

Agenda for Council

Wednesday, 17 December 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 8 December 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 17 December 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.

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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 Minutes of the meeting of the Council held on 15 October 2014.
- 3 Apologies
- 4 [Declarations of interest](#)
- 5 [Matters of urgency](#) – none identified
- 6 Announcements from the Chairman and Leader
- 7 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.
- 8 To answer questions asked by Members of the Council pursuant to Procedure Rules No 9.2 and 9.5.
- 9 Reports from the Cabinet and the Council's Committees and questions on those reports:

Cabinet	Minutes	92-113, 114-133
†Overview and Scrutiny Committee	Minutes	35-43, 44-54
†Housing Review Board	Minutes	41-56
Development Management Committee	Minutes	27-34, 35-40
Planning Inspections Committee	Minutes	16-18
Standards Committee	Minutes	1-10
Audit and Governance Committee	Minutes	25-35
Licensing and Enforcement Committee	Minutes	7-9
Licensing and Enforcement Sub Committee	Minutes	14-16

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

10 **Motion – East Devon District Council Scrutiny**

An effective and independent scrutiny function is important for achieving a transparent and an effective council. Scrutiny should be a completely open and impartial process, not subject to interference or pressure.

This Council believes the Overview and Scrutiny Committee alone should determine what matters it considers, who it calls as witnesses and who forms part of its considerations. The Chairman and Vice Chairman of Overview and Scrutiny must be non-majority party councillors in order for the Overview and Scrutiny Committee to be fully effective.

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

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

Details of Chairmen and Vice Chairmen of Scrutiny Committees from 2005 when the scrutiny function was introduced – to assist Members in consideration of the motion at agenda item 10.

2005/06 - 2006/07 – Scrutiny Committee

Chairman – Peter Burrows
Vice Chairman - Roger Giles

2007/08 Scrutiny Committee

Chairman – Roger Giles
Vice Chairman – Geoff Chamberlain

2008/09 – Scrutiny Committee

Chairman – Roger Giles
Vice Chairman – Jim Knight

2009/10 – 2010/11

1. Overview and Scrutiny Co-ordinating Committee

Chairman – Ray Bloxham
Vice Chairman – Bob Peachey

2. Overview and Scrutiny Communities Committee

Chairman – Helen Parr
Vice Chairman Graham Troman (2009/10) Darryl Nicholas (2010/11)

3. Overview and Scrutiny – Economy Committee

Chairman – Ian Chubb (2009/10) Graham Troman (2010/11)
Vice Chairman – Trevor Cope (2009/10) Steve Wragg (2010/11)

4. Overview and Scrutiny – Service Delivery/Performance Committee

Chairman – Steve Hall (2009/10) John Humphreys (2010/11)
Vice Chairman Frances Newth

2011/2012 – 2012/13 - Overview and Scrutiny Committee

Chairman – Stuart Hughes
Vice Chairman – John Humphreys

2013/2014 – 2014/15 - Overview and Scrutiny Committee

Chairman – Tim Wood
Vice Chairman – Graham Troman

Meeting of the Council – 17 December 2014

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9. Licensing and Enforcement Sub Committee	10 November 2014	86-89

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of the Council held at Knowle, Sidmouth on 15 October 2014

Attendance list at end of document

The meeting started at 6.30pm and ended at 7.45pm.

***27 Public Speaking**

The Chairman welcomed Councillors and members of the public present.

Mr Arnott expressed surprise that the Chief Executive had not widely publicised his invitation to attend a meeting of the Commons Select Committee on voter engagement in the UK. The Chief Executive in his role as Electoral Registration Officer (ERO) had been interviewed by a cross-party panel of MPs. Mr Arnott asked why the Chairman of the Council's Overview and Scrutiny Committee had not been made aware of this.

The Chief Executive responded by advising that other EROs who had also been invited to attend the meeting had regarded it as a routine, straight-forward matter.

Mr Freeman referred to the July Council meeting where he had criticised the Council's Electoral Registration Officer. He said that the response by the Chief Executive had been that Mr Freeman's facts were incorrect. However Mr Freeman said that the Commons Select Committee had questioned EDDC's lack of door-step canvassing and whether sufficient alternative action was being taken to find 'missing' electors. He also questioned the practice of adjusting closed registers on the day of election to enable unregistered residents to vote. A subsequent EDDC press release advised that no voters had been deselected.

The Chief Executive responded by thanking Mr Freeman for highlighting this matter as it had given him the opportunity to speak to the Select Committee. The Chief Executive had found that nationally the average electoral registration rate was 84% compared with the much higher Devon figures of 95% and more. The Chief Executive thought that the problem was far more acute in other parts of the country.

Councillor Douglas Hull advised that he had taken a telephone call from a named representative of the North Devon Healthcare Trust who said that Axminster Hospital would lose its beds in January 2015. He said that it appeared that a decision had been made before the close of the consultation period. Councillor Andrew Moulding acknowledged local concern about the possible loss of Axminster hospital beds. However, he had attended a consultation/drop-in event in Kilmington that day to meet with doctors and other health representatives; no mention had been made of the loss of beds in January. The service was aware that Axminster was a growing community and would need additional health resource.

***28 Petition**

The Council received a petition of over 900 signatures presented by Seaton Town Councillor Steve Williams and Vanessa Coxon.

Petition 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.”

In presenting the petition, Town Councillor Williams said that it represented the views of the majority of Seaton residents. They were against a potential development of retirement flats and asked the Council to honour promises made to regenerate the town and turn down the application when received.

In Ward Member, Councillor Peter Burrows' absence, Councillor Douglas Hull said that Councillor Burrows supported the sentiments of the petition and that a hotel would serve the Jurassic Centre's visitors and help to regenerate Seaton.

Ward Member, Councillor Jim Knight also supported the petition. He had serious concerns about the possibility of another retirement complex in Seaton. He said that it was important for a strong argument to be put forward against such a development should the application be submitted.

***29 Minutes**

The minutes meeting of the Council held on 23 July 2014 were confirmed and signed as a true record.

***30 Declarations**

Cllrs Stuart Hughes and Eileen Wragg declared personal interests in Cabinet minute 61 (Exmouth and Dawlish Beach Management Scheme) as they were both members of the South West Regional Flood and Coastal Committee.

***31 Chairman/Leader notices/announcements**

The Chairman advised that the Council photograph was now available and any Councillor wanting a copy should sign the order form in the Members' Area.

***32 Awards – Revenues and Benefits teams**

The Chairman was proud to announce the success of the Revenues and Benefits teams in the Teams of the Year awards as judged by the Institute of Revenues Rating and Valuations. The Council had entered teams separately as there was not a combined Revenues and Benefits award. EDDC's Benefits Team was awarded silver in the Benefits Team of the Year and EDDC Revenues Team was awarded bronze in the Revenues Team of the Year. For both teams to be award winners was a great achievement. The news was an acknowledgement of the exceptional work that takes place in this Council's Revenues and Benefits teams. Particular thanks and congratulations were extended to Libby Jarrett, Revenues and Benefits Manager.

The Chairman presented the Revenues and Benefits Manager with the awards and certificates from the Institute of Revenues Rating and Valuations.

***33 Long service awards**

The Chairman praised the loyalty of long-serving staff. He highlighted the achievements of three members of staff who were then awarded certificates.

Leila Parker, Building Cleaner, Property Services – 30 years

Sue Bewes, Landlord Services Manager, Housing – 20 years

Paul Lowe, Housing Development and Enabling Officer, Housing - 10 years

***34 Best Kept Village Competition**

The Chairman thanked all villages that had taken part in the competition; the level of success reflected well on the villages within the district. He recognised the community effort and hard work involved and extended the Council's congratulations. This Council formally recognises the villages who have achieved success in the Devon-wide competition with a certificate. The highest scoring villages in East Devon, which had not won in the Devon-wide completion, were recognised by this Council and awarded cups and certificates in both the large and small village categories.

The Chairman advised that this year the Council was privileged to welcome Dr Margaret Hall, Chairman of the Campaign for the Protection of Rural England (CPRE) – East Devon District Group. The Chairman invited Dr Hall to address the Council. Dr Hall thanked the Council for celebrating the competition and congratulated the winning villages. She emphasised the community involvement in the competition and extended thanks to all involved including the judging panel.

Kilminster: 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)
 Lymington: Runner-up in the Devon-wide new entry category

The Chairman then presented the certificates and cups to the East Devon villages who had not won Devon-wide awards but who had achieved high scores.

