton and Exmouth that the police were taking notice.

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

4. Consultation and Partnership working

The next taxi liaison meeting with the taxi trade will be held on Thursday 30 October 2014 commencing at 2.30pm in the Council Chamber, Knowle, Sidmouth.

RESOLVED:

that the report be noted.

Attendance list

Councillors present

Steve Hall (Chairman)
Jim Knight (Vice Chairman)
David Atkins
Bob Buxton
Peter Burrows
Steve Gazzard
Frances Newth
Ken Potter
Pauline Stott
Peter Sullivan
Tom Wright
Pat Graham
John O’Leary

Officers present

John Tippin, Licensing Manager
Chris Lane, Democratic Services Officer

Apologies:

Councillors:
Maddy Chapman
John Jeffery

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Licensing &
Enforcement Sub-Committee held at Knowle, Sidmouth on
Wednesday, 16 July 2014

Present:	Councillors: Steve Hall (Chairman) Pauline Stott Tom Wright
Also present:	Councillor Frances Newth
Officers:	Henry Gordon Lennox– Principal Solicitor John Tippin – Licensing Manager Stephen Saunders –Licensing Officer Elizabeth Scofield – Licensing Officer Chris Lane – Democratic Services Officer
Apologies from non member of the Sub Committee:	Councillor Steve Gazzard

The meeting started at 9.30 am and ended at 10.30am.

*6 Minutes

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 11 June 2014, were confirmed and signed as a true record.

*7 Applications for Club Gaming Machine Permits issued under the Gambling Act 2005 for Social Clubs located at:

- a) Tesco Store at Honiton
- b) Tesco Store at Seaton
- c) Tesco Store at Axminster

The Sub Committee gave consideration to an application for a Club Gaming Machine Permit issued under the Gambling Act 2005 for Social Clubs located at Tesco Stores in Honiton, Seaton and Axminster. The application had been originally heard by EDDC Members on 14 May 2014 (Minute *60 refers) when the application had been adjourned for receipt of further evidence. The application was being made by Mr John Richards a gaming machine supplier licensed by the Gambling Commission who was acting as agent for all three clubs.

The purpose of the adjournment was to allow the opportunity of the Sub Committee and Licensing officers to visit each store and where possible speak to Social Club members. In addition the Sub Committee requested that the clubs provide further evidence that a properly constituted members club existed at all three stores. This evidence to include that there were properly elected officers, minutes of annual

*7 Applications for Club Gaming Machine Permits issued under the Gambling Act 2005 for Social Clubs located at:

- a) Tesco Store at Honiton
- b) Tesco Store at Seaton
- c) Tesco Store at Axminster

general meetings and at least two years of accounts.

Unfortunately, despite the applicant's agent Mr Richards attempts it had not been possible to arrange meetings with the various social club officers as they had explained that they were not able to spare the time to attend a meeting. The visit to the Axminster Tesco took place on Tuesday 10 June 2014 with Councillors Hall and Stott and John Tippin, Licensing Manager and Steve Saunders, Licensing Officer present. Following the visit the store's HR manager informed officers that Tesco had instructed the club to withdraw their application.

Although the Sub Committee had not visited the 'clubs' at Honiton and Seaton both clubs had supplied documentation. The Sub Committee had asked the clubs to supply copies of minutes of meetings, particularly annual general meetings and at least two years of accounts. It was the officers' view that the clubs had failed to supply the majority of what had been requested and therefore still could not show that any of the clubs were properly constituted.

John Richards, applicant's agent, asked that the Axminster application be excluded from consideration at the meeting as the application was likely to be withdrawn. He stated that as part of the employment process for Tesco new staff automatically became members of the social club for that store. He stated that Seaton had provided some details of a balance account summary and that sufficient evidence had been provided for evidence of a social club at both Honiton and Seaton and that the conditions had been met under the 2005 Gambling Act for a properly constituted members club.