East Budleigh: Large village - winner of EDDC Baker Cup
 Talaton: Small village – winner of EDDC Glanvill Cup
 Axmouth: Runner-up – large village
 Hawkchurch: Runner-up – small village

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

Six questions had been submitted in accordance with Procedure Rule 9.2 - [the printed questions and answers](#) were circulated in advance of the meeting. Councillors submitting questions are entitled to put a related supplementary question (Procedure Rule 9.5). There were no supplementary questions in respect of questions 1,3,4 and 6. The responses to the supplementary questions are set out below.

a) Question 2 – Information commissioner appeal process

In response to a supplementary question about publicising costs of the appeal process, the Deputy Chief Executive stated that the process was still on going but that the information would be published when the process had been concluded.

b) Question 5 – Strategic Housing Market Assessment report

In response to a supplementary question, the Deputy Leader acknowledged that the process was taking time but that the Council was in the hands of the Inspector and the SHMA process. A full up-date would be presented to the Development Management Committee on 21 October 2014.

*36 **Minutes of Cabinet and Committees**

RESOLVED

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

Cabinet

Minutes 51-70, 71-91

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

RESOLVED

2. that the under-mentioned minutes be received.

Cabinet (minutes 57, 77 and 78) had noted or accepted the following Overview/Scrutiny Committees' recommendations with or without amendment.

Overview and Scrutiny Committee

Minutes 18-24, 25-34

Housing Review Board

Minutes 21-40

Arising from consideration of the above minutes:-

a) Strata – governance and scrutiny (Cabinet minute 86 refers)

The Chief Executive advised that the three partner authorities (EDDC, Exeter City and Teignbridge District Council) needed to agree the terms and rules for the joint Executive and Scrutiny Committees for the project to proceed. Teignbridge DC had raised a couple of issues relating to the terms of reference and rules of procedure that it wanted incorporated into the legal agreement. The Chief Executive advised that the adjustments were reasonable. The arrangements needed to be in place by 1 November 2014 - when the details were available and if timely, the Chief Executive would consult with Group Leaders.

RESOLVED:

that (together with Teignbridge and Exeter Councils), this Council resolves to amend its Constitution to:

1. Appoint a Joint Scrutiny Committee;
2. Agree the Terms of Reference and Rules of Procedure for the Joint Executive Committee and Joint Scrutiny Committee, with the Chief Executive being given delegated authority to approve the final version,
3. Appoint 3 members of each Council to sit on the JSC in compliance with the rules of political balance,
4. Give delegated authority to the Chief Executive to appoint the Council's director to the Strata Board.

b) Designation of Feniton Neighbourhood Area (Cabinet minute 65 refers)

Ward Member, Councillor Susie Bond, thanked the Council on behalf of Feniton Parish Council for approving Feniton as a Neighbourhood Area. She also took the opportunity to thank the Council and particularly the Leader for the robust response to the planning enforcement issue currently being faced by Feniton. In the light of Feniton's flooding problems, she said that the Council's stance against the developer who did not comply with a condition imposed by the Planning Inspectorate was to be applauded.

c) Housing Review Board

In presenting the minutes, the Chairman, Councillor Pauline Stott reported that Home Safeguard had achieved the industry's service award with flying colours.

d) Emerging work on defining an objectively assessed housing number for East Devon - Development Management Committee (minute 18 refers)

Councillor Roger Giles emphasised the importance of planning and ensuring that adequate services were in place to serve growth. He asked the Chairman of the Overview and Scrutiny Committee to invite a health representative to the following day's meeting. In response, Councillor Wood advised that a health consultation meeting for Councillors had recently been held and the recommendations from that meeting would be referred to the meeting of Overview and Scrutiny for further discussion. He asked all Councillors to attend this meeting on 16 October 2014 to put their views forward. Councillor Wood said that he would extend an invitation to a representative from the North Devon Healthcare Trust to attend the meeting if possible.

e) Applications for Planning Permission- Development Management Committee (minute 26 refers)

Councillor Giles emphasised the importance of decisions taking into account the capacity of local services during determination of applications for development.

f) Enhancement and planning policy monitoring systems (5-year land supply) – Audit and Governance Committee (Minute 22 refers)

Councillor Tony Howard presented the Committee's minutes on behalf of the Committee Chairman, Ken Potter who had given his apologies. Councillor Howard moved that the recommendation at Minute 22 be reworded.

In seconding this proposal, Councillor Moulding welcomed the clarification and emphasised the need for improved monitoring of the 5-year land supply. The Council's funding bid to the Department for Communities and Local Government's site delivery fund had been successful and would be used towards the cost of funding the proposed officer post to monitor the land supply and liaise with developers.

Councillor Giles proposed an amendment, seconded by Councillor Ben Ingham: 'delete 'that progress to date in achieving the objectives set out by the Committee be noted' and replace with 'the Council expresses its concern at the further delay in the completion of the Strategic Housing Market Assessment and the further delay in achieving an adopted Local Plan as this continues to place communities under threat from inappropriate development'.

The amendment was put to the vote and lost.

The amended wording to the printed recommendation as proposed by Councillor Howard and seconded by Councillor Moulding was put to the vote and carried.

RESOLVED:

1. that progress to date in achieving the objectives set out by the Committee be noted;
2. that a further report be presented to the November Audit and Governance Committee to detail progress on mitigating the risks related to the lack of a 5 year land supply;
3. that the land supply be monitored by the planning policy team on an ongoing basis;
4. that an officer post be resourced to monitor the land supply and liaise with developers to ensure that the land supply is consistent with the Local Plan.

g) Licensing and Enforcement Committee

In presenting his Committee's minutes, the Chairman, Councillor Steve Hall said that a recent appeal against a Sub-Committee decision in respect of a Hackney Driver's Licence had been lost, (the case was won by the Council). He said that Councillor Jim Knight, Vice Chairman, had attended the court with Council Officers where the Council's decision had been robustly and successfully defended. He said that the Council's 100% success rate in respect of defending its licensing decisions reflected well on the Council and the effective training in place.

The Chairman also referred to cases of youth sexual exploitation elsewhere in the country and the involvement of taxi drivers. He asked Members to be vigilant to any similar behaviour in East Devon. He advised that any information passed to the licensing team would be dealt with sensitively and in confidence.

***37 Strata – governance and scrutiny (Cabinet minute 86)**

RESOLVED:

that Councillors Alan Dent and Tim Wood, (Conservative) and Martin Gammell (Liberal Democrat) be appointed to sit on the Strata Joint Scrutiny Committee in compliance with the rules of political balance;

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

RESOLVED:

that the following appointments of tenant/leaseholder representatives to the Housing Review Board be confirmed:

Harry Roberts
Joyce Ebborn

***39 Development Management**

RESOLVED:

that Councillor Bob Buxton be appointed to the Development Management Committee in place of Councillor Ken Potter.

Attendance list

Councillors present:

Graham Godbeer, Chairman
Christine Drew, Vice Chairman
David Atkins
Ray Bloxham
Susie Bond
Roger Boote
Bob Buxton
David Chapman
Maddy Chapman
Iain Chubb
Trevor Cope
David Cox
Deborah Custance Baker
Alan Dent
Vivien Duval Steer
Martin Gammell
Steve Gazzard
Roger Giles
Pat Graham
Steve Hall
Peter Halse
Tony Howard
Mike Howe
Stuart Hughes
Douglas Hull
John Humphreys
Ben Ingham
John Jeffery
Sheila Kerridge
David Key
Jim Knight
Andrew Moulding
Frances Newth
Helen Parr
Geoff Pook
Philip Skinner
Pauline Stott
Brenda Taylor
Ian Thomas
Graham Troman
Phil Twiss
Tim Wood
Eileen Wragg
Claire Wright
Tom Wright

Also present:

Honorary Alderman Bernard Hughes

Officers:

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

Councillor apologies:

Mike Allen, Peter Bowden, Peter Burrows, Derek Button, Geoff Chamberlain, Paul Diviani,
Jill Elson, Stephanie Jones, John O'Leary, Ken Potter, Peter Sullivan, Chris Wale, Mark
Williamson, Steve Wragg

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Knowle, Sidmouth on 5 November 2014

Attendance list at end of document

The meeting started at 5.30pm and ended at 8.20 pm.

***92 Public Speaking**

The Leader welcomed members of the public present – those wishing to speak asked to do so at agenda item 9 rather than at the start of the meeting.

***93 Minutes**

The minutes of the Cabinet meeting held on 1 October 2014 were confirmed and signed as a true record.

***94 Proposal to condemn New Devon Clinical Commission Group's proposal**

The Leader read out a drafted statement in respect of the New Devon Clinical Commission Group' proposal to cut costs by restricting treatment given to morbidly obese patients. The Leader asked Cabinet to support a condemnation of this proposal. Other groups had taken up the issue with their local MP, and also Healthwatch. Councillor Jill Elson asked for her abstention from voting to be noted.

RESOLVED:

1. that this Council condemns a proposal by New Devon Clinical Commission Group, to suspend treatment to certain patients, as unacceptable and unethical and not in keeping with the Hippocratic Oath and Constitution of the NHS;
2. that the New Devon CCG's proposal be removed immediately from the ongoing consultation, with the Council doing all in its power to make sure it does not proceed any further.

REASONS:

The proposal to suspend treatment where there is little or poor evidence of outcome is one of a number of cost cutting proposals of NHS in Devon which is giving this Council cause for concern.

For the Commissioning Group to consider this proposal purely as part of a cost cutting exercise was not only unethical but was abhorrent to all those who would or could be involved in the future. Whether NHS staff or relatives, everything must be done to save lives where there is hope; patients and relatives must be consulted.

***95 Declarations**

Cllr Ray Bloxham

Min no. 106

Personal interest

Reason: Resident and homeowner of Cranbrook.

***96 Exclusion of the public**

RESOLVED:

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

***97 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 November 2014 to 28 February 2015.

***98 Matters referred to the Cabinet**

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

99 Overview and Scrutiny Committee – 16 October 2014

Members received and noted the minutes of the meeting of the Overview and Scrutiny Committee held on 16 October 2014.

Yarcombe Parish Councillor Steve Horner spoke of the need of Yarcombe households and businesses for reasonable broadband speeds. He said that the parish had a significant number of home-based businesses. Although the community was scattered, it could not be described as remote - yet even the centre of the village had been deemed to be outside the Connecting Devon and Somerset Programme. He said that although BT had invested heavily, it was not a partner but a contractor. He felt that the Broadband Task and Finish Forum's recommendations were not strong enough and asked the Council to be more involved in proactive talks with Devon County Council as the supervisory authority.

Uptonery Parish Councillor, Graham Long, had attended meetings of the Broadband Task and Finish Forum. He had been advised by BT that his three local villages were too remote for fibre optic connections due to cost. Although the area would benefit from planned road improvements, it would not be attractive to business because it was outside the Broadband Programme. He said that businesses could not survive with slow broadband speeds and he gave an example of a business moving out of the area for that reason. He asked the Council to do all it could to make sure that its rural areas were included within improved broadband provision and suggested that this would require private investment. He referred to recommendations he had made in an earlier email and asked Councillors to sign an on-line petition. He said that the recommendations of the Task and Finish Forum no longer reflected the current broadband situation. He advised that the Council had until 19 November to make a submission to the House of Commons Committee on Environment Food and Rural Affairs on the inadequacy and ineffectiveness of the broadband programme for rural areas.

In presenting the minutes of the Overview and Scrutiny Committee, Councillor Tim Wood, Chairman, advised that the recommendations of the Broadband Task and Finish Forum had been made some time ago and that there was a possible case for them to be reviewed and updated. He expressed sympathy for rural residents and was critical of the national delivery of improved broadband speeds.

Councillor Phil Twiss, Portfolio Holder – Corporate Services advised that progress was being made and referred to a useful meeting with Devon County Council regarding the Connecting Devon and Somerset Programme. He now had a better understanding of the process and how 100% super-broadband coverage might be achieved. He was satisfied that the Programme would adopt an open and European-wide procurement approach when inviting bidders for an innovative solution using new technology. The aim would be to achieve maximum coverage within a specified and tight timeline. Bidder day was the next phase of a timetabled Superfast Extension Programme with the aim of 'superfast for all by 2020'. He advised that there had been a reasonable level of market interest.

Councillor Ian Thomas, Portfolio Holder – Economy advised that superfast broadband within his ward had been achieved through community initiative and had not received public funding. An element of BT's original contract had now been withdrawn which meant that if a community decided to 'go it alone', it was not precluded from government funding; this change might help to encourage other local communities to provide superfast broadband for themselves.

Cabinet accepted the recommendations of the Task and Finish Forum and added the decision to make a submission to the House of Commons Committee on Environment Food and Rural Affairs.

In respect of Overview and Scrutiny Committee minute 40 – the Beehive, Councillor Wood advised that the minutes did not sufficiently show that his Committee sought to monitor EDDC grants to ensure that the money was well spent. He advised that this would be remedied at the next meeting of the Committee. He recognised the need for the Committee to be able to undertake appropriate scrutiny and monitoring - this required a clear understanding of funding arrangements. Councillor Mike Allen, Member Champion for Business had asked that the Committee evaluate how contracts were drafted to safeguard district council grants made to other organisations.

In respect of Overview and Scrutiny Committee minute 41 – NHS consultation members' briefing notes – Councillor Wood asked Cabinet to take forward the recommendations. Comments made during the debate on this minute included:

- Local communities were upset about the possible loss of NHS facilities – the in-patient hospital beds in Axminster were given as an example. Local hospitals provided good post-operative care and therefore took pressure off the Royal Devon and Exeter hospital. There was potential to harness community-raised funds.
- The population of the district was planned to grow over the next 10 years and this increase needed to be addressed.
- An increase in an ageing population would add strain to local health provision.
- Local health service providers had been involved with the relevant EDDC Local Plan meetings. EDDC's planners were required to consult on relevant planning applications to determine whether health facilities had the capacity to serve the proposed development. The Service Lead – Planning was able to confirm that following a useful meeting with representatives of the NHS, he now had contact details of appropriate consultees for receiving useful advice on applications.
- The Portfolio Holder – Sustainable Communities and Homes had consulted local MPs, seeking their support in retaining and improving local hospital and medical facilities.

RESOLVED 1 – that the following decisions be noted:

Minute 39 – Office relocation – the update report was noted.

RESOLVED 2 – that the following recommendations, as amended by Cabinet, be approved:

Minute 38 – Broadband scrutiny review report

1. that in respect of Broadband provision, clarification be sought from the Connecting Devon and Somerset team, and reported to Members at the earliest opportunity, as to whether the SSDC/EDDC element of the potential £22.75 million SEP funding can be redirected to an alternative provider outside the Connecting Devon and Somerset Programme;

2. that clarification be sought from the Connecting Devon and Somerset team, and reported to Members, on whether the original objectives of the BDUK project were to provide improved access for rural residents to Superfast Broadband (in recognition of the fact that such access was now seen as essential in modern domestic and business life) or was it also to support cheaper provision to small and medium enterprises (SMEs) in more urban areas. Members would also like to have the position on state aid to businesses clarified in relation to this point;
3. that a submission be made to the House of Commons Committee on Environment Food and Rural Affairs by 19 November on the inadequacy and ineffectiveness of the broadband programme for rural areas and to alert the Committee to this Council's concerns about the Connecting Devon and Somerset's approach.

Minute 41 – NHS consultation

1. that anger be expressed at the apparent changes already being made to local hospitals, namely Axminster, Seaton and Ottery St Mary hospitals, despite the consultation process still being underway;
2. that more regard be paid to the costs, burdens imposed, and time taken to travel and support patients either in their own homes or in fewer in-patient community hospitals;
3. that the New Devon CCG be asked to consider not only the retention of the current in-patient bed provision, but look to the future expansion of each hospital, in light of the growing pressure on the RD&E and it being unable safely to discharge patients in a timely manner;
4. that there should be improved communication between the providers and commissioners of health services in order to benefit the local community;
5. that the provision of Minor Injury Units in the proposal be reconsidered in light of the considerable needs of certain communities in busy tourism periods and the growing pressure on the RD&E;
6. that the providers and commissioners of the local health services take an active role in the formulation of the Council's Local Plan in order to better understand the need of a growing population, particularly in the growing towns in the area.

RESOLVED 3

that the Overview and Scrutiny Committee consider how contracts are drafted in future in respect of when substantial grants are made to other organisations, with the Committee being made aware of steps taken to safeguard the investment to ensure that it is used for the purpose intended.

RECOMMENDED – that the following recommendation be considered by Council:

Minute 38 – Broadband scrutiny review report

that whatever decision is taken corporately to address providing Superfast Broadband to “the final 10%”, there is a commitment to openness, transparency and accountability from all those involved and there will be no further use of non-disclosure agreements or similar.

***100 Recycling and Refuse Partnership Board – 18 September 2014**

Members received and noted the minutes of the meeting of the Recycling and Refuse Partnership Board held on 18 September 2014.

Councillor Iain Chubb, Portfolio Holder – Environment and Chairman of the Partnership Board outlined progress being made to achieve efficiencies, including SITA's proposed use of cloud technology. Improvements had been made in reducing missed bins and time taken

to replace bins. In respect of the procurement and mobilisation of a new recycling and waste collection contract, a Commissioning Group had been set up and a survey had been sent to parish and towns for their views on the new contract specification.

Improved arrangements for the disposal of clinical waste in partnership with Exeter were noted. Members recognised the importance of retaining and improving its recycling rates and the need to maintain the quality of recycled materials – achieved through kerbside sorting.