Councillor Tom Wright questioned that there was no evidence of the stores having properly constituted clubs. He felt Mr Richards could not provide sufficient evidence of a proper social club existing at the Tesco stores. To be a properly constituted club there was the need for a Chairman, Secretary and Treasurer to be in place, there were no minutes to show that these had been elected by members.

- *7 Applications for Club Gaming Machine Permits issued under the Gambling Act 2005 for Social Clubs located at:
- a) Tesco Store at Honiton
 - b) Tesco Store at Seaton
 - c) Tesco Store at Axminster **(Cont)**

RESOLVED 1) that the applications for a Club Gaming Machine permit issued under the Gambling Act 2005 for Social Clubs located at Tesco Stores at Honiton and Seaton be refused. Having considered the officer's report, the Gambling Commission guidance, the documentary evidence provided in support of the applications by the applicant's agent and having heard verbal representations from Mr Richards (agent for the applicant) and officers at the Sub Committee hearing, the Sub Committee considered that the applicants were not a members' club pursuant to S266 of the Gambling Act 2005 and therefore the applications should be refused in accordance with paragraph 6(1)(a)(ii) of Schedule 12 of the Gambling Act 2005

The applicant was reminded of his right to appeal to the Magistrate's Court against this decision within 21 days of received the decision notice.

- 2) that the application for a Club Gaming Machine permit issued under the Gambling Act 2005 for the Social Club located at the Tesco Store at Axminster be adjourned to a date to be fixed in the future to enable Mr Richards to take instructions from the club on the continuance of the application.

- *8 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 applications and the negotiations carried out.

- *8 Schedule of applications for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary (Cont)

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for the grant of a premises licence	The Village Inn, Fore Street, Sidbury, Sidmouth, Devon, EX10 0SD.	<p>Following mediation the applicant and the Council's Environmental Health Service 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 addition of the following conditions:</p> <ol style="list-style-type: none"> 1. The Licence Holder must control the volume of regulated entertainment taking place at the premises, by the installation of a noise limiter which shall be set by and to the satisfaction of an Environmental Health Officer of East Devon District Council. 2. The Licence Holder must ensure that all doors and windows are kept closed during periods of regulated entertainment.
	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003	

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Licensing &
Enforcement Sub-Committee held at Knowle, Sidmouth on
Wednesday, 6 August 2014

Present: Councillors:
Steve Hall (Chairman)
Jim Knight (Vice Chairman)
David Atkins

Officers: Giles Salter – Solicitor
Neil McDonald – Licensing Officer
Chris Lane – Democratic Services
Officer

Also Present: Councillor:
Steve Gazzard
John O’Leary
Tom Wright
Eileen Wragg

The meeting started at 9.30 am and ended at 11.00am.

*9 Minutes

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 16 July 2014, were confirmed and signed as a true record.

*10 Application for the variation of a premises licence to extend the times for all licensable activities and opening times on the current licence on Wednesdays , Fridays and Saturdays by one hour and to construct a cocktail bar on the ground floor at the Q Club, Elm Grove, Exmouth

The Sub Committee gave consideration to an application for variation of a Premises Licence to extend the times for all licensable activities and opening times on the current licence of Wednesdays, Fridays and Saturdays by one hour and to construct a cocktail bar on the ground floor at the Q Club, Elm Grove, Exmouth.

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

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

- *10 Application for the variation of a premises licence to extend the times for all licensable activities and opening times on the current licence on Wednesdays , Fridays and Saturdays by one hour and to construct a cocktail bar on the ground floor at the Q Club, Elm Grove, Exmouth (Cont)

The Sub Committee considered it relevant that no representations had been received from the police in relation to the Licensing Act objectives that had been the subject of representations, following mediation, which were, public nuisance, public safety, crime and disorder. From this the Sub Committee concluded that the police did not consider that there were currently any significant problems associated with the current operation of the premises, or that there was likely to be if the application was granted. The applicant had reduced the hours originally asked for after mediation.