RESOLVED

that the decision made by the Partnership Board be noted and supported.

***101 Member Development Working Party – 30 September 2014**

Members received and noted the report of the meeting of the Member Development Working Party held on 21 October 2014.

Members had been asked to consider what pre-election information needed to be provided to prospective candidates and what the welcome/refresher programme and information pack following the 2015 election should include. Members emphasised general principles to keep in mind when devising the programme, including the need to avoid information overload, provide bite sized learning, include problem solving, arrange 'meet the teams' opportunities and site visits. Mentoring of newly elected councillors by re-elected councillors was very effective; Councillors retiring in May 2015 would also be asked to act as mentors and share their knowledge and experience.

The draft programme and approach based on Members' suggestions would be referred to a future meeting of the Working Party for consideration.

***102 New Homes Bonus Panel – 21 October 2014**

Members received and noted the report of the meeting of the New Homes Bonus Panel held on 21 October 2014. A further meeting of the Panel would be held in November.

RESOLVED that the Panel's recommendations be approved:

1. Cranbrook Community Fund for Cranbrook Community Forum - £4000

that the Cranbrook Community Forum be informed that because of its lack of appointed officers and the current breakdown of the relationship between the Forum and Broadclyst Parish Council, as an interim arrangement the process to make decisions on applications for funding be changed to be solely made by the Finance Committee or other appropriate committee of Broadclyst Parish Council. If new officers were recruited and elected to the Forum, the Panel would review their future involvement in the Fund.

2. Health and Transport Scheme

that, with the information at hand funding to pay for taxi costs to deliver the child concerned to pre-school was not within the remit of the grant, so should not be funded. The Panel did recognise the need of the family but felt there were more appropriate means of investigating this need. Ali Eastland from DCC would put the health worker in contact with Kerry Thorne from Early Years Childcare to see what could be done.

***103 Update on Regeneration Projects – Part 1 – key decision**

The Deputy Chief Executive presented this progress report on the Exmouth and Seaton Regeneration projects – achievements and future projects already in the pipeline. He said that it was an opportunity to celebrate progress being made and to highlight the challenges. Details of individual regeneration projects, primarily in respect of Exmouth and Seaton, were set out in the report. Plans for Axminster and the potential to develop opportunities in other towns were also noted and would be the subject of a report to Cabinet in due course.

Much had been achieved through engagement with local communities. The Portfolio Holder for Sustainable Homes and Communities congratulated the efforts of the Sea Cadets – for their dedication and self-help. The Council was also working with other youth groups, including the Air Training Corps and Sea Scouts in trying to improve their facilities.

The Council's newly combined economy and regeneration team would develop a strategic plan of future project opportunities with viable funding plans and targets.

RESOLVED:

1. a. that a grant of up to £150,000 be offered to Exmouth Sea Cadets in 2015/16 for expenditure on a new building, subject to the Sea Cadets entering into a lease with the Council on terms to be agreed including in respect of the Sea Cadets securing all other funding required to build the new facility,
b. that the Chief Executive in consultation with the Deputy Leader of the Council be given delegated authority to progress negotiations to ensure that the project is delivered.
2. that progress on multiple regeneration projects and interventions in the district including Exmouth, Seaton and Axminster be noted;
3. that, as part of the new structure involving a combined Economy and Regeneration Team, a strategic plan be developed to identify future project opportunities with viable project plans and target impacts in terms of jobs, business benefits, improved local spend and visitor numbers among other criteria. A report to this effect to be referred to a future meeting of the Cabinet.

REASONS:

To enable the Economy and Regeneration Manager to progress individual regeneration projects through the feasibility stages and bring detailed recommendations on their financial feasibility and asset ownership implications to Cabinet in due course.

***104 Anti-social Behaviour Policing and Crime Act 2014**

The report set out the main changes being introduced by this Act – the new powers and duties being given to local authorities to deal with anti-social behaviour nuisance.

Responsibility for dealing with anti-social behaviour is shared between a number of agencies, particularly the police, councils and social landlords. This legislation is based on a new approach to ensure that agencies put the needs of victims first, with the responsible agencies working together to achieve best outcomes.

The report sets out a summary and explanation of the legislation:

- the community trigger
- the community remedy
- new effective powers to allow the responsible authorities to deal with problems quickly – reference is made to establishing clear standards of behaviour, use of mediation and Acceptable Behaviour and Parenting Contracts.
- Civil injunction – to prevent nuisance and annoyance

- Criminal Behaviour Order and Dispersal Power
- Community Protection Notice
- Public Spaces Protection Order
- Closure power
- New absolute ground for possession (to expedite the eviction of the most anti-social tenants)
- Irresponsible dog ownership.

Members welcomed the 'closure power', which allowed the police or Council to close premises quickly. Police closure of a business selling legal highs was given as a working example. The proprietors would have to apply to Magistrates' Court to re-open the business.

The legislation would help address local problems. Councillor Tom Wright advised that East Devon was in a good position due to effective local consultation groups and proactive work carried out through the Council's Anti-Social Behaviour and Community Safety Co-ordinator.

The legislation would help the Council to improve the quality of life for the people of East Devon.

RESOLVED:

1. that the new ASB regime as summarised in the report be noted.
2. that the proposed amendments to officer delegations set out in the report be approved and the Corporate Legal and Democratic Service Manager update the Constitution accordingly.
3. that the recommendations for the proposed Fixed Penalty Notice levels be approved

REASONS:

- The new anti-social behaviour legislation will form the basis of the Council's tools in dealing with behaviour that causes nuisance, annoyance, alarm or distress in the wider community.
- The delegations will provide Strategic Leads, Service Leads, Officers and lawyers with the framework of responsibility to use powers to investigate complaints and allegations of ASB effectively and quickly.
- To inform the preparation of the Economy Service Plan 2015 -18

105 **Homelessness Strategy 2013-2018 update**

The Strategic Lead – Housing, Health and Environment presented the annual update on progress made since the publication of the Council's current Homelessness Strategy. He referred to the work of the Council's housing options and homelessness prevention services and their success in significantly reducing the problem of homelessness in East Devon. When introduced in 2013, the new strategy reflected a proactive approach to homelessness prevention, providing a more holistic service at the first point of contact.

Because of the proactive and effective work, including partnership working, the Council had been able to reduce its homelessness budget.

Members welcomed the improved performance against key aims and actions - overall, the Homelessness Strategy aims were being met and the Council's work with homeless households was effective.

The teams were continually trying to improve the service provided, evidenced with a peer review and ongoing training. Credit was given to the Housing Needs and Strategy Manager and his teams. On behalf of the Council, the Portfolio Holder for Sustainable Homes and Communities extended thanks and congratulations to Dennis Boobier and his teams.

RECOMMENDED:

that the key aims contained in the Homelessness Strategy continue to be implemented.

REASON:

The approach within the Strategy was proving effective. Members had asked for regular progress reports to monitor the Strategy.

106 **Achieving the vision for Cranbrook update and resource issues**

The Deputy Chief Executive presented the report outlining the progress being made towards the masterplan for Cranbrook and resources required to achieve this. Development of Cranbrook was proceeding at an accelerated pace and there was intense pressure to deliver current and anticipated growth. The masterplanning and resourcing of all phases was vital to ensure development was well managed and that the vision of a sustainable community was achieved. Table 3.2 of the report set out funding sources and the potential shortfall should further DCLG funding not be secured (DCLG had advised that this would be known next week). Additional staff resource was necessary to deal with the masterplan/area action plan process as Cranbrook continued to grow. The table at 3.8 of the report lists the additional staff resources required. This detailed fixed contract posts needed to manage the surge of work; some of the posts would be externally funded.

Councillor Mike Allen, Member Champion for Business appreciated the work and effort being made to help the community thrive but reminded Cabinet of the need for small workshop provision. The Deputy Chief Executive confirmed that the economic development strategy would focus on what the town required in terms of its overall future economic growth including small business space and development.

The effective work of the Growth Team was acknowledged as was the support given by Broadclyst Parish Council. Together they were helping to deliver a vision for Cranbrook.

RESOLVED:

1. that progress so far, following on from the agreement of the 'Achieving the Vision for Cranbrook', be noted;
2. that the on-going and forthcoming areas of work at Cranbrook be noted;
3. that an exemption to standing orders be agreed to secure the engagement of CABA to support the visioning and masterplanning exercise and to provide consultancy support for the determination of planning applications.

RECOMMENDED:

1. that the need to make up for possible shortfall in masterplan costs (the total cost of the work is estimated to be up to £110,000) be recognised should the grant applied for be unsuccessful;
2. that the need to provide additional staff to support the ongoing and increasing challenges of a fast developing town with significant proposed expansion areas be supported.

REASON:

To support the delivery of the vision for Cranbrook.

***107 Exmouth Water Taxi inspection and licensing**

Consideration was given to the report of the Council's Beach Safety Officer seeking a decision on whether three Exmouth water taxis should continue to be licensed and inspected by this Council. Members were recommended to accept the proposal for Exeter City Council to undertake this work.

RESOLVED:

that with effect from April 2015, the three Exmouth water taxis be licensed by Exeter City Council, the Harbour/Navigation Authority.

REASON:

Exeter City Council as the Harbour/navigation authority license other commercial operations on the Exe. The water taxis can be licensed by Exeter City Council (ECC) with a direct duty in the area of operation. (Exeter City Council is willing to take them on from April 2015.) There is little, if any, income from licensing the Taxis but it does increase this Council's liability and duty of care.

***108 Monthly performance report – September 2014**

The Cabinet considered the report of the Strategic Lead - Organisational Development and Transformation setting out performance information for the 2014/15 financial year for September 2014.

Most of the performance indicators showed acceptable performance

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

RESOLVED:

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

***109 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).

***110 Update on Regeneration Projects – Part 2 - key decision**

Members considered a further report of the Economy and Regeneration Manager on the Regeneration Projects – this report was in the confidential section of the meeting because it included financial and commercially sensitive information. The report set out the anticipated programme of capital expenditure and income that would arise from the regeneration activities over the next 5 years and other resource/funding information.

The report indicated the scale of risk involved and how this could be mitigated and managed so that the projects could be delivered. Further reports on projects, expenditure and the scale of challenge would be brought forward for consideration at a future time.

Discussion included:

- changes to the pattern of supermarket development and the ways in which groceries were now bought
- Level of borrowing and financial comments included within the report
- Possible alternative approaches
- The Queen's Drive development to be regarded as a separate scheme
- Improvements were needed to develop a transport hub in Exmouth
- Sports facilities to meet local need

RESOLVED:

1. that the current programme of future capital income and expenditure expected to result from regeneration activities in Exmouth be noted;
2. that the potential requirement and risk associated with borrowing in expectation of future capital receipt be recognised - further detail arising through budget and service planning processes would be provided when available;
3. that it be noted that more detailed evaluation of cost implications will emerge through budget setting and service planning processes for 2015/16 onwards;
4. that it be agreed that future reports seeking decisions regarding required borrowing to deliver the priority regeneration projects be referred to Cabinet;
5. that the Queen's Drive project be decoupled from the other regeneration proposals so that it could be progressed at all speed.

REASON:

To enable the Economy and Regeneration Manager to progress individual regeneration projects through the feasibility stages and bring detailed recommendations on their financial feasibility and asset ownership implications to Cabinet in due course.

***111 Seaton Regeneration Programme Board**

Members of the Cabinet noted the action points from a meeting of the Seaton Regeneration Programme Board, which had been held on 17 September 2014.

***112 Leisure East Devon Joint Working Group**

Councillor Tim Wood presented the notes of a meeting of the Joint Working Group held on 14 October 2014. He referred to funding and maintenance issues, joint use arrangements, the Ocean Blue contract and LED's decision not to take on the running of the Thelma Hulbert Gallery.

113 **Queen's Drive, Exmouth**

Members considered a further report of the Economy and Regeneration Manager, which provided an update on the Queen's Drive site following a marketing exercise. The report included information on expressions of interest and associated infrastructure requirements for a water-sport facility. This was a priority project within the Exmouth Masterplan and was a quality development. Exmouth was already a well-regarded centre for water sport and there was potential for the site to host national competitions.

A key issue for the delivery of the centre was the re-alignment of the road; the initial outlay would be recovered by use of a capital receipt when the remainder of the site was sold. The Strategic Lead – Finance drew Members' attention to the financial comments in the report – the aim was for the development to be self-funding.

The Exmouth Member Champion urged the Cabinet to support this initiative, which he said would benefit Exmouth and the whole of East Devon.

The Economy and Regeneration team were thanked for their work and efforts in facilitating the development of the site.

RESOLVED:

1. that the specific development of a Watersports Centre at Queens Drive, as detailed in the report, be pursued;
2. that delegated authority be given to the Deputy Chief Executive to pursue negotiations with the Watersports Centre provider;
3. that the progress on the Queen's Drive development site and the opportunities and risks inherent in progressing new development on the site, be noted;

RECOMMENDED

that the delivery of the Queen's Drive site in phases be approved, with phase 1 requiring the Council to explore the funding options for delivering the road realignment and the new car park in order that the Watersports Centre development can be progressed at the earliest opportunity.

REASON:

To enable the delivery of the first phase of the Queen's Drive redevelopment project.

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:

Mike Allen
Deborah Custance Baker
Alan Dent
Christine Drew
Martin Gammell
Graham Godbeer
Tony Howard
Douglas Hull
John Humphreys
Frances Newth
John O'Leary
Helen Parr
Pauline Stott
Peter Sullivan
Tim Wood

Also present:

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Simon Davey, Strategic Lead - Finance
John Golding, Strategic Lead – Housing, Health and Environment
Rachel Pocock, Corporate Legal and Democratic Services Manager
Andrew Wood, East of Exeter Projects Director
Carol Austin, Communications and Promotions Officer
Dennis Boobier, Housing Needs and Strategy Manager
Ed Freeman, Service Lead – Planning
Alison Haywood, Development and Regeneration Manager
Darren Summerfield, New Community Projects Officer
Diana Vernon, Democratic Services Manager

Apologies:

Non Cabinet:

- Peter Bowden
- Geoff Chamberlain
- David Chapman
- Maddy Chapman
- Sheila Kerridge
- Steve Hall
- Geoff Pook
- Mark Williamson

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

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

Attendance list at end of document

The meeting started at 5.30pm and ended at 7.00pm.

***114 Public Speaking**

The Leader welcomed members of the public present. Mr Green indicated his wish to speak at agenda item 11 – Office Accommodation update.

***115 Minutes**

The minutes of the Cabinet meeting held on 5 November 2014 were confirmed and signed as a true record subject to the removal of the words ‘although BT had invested heavily’ (in broadband provision) from Minute 99.

***116 Declarations**

Cllr Ray Bloxham - Min no. 117

Personal interest

Reason: Resident of Cranbrook and his wife was involved with Cranbrook Community Fund projects.

Cllr Phil Twiss - Min no. 123

Personal interest

Reason: Ward Councillor of Honiton St Michaels – the proposed office headquarters relocation to Honiton would most benefit this Ward.

Cllr David Cox - Min no. 124

Personal interest

Reason: Appointed Trustee on LED Leisure East Devon

***117 New Homes Bonus Panel**

The Leader agreed that consideration be given to the recommendations of the New Homes Bonus Panel from its meeting held on 24 November 2014. The minutes had not been available when the Cabinet agenda was issued but the Leader agreed that the recommendations, which had been circulated to all Members in advance of this meeting, could be considered as a matter of urgency to avoid any delays in their implementation. Councillor Ray Bloxham, Chairman of the Panel, outlined the basis of the Panel’s recommendations and their value to the community. He referred to the six-month update report and gave credit to the parishes and towns for the schemes coming forward and their effective collaborative working.

RESOLVED:

1. that the application from Sidmouth Town Council for £3,876 for the Growing Together project be supported;
2. that £2,000 of the Medical Transport fund for residents of Cranbrook be transferred to the Cranbrook Community Fund;
3. that the Panel’s “in principle” support for the Old Station Youth Centre project, subject to the receipt of further information on what element of the scheme the grant of £5,000 would support, be noted.

*118 **Exclusion of the public**

RESOLVED:

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

*119 **Forward Plan**

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

*120 **Matters referred to the Cabinet**

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

121 **Overview and Scrutiny Committee – 13 November 2014**

Members received and noted the minutes of the meeting of the Overview and Scrutiny Committee held on 13 November 2014.

In the absence of the Overview and Scrutiny Committee Chairman, Councillor Ray Bloxham drew Members' attention to the attendance of the Police and Crime Commissioner, Tony Hogg, at the meeting. The questions addressed to Mr Hogg at the meeting were included within the minutes together with the responses given. Councillor Bloxham also referred to a significant piece of work undertaken that reviewed the way in which meetings of the full Council are currently run. Councillor Bloxham and Councillor Twiss's Think Tanks (Corporate Business and Corporate Services) had jointly considered the present arrangements in depth and made recommendations to the Overview and Scrutiny Committee. Discussion had been positive with a good level of agreement.

RESOLVED 1 – that the following decisions be supported:

Minute 45 – contracts

that the Committee receive a report on how contracts are drafted where substantial grants are made to other organisation, outlining steps taken to safeguard the investment to ensure that it is used for the purpose intended.