The applicant's case was that an application for a variation had been made because of the changes in the habits of users of the club. The applicant stated that the opportunity for the club to recoup its overheads had diminished because the club was effectively operating in a reduced window of time. The public was going out into the town later in the evening and therefore drinking in bars and clubs later and so the period of entertainment in the club was reduced - effectively there were only two hours each evening when the club was open during the week where it could maximise income. The extension of hours was not an attempt to gain, but to stand still. The public had a fixed window of opportunity to go out and a fixed amount of money to spend.

The application before the Sub Committee had been viewed by the police, and Environmental Health who had both withdrawn representations following mediation and they did not have an issue with the extension of the terminal hours now applied for.

The applicant showed CCTV footage which he believed demonstrated the effective management of the entry and exit to the club after 11.00pm on any night when the club was open for business.

The interested parties' case was that Exmouth Town Council had provided the following statement "The standard licensing hours should be 3.00am (closing time of 3.30am) on Friday and Saturday so that they were uniform throughout Exmouth. The impact of later opening would be increased nuisance to residents in the locality and that it would set a precedent to other establishments to request longer licensing hours. The potential for drinkers to carry out anti social acts when dispersing within the town would be heightened with prolonged drinking time.

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

- *10 Application for the variation of a premises licence to extend the times for all licensable activities and opening times on the current licence on Wednesdays , Fridays and Saturdays by one hour and to construct a cocktail bar on the ground floor at the Q Club, Elm Grove, Exmouth (Cont)

The Sub Committee considered that CCTV had an important role in preventing crime and disorder, identifying offenders and in managing public behaviour on the premises and when leaving.

The Sub Committee did not accept that there was evidence of a significant public nuisance, risk of crime and disorder or risk to public safety arising from the current operation of the premises. At the present time there was no real evidence that the operation the applicant proposed to run would cause the unacceptable impact local residents suggested.

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

- RESOLVED
1. that a variation of the Premises Licence be granted as follows:
 - a) The extent of the areas within which the various licensable activities will be permitted as indicated by the legends on the applicant’s plan.
 - b) Permitted hours for the various licensable activities will be as set out in amended appendix to the report following mediation with the police.
 - c) The conditions in the operating schedule as set out in the amended appendices F and G will also apply. In Appendix F replace “Safeguard Security” with “an SIA approved security company”.

 2. the designated Premises Supervisor will be: John Derek Hutchinson, 122 St Katharines Road, Whipton, Exeter, EX4 7JJ.

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Licensing &
Enforcement Sub-Committee held at Knowle, Sidmouth on
Wednesday, 20 August 2014

Attendance list at the end of the document

The meeting started at 9.30 am and ended at 9.35 am

- *11 Minutes
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 6 August 2014, were confirmed and signed as a true record.
- *12 Declarations of interest
There were none.
- *13 Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary

The Sub Committee gave consideration to an application for the grant of a premises licence 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 that had been carried out. Successful negotiations had included the withdrawal of recorded music from the application in response to concerns raised by EDDC's Environmental Health Officer over noise.

RESOLVED

that the application be granted as below, subject to the agreed position set out in the schedule and any relevant statutory conditions and the applicants having complied with the relevant statutory requirements.

Schedule:

Type of application:

Application for the grant of a premises licence

Name of premises and address:

Coast East Walk, Seaton, Devon EX12 2LN

Agreed position reached by the parties:

Following mediation the applicant and the Council's Environmental Health Service 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 amendment:
That the applicants withdraw the request for recorded music from the application.
Approval was recommended subject to the amended operating schedule and the relevant mandatory conditions required by the Licensing Act 2003.

Attendance list
Councillors present

Steve Hall (Chairman)
Jim Knight (Vice Chairman)

Officers present
Giles Salter, Solicitor
Elizabeth Scofield, Licensing
John Tippin, Licensing Manager
Diana Vernon, Democratic Services

Chairman Date