Minute 50 – full council meeting review

that the Portfolio Holder for Corporate Business report back to a future meeting of the Committee on the other matters debated by the joint Think Tank, on the full Council meeting review, following further research.

Minute 51 – performance monitoring – second quarter 2014/15

that a report be provided to the Committee at a future date on the Council promise relating to developments supported with the right level of investment in infrastructure to benefit the community to help explain the issues to members.

Minute 54 – overview and scrutiny forward plan

1. that a report be brought to the Committee at their next meeting on the Business Task and Finish Forum with proposals of how, if the Committee agrees, it should proceed, bearing in mind that there has been no criminality, unlawfulness or maladministration arising out of the operation of the Forum and the Council's relationship with it;
2. that a report be brought back to the Committee at a future meeting on the contractual arrangements of the Beehive, Honiton to scrutinise how the value of the investment is being secured.

RESOLVED 2 – that the Committee’s recommendations in respect of Viewpoint survey results (Minute 53) be supported and taken into account when the item is raised later in the agenda (item 17):

RECOMMENDED – that the following recommendations be referred to Council for consideration:

Minute 49 – Exmouth beach management task and finish forum

1. To understand that the current Beach Management of Exmouth beach is in respect of protecting its amenity value – there is no identified risk of flooding and therefore any works will not attract government funding. Any emergency resulting from an exception storm would justify government funding to repair damage but not to undertake improvements;
2. Consideration should be given to raising funds from commercial enterprises and new development to use for future beach management specific to maintaining the amenity value of the beach area and address problems of sand erosion and accretion;
3. To undertake consultation with beach users – including the RLNI, fishermen and Stuart Line cruises – as an important means of gathering local intelligence in determining any change to the beach and estuary profile. This local information could be used to support the 6 monthly monitoring being undertaken by the Plymouth Coastal Observatory on behalf of the Environment Agency, and also to immediately flag up any problems or significant changes;
4. The Dawlish and Exmouth Beach Management Study to be renamed “The Dawlish Beach Management Plan” to be more factual and to avoid raising Exmouth residents’ expectations;
5. The beach trends and sand movement to be closely monitored to inform the Exmouth Beach Management Plan and potentially to bring forward action should the sand loss/accretion indicate an accelerated trend. The drafted Plan to be referred to the Task and Finish Forum and/or Exmouth Town Council for consideration before being referred to Cabinet;
6. Immediate improvement works to be carried out – including removal of sand from the Esplanade and road, clearance of exposed gun emplacement debris and alerting South West Water to problems arising from the exposure of the sewerage drainage pipe at the Maer.

Minute 50 – Full Council meeting review

1. In respect of agendas and decisions by the Council that:
 - a. There is timely and early involvement of Chairman in production of the draft Council agenda;
 - b. Councillors have a responsibility to contact the Chairman at their earliest opportunity about any inaccuracy or other concern over a minute that will become part of the minute book;
 - c. Councillors have a clearer understanding of the procedures to “calling in” a decision and “calling” a minute;
 - d. Councillors to have a clearer understanding of the decisions that can be made by Cabinet (resolutions) and those which are referred to Council (recommendations);
 - e. Councillors have a clearer understanding of the significance of starred and un-starred minutes;
 - f. Recommendations to Council from other meetings include a link to the officer report on which the recommendations were based. Where the officer report was in Part B of the agenda, Councillors will be given a supplementary list of agenda links to these officer reports;

- g. When the issue is within the remit of the Council to make a decision, in making its recommendations, Cabinet or other decision-making committee adds the wish that this matter is shown as a separate item on the Council agenda.
2. In respect of presentations to Council, that presentations will only be made in the following cases:
 - a. where the matter relates to the health and wellbeing of the district;
 - b. where the matter relates to a change to national policy and/or legislation which affects the Council's core business;
 - c. there the matter relates to a key decision that the Council will be asked to make;
 - d. and, in all of the above cases, it is considered necessary that all members of the Council be briefed;
3. Presentation of long service awards and other awards such as Best Kept Village be retained at full Council;
4. In respect of minutes of meetings, that as soon as possible (normally within five working days) draft (unsigned) minutes are publicised to councillors via email or Knowledge newsletter with link;
5. Called minutes should be notified by Councillors to democratic services by no later than 6pm on the Monday preceding full Council, to notify of the intention to "call" a minute from the minutes book;
6. Questions to the Leader and Portfolio Holders' administration is amended as follows:
 - a. That the period of notice of questions is increased to midnight on Thursday prior to the Wednesday full Council;
 - b. That questions provided for Council are circulated prior to the meeting for Members to consider them;
 - c. That the initial question and answer is projected on the screen so that members of the public may be aware of the question and answer;
 - d. That the questions and answers (and supplementary questions and answers if made) are included as part, or as an appendix to, the minutes of the meeting;
7. The website be revised and improved in setting public speaking rules and what to expect.

122 **Housing Review Board – 6 November 2014**

Members received and noted the minutes of the meeting of the Housing Review Board held on 6 November 2014.

Councillor Pauline Stott, Chairman of the Housing Review Board drew Members' attention to the proposals for a 'handy person scheme' (Minute 48), the introduction of tenant inspectors for the Council's repair service which would help with voids (Minute 49), the Home Safeguard activity report and that team's success in passing another Telecare Services Association accreditation (Minute 51).

RESOLVED 1 – that the following were noted by the Board:

Minute 45 Housing Review Board forward plan.

Minute 46 Financial Monitoring report - the variances identified as part of the HRA revenue and capital monitoring process up to month six.

Minute 50 Update on older persons targeted support.

Minute 52 the proposals in the consultation paper on Right to Move.

Minute 53 the report on Tenants Leading Change.

Minute 56 the offer submitted for the purchase of Manstone Depot, Sidmouth.

RESOLVED 2 – that the following decisions be noted:

Minute 48 **Handy Person Scheme**

that a Task and Finish Forum be set up to develop the concept of a Handy Person Scheme and to propose a local scheme approved by the HRB.

Minute 51 Homesafeguard activity report

that the changes in the Home Safeguard work plan as set out in the report be approved.

Minute 55 Danby House/Exebank – DCC updated proposals

The Board's support to progress an opportunity to acquire the site.

RESOLVED 3 – that the following be approved:

Minute 47 Review of Asbestos Procedures

that an additional FTE post be appointed to undertake the annual review of council properties where asbestos materials are known to exist in accordance with current legislation.

RECOMMENDED – that the following recommendations be referred to Council for consideration:

Minute 49 that the introduction of tenant inspectors for the Council's repair service be recommended for approval in principle.

123 **Relocation update – key decision**

Mr Tony Green asked for a rough approximation of the cost of the negotiations in respect of the proposed move to the Skypark site and the cost of the specialist advice in respect of European procurement.

In response, the Deputy Chief Executive, Richard Cohen advised that details of the costs requested were not currently separately identified but were part of the overall cost. However, he added that these specific costs in relation to specialist advice would be provided as soon as possible.

Richard Cohen gave an update on the relocation of EDDC headquarters from Knowle. He stated that Members were not being asked to decide on the sale of the Knowle site at this point. Rather Members were being asked for their agreement for Officers to cease negotiations over the sale of Heathpark, to no longer pursue Skypark as an option and to examine the detail of the dual-site solution as being the most cost effective.

The report advised that the marketing of the Knowle and Manstone sites had now been completed and discussion with the bidders was in progress. This exercise had resulted in changes to relocation site preferences. It was noted as significant that bids received for developing the Knowle site would retain the public park; however, there was no market interest in retaining any of the existing buildings other than the protected bat roost. Next step in respect of the Knowle site was for the Office Accommodation Project Executive Group to undertake further exploration of the bids and recommend a preferred developer. The bids received did not include Manstone depot, allowing EDDC to continue operating as the depot for the foreseeable future. The level of bids received did not achieve the maximum price prediction and this affected the Council's options.

The report set out why the previously preferred relocation site of Skypark was no longer an attractive or viable option. Commercial interest in the Heathpark site for food retailing had been scaled down with the supermarket operator reducing its offer in line with national retail patterns. The reduced offer would no longer fund a Skypark move/Business Centre replacement. Therefore, the use of the Heathpark site for the new EDDC headquarters was reconsidered with the advantage of this option achieving efficiencies and savings with the possibility of some shared space use with the retained Business Centre.

The report also looked at the opportunities arising from the vacation of Exmouth Town Hall by Devon County Council in September this year. The building had the capacity to retain its remaining tenants and provide extended office space for the district council subject to improvements being carried out. The dual site option (Honiton and Exmouth) would help meet service demand in those areas; service delivery at locations elsewhere in the district would be supported with improved mobile working and Council surgeries. The financial assessments indicated that the dual-centre (Honiton/Exmouth) solution was financially viable over 20 years. This solution would also give flexibility to the authority to adapt in the future.

The report reminded Members of why a move from the Knowle had previously been agreed. Details of the cost of refurbishing the 1970s part of the Knowle and cost of refurbishing the whole complex to achieve a modern office building had been appended to the report and showed that this was not a viable or sustainable option, and, significantly, would not generate a capital receipt.

The report set out the risks involved in relocating the office headquarters together with how these risks could be managed. Finance clinics would be held with the Project Manager and Strategic Lead – Finance for elected Members to understand in more detail the figures underpinning the strategic recommendations. Financial details were not included in this public report due to their commercial sensitivity.

During the debate, the following points were made:

- Exmouth would benefit from a significant EDDC presence, as it was the largest area of population and therefore EDDC's main customer base.
- Exmouth Town Hall was in close proximity to large car parks to serve the facility.
- The accommodation within the Town Hall should be re-organised as soon as possible to facilitate an early move – a suggestion was made to relocate the Town Council presence to the first floor of the building to enable EDDC officers to occupy the ground floor and assume responsibility for the reception area.
- There was logic in the dual centre approach as Exmouth was the main residential area and Honiton was the geographical centre of the district.
- The retention of Manstone as a depot was welcomed and Knowle depot would be relocated to this site. Members would be advised of the total staffing figure when this was available.
- Members were assured that other towns would be served by an EDDC presence.
- Sidmouth would be most affected by the loss of the EDDC headquarters and would need to be assured that the residents could continue to have access to the Council and services.
- The preferred developer of the Knowle site would not necessarily be the highest bidder. A detailed scoring exercise would be carried out; price would be given significant weight, but other socio/economic benefits would also be taken into account.
- The marketing of Knowle had been an open invitation for bids; no interest had been shown in retaining the existing buildings or on developing only half the site.
- The Council had an understanding with Sidmouth Town Council over the future of the parkland and lower car park.
- The timing of the decision was appropriate. Government funding was being reduced year on year; the Council had to be financially viable in the medium and long term. If the Council remained at Knowle, the increasing maintenance costs would drain the Council's resources and destabilise its future.
- The Council needed to look forward and to adopt modern ways of working.

RESOLVED:

that the office relocation project progress, following the previous update report of 4 June 2014, be noted

RECOMMENDED

1. that the emerging changes to the relocation project be recognised and the following be agreed:
 - a. The marketing exercise for Knowle and Manstone has resulted in a range of offers and, following a detailed assessment process, price, form and quality of development propositions have been received that merit further detailed negotiation towards selection of a preferred developer.
 - b. Leading offers for Knowle do not include options to sell Manstone in which case EDDC can choose to retain Manstone for the foreseeable future as a depot function and continued employment use.
 - c. The reduced offer for EDDC's Heathpark site no longer represents a sufficiently persuasive level of capital receipt and will not be pursued further.
 - d. The retention of Heathpark in EDDC ownership means that this now represents the most cost effective and straightforward location to develop a new headquarters building for the Council.
 - e. Relocation to Skypark is no longer a viable proposition based on the reduced offer for Heathpark and combination of Knowle market value and prudential borrowing.
 - f. The East Devon Business Centre (EDBC) should preferably be retained and could potentially be combined within a new EDDC HQ development.
 - g. In the interim, Exmouth Town Hall has been vacated by Devon County.
 - h. A new HQ in Honiton can be restricted in size and cost to a 170 desk equivalent scale with an improved Exmouth Town Hall for 80 EDDC staff as a main satellite office in the district's largest community.
 - i. As part of its commitment to more mobile working and accessibility, the Council will offer a service presence as customers require in future at locations elsewhere in the district.
 - j. That relocation continues to make financial and operational sense on a whole life cost basis, specifically 20 year projections combining capital receipt and repayment of prudential borrowing versus existing office running cost and unfunded expenditure on existing building repair, maintenance and improvement.
2. that the Deputy Chief Executive, in consultation with the Office Accommodation Executive Group, be authorised to take forward further actions in pursuit of the above recommendations and Project Plan,
3. that further reports be produced for Cabinet and Council on project progress and to seek formal approval for any disposal of Knowle.

REASON:

To advise on project progress, in particular the outcome of Knowle and Manstone site marketing and significant changes to relocation site preferences. To seek agreement to further progress the project and commit to report back to Cabinet and Council.

***124 Financial monitoring report 2014/15 – month 7 October 2014**

The Strategic Lead - Finance presented the summary of the Council's overall financial position for 2013/14 at the end of month seven (31 October 2014).

- The General Fund Balance (predicted as £3,373k) was being maintained at or above the adopted level (within the range of £2,800 - £3,600k).
- The Housing Revenue Account Balance (predicted as £4,703k) would be maintained at or above the adopted level of £2,100k (£500 per property). In addition, £2.9m was held in a volatility reserve.
- There was sufficient Capital Reserve to balance this year's Capital Programme. The total required from the Capital Reserve is £1,524k, with a predicted capital requirement of £25,131k.

Members were advised that the market on recyclables had reduced - this was being carefully monitored; any variation against budget would be reported to Cabinet next month.

Members were asked to consider a request from LED Leisure East Devon to increase its agreed loan of £2.45m by a further £400,000 to support its capital investment in Exmouth Leisure Centre (£2m enhancements) and to help cash flow during the possible transfer of Ocean Blue to LED. Members valued the quality of the service provided by LED and recognised that additional income generated would potentially lessen EDDC's annual contribution to LED in the future.

RESOLVED:

1. that the variances identified as part of the Revenue and Capital monitoring process up to month seven be acknowledged,
2. that a £400,000 increase to the LED loan facility as detailed in Section 6 of the report be agreed - subject to legal advice.

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 Council recognised the importance of the major investment in East Devon facilities. A Facility Borrowing Agreement with LED was still being drafted. There was a need to ensure that State Aid rules were complied with - currently under consideration.

***125 Treasury Management performance 2014/15 – 1 April 2014-30 Sept 2014**

Members received details of the overall position and performance of the Council's investment portfolio for the first six months of 2014/15, submitted in accordance with the Chartered Institute of Public Finance and Accounting (CIPFA)'s Code for Treasury Management in Public Services. The report included values of investments held, return on investments (external and internal), borrowing, financial outlook and a forward-looking view from the Council's treasury advisor.

Members noted the low income from investment. The Treasury Management Strategy was reviewed annually and would be presented to Cabinet in February 2015 to ensure that it continued to be fit for purpose. Members would be asked to consider any options to increase interest yield whilst ensuring financial viability and safety of investments.

RESOLVED

that the investment values and performance for the period 1 April 2014 to 30 September 2014 be noted.

REASON

The Council is required by regulations issued under the Local Government Act 2003 and the Code of Practice on Treasury Management in Public Services published by the Chartered Institute of Public Finance & Accounting (CIPFA) to produce a half yearly review of its treasury management activities and performance.

***126 Council Tax Discretionary Discount and Reduction policy**

Members considered the report of the Revenues and Benefits Service Lead setting out details of a new policy (attached to the report together with a full Equality Impact Assessment), which brought together the Council Tax Discretionary Discount Policy and the Exceptional Hardship Fund Policy. The new policy would help align the application process; a common assessment framework was introduced for cases of financial hardship. The report set out the two ways in which the Council could use its discretionary powers to give a reduction in council tax. The policy would only be used to consider exceptional circumstances of financial need or crisis after all other statutory discounts or reliefs had been applied. All applications would be considered in line with the criteria set out within the policy to ensure that a consistent and fair approach was applied.

The Portfolio Holder – Sustainable Homes and Communities welcomed and supported the combined policy, which would make the process simpler for applicants and administrators.

The Portfolio Holder – Corporate Business drew Members' attention to the Equality Impact Assessment, which was taken into account during discussion.

The Portfolio Holder – Finance emphasised the valued and proactive work undertaken by the Benefits and Revenues teams and the ongoing improvements put in place for the benefit of the Council's customers.

RESOLVED

that the Council Tax Discretionary Discount and Reduction Policy be approved.

REASON

This policy brings together two separate policies and in doing so ensures that the Council is treating customers fairly and consistently.

In bringing the two policies together, it allows applications to be considered using one framework, and removes the previous requirement for customers to apply under each discretionary provision.

***127 Christmas 2014 parking concessions**

Members considered the proposals for Christmas 2014 parking concessions set out in the report of the Service Lead – Environmental Health and Car Parks. The proposal supported local businesses and customers without significantly damaging the Council's important income stream. The concessions had been trialled in 2013 and proved popular and effective.

RESOLVED

that a special offer of all day parking for £2 (after 10am) in all East Devon's car parks during December be approved - anyone buying a £2 ticket after 10am is entitled to use the same ticket to park in any other EDDC car park for the remainder of that day.

REASONS

A similar offer was made in 2013. The 10am start time prevents car parks from becoming blocked by workers and (in the case of Honiton, Axminster and Exmouth) by rail commuters.

Lost revenue from the more expensive transactions that would otherwise have taken place is relatively few at this time of year; losses in December 2013 because of the promotion were offset by an increase in the purchase of £2 tickets by customers who recognised the value of the offer.

A "golden ticket" prize draw with a winning pay and display ticket available each day during the pre-Christmas offer would be repeated - winning ticket holders were entitled to a free of charge all East Devon parking permit for the rest of the winter (1 January to 31 March).

The December 2013 offers were popular with customers and met with the approval of Chambers of Commerce and that is why the same concession is being offered for Christmas 2014.

***128 Environmental Health Team – Code of practice for the control of construction site nuisance**

The report raised concerns of the Environmental Health and Development Management services in relation to the control of nuisance (noise, dust and smoke) from construction sites, which can generate many complaints. The proposed code of practice (based on a national Considerate Constructors Code of Practice) for the whole district was recommended as a way of keeping construction site nuisance to a minimum in a consistent and transparent way. The Code would be attached for information on all planning permissions.

During discussion, the following points were raised:

- The draft guidance recommended that high frequency reversing alarms should be deactivated on site. This should only be the case if alternative/less intrusive reversing alarms were available on the vehicle such that site health and safety is not compromised.
- Construction vehicles often damaged ditches and neighbouring verges. Making good any damage should be included within the guidance.
- Construction vehicles causing traffic flow a problem was a County Highways issue.
- There was still value in attaching specific conditions to planning permissions, for example operating times, as an effective way of controlling specific site nuisance.

RESOLVED

that, subject to the Strategic Lead for Housing, Health and Environment checking Members' concerns in respect of reversing alarms and the inclusion of repair of ditches and verges to the ancillary section of the code, and amending where appropriate, the proposed EDDC code of practice for the control of construction site nuisance be adopted.

REASON

To achieve a consistent and transparent approach to the way in which construction site nuisance is controlled across East Devon.

***129 Viewpoint Surveys**

The Portfolio Holder – Corporate Business presented the report of the Strategic Lead – Organisational Development and Transformation with feedback from the Council’s 2014 Viewpoint Surveys. The surveys were an element of the Council’s Plan, which identified the Council’s commitment to consulting its customers and partners. The surveys were used to help transform, develop and improve EDDC services by using feedback from East Devon residents, towns, parishes and equalities groups.

Most of the feedback was very good and indicated that the Council’s customers were very satisfied in the way the Council was operating. The results had already been considered by the Overview and Scrutiny Committee at its meeting on 13 November 2014. Committee members had flagged up the satisfaction rate with the planning service as an issue. In addition, feedback from parishes and towns indicated that there was identified dissatisfaction with the planning service. The feedback indicated that the local councils did not feel that the Council was considering their comments when determining planning applications. Councillor Bloxham questioned whether this was actual or a perception. He recognised there was work to be done to keep local councils better informed about planning decisions in their area and the reasons for the decisions made. Local councils needed to be assured that their views were taken into account but that decisions made were based on other considerations as well. Improving the communication link with local councils on planning issues and outcomes would be included within the Council’s action plan. Members recognised the importance of planning and how this touched everyone’s lives.

In response to complaint that the Connect Magazine was no longer circulated as a paper copy, the Strategic Lead – Organisational Development and Transformation advised that the decision to produce an electronic version only was made by Devon County Council in a bid to cut costs. EDDC was trying to increase readership by developing its database of email addresses.

RESOLVED

1. that the contents of the report be noted; actions and responses be delegated to the Chief Executive and Senior Management Team in conjunction with relevant Portfolio Holders,
2. that as the results of the residents’ survey are very similar to last year, responses showing a 5% difference or more compared with last year be identified – with it being noted that some fluctuations year on year would be expected,
3. that the action plan be amended to improve Council communication with its local councils in respect of planning application outcomes in particular,
4. that Members agreed that due to the similar nature of the feedback to the 2013 Viewpoint Surveys the next Viewpoint Surveys be carried out in 2016.

REASON

The Viewpoint Surveys form a fundamental part of the commitment made in the Communications Plan. The first residents’ survey was carried out in 2013 and provided vital feedback to help the Council evaluate and plan its services. Every participant received individual feedback regarding the actions taken in relation to the 2013 survey and this will be replicated for the 2014 surveys.

It is envisaged that the Council will have many more customer email addresses in 2016 due to various system implementations and this will facilitate a largely electronic survey.

***130 Monthly performance report – October 2014**

The Cabinet considered the report of the Strategic Lead - Organisational Development and Transformation setting out performance information for the 2014/15 financial year for October 2014.

Most of the performance indicators showed acceptable performance

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.

One performance indicator showed concern:

- Working days lost due to sickness absence. Members were assured that several long term cases were being monitored very closely - a full breakdown on this indicator would be provided for the next quarter if it remained in the red.

The Portfolio Holder – Sustainable Homes and Communities highlighted the Council's achievement of 3.5 days to clear fly tipping. She also praised the Housing Service for its proactive work with tenants.

RESOLVED:

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

***131 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).

***132 Exmouth Regeneration Programme Board**

Members of the Cabinet noted the action points from a meeting of the Exmouth Regeneration Programme Board, which had been held on 30 October 2014. In response to a comment made by the Chairman of the Licensing and Enforcement Committee in respect of the taxi rank, he was assured that this matter had been raised at the meeting.

***133 Queen' Drive, Exmouth – exemption from standing orders**

Members were asked to note the continued appointment of Jones Lang LaSalle for professional services in relation to Queen's Drive, Exmouth. Reasons for this extension, and therefore exemption from standing orders, were set out in the report. As required under the Council's Constitution, the extension was reported to Cabinet.

RESOLVED

that the exemption from standing orders and reasons for the continued appointment of Jones Lang LaSalle for Queen's Drive, Exmouth be noted.

REASON:

To clarify the nature of the fee basis for the professional advisor on the Queen's Drive project and to continue their appointment on this project.

Attendance list

Present:

Paul Diviani Leader/Chairman

Andrew Moulding Deputy Leader/Portfolio Holder Strategic Development and Partnership

Portfolio Holders:

Ray Bloxham Corporate Business

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:

Mike Allen

Bob Buxton

David Chapman

Maddy Chapman

Deborah Custance Baker

Susie Bond

Alan Dent

Christine Drew

Martin Gammell

Graham Godbeer

Steve Hall

Tony Howard

Douglas Hull

Ben Ingham

Sheila Kerridge

Frances Newth

Helen Parr

Geoff Pook

Ken Potter

Phillip Skinner

Pauline Stott

Peter Sullivan

Claire Wright

Also present:

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Simon Davey, Strategic Lead - Finance
John Golding, Strategic Lead – Housing, Health and Environment
Karen Jenkins, Strategic Lead – Organisational Development and Transformation
Rachel Pocock, Corporate Legal and Democratic Services Manager
Steve Pratten, Relocation Manager
Lisa Mansell, Communications and Public Affairs Manager
Amanda Coombes, Democratic Services Officer
Diana Vernon, Democratic Services Manager

Apologies:

Cabinet:

Iain Chubb, Portfolio Holder - Environment

Non Cabinet:

Peter Bowden
Geoff Chamberlain
Steve Gazzard
Peter Halse
Jim Knight
John O’Leary
Brenda Taylor
Tim Wood

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Overview and Scrutiny Committee held at Knowle, Sidmouth on 16 October 2014

Attendance list at end of document

The meeting started at 6.30pm and ended at 9.19pm.

***35 Public Speaking**

Richard Thurlow outlined the need for clear scrutiny in light of recent decisions and events, including 264 FOI requests since 2008 and the Chief Executive being called to parliament to give evidence. He stated that the consultancy budget had grown and that relocation was unachievable by the target of March 2017. He alleged that management was poor, there was public anger at the leadership of the council, and that insufficient financial information on the project was available. He reminded the committee of the Local Plan being turned down by the inspectorate. He requested that more scrutiny of the project is undertaken and that the committee had a legal duty to hold the council to account.

The Chairman responded with a number of examples of scrutiny that the committee had already undertaken on the relation project, and the work of the committee through Task and Finish Forums and questioning of Portfolio Holders on a number of elements of council business. He also regarded the issue of the electoral register as a matter between the Electoral Commission and the officer they had appointed as Returning Officer, not a matter for the committee. He also outlined the constraints of the committee within the constitution for reviewing planning matters.

Marion Rixson informed the committee that Councillor Ken Potter had recently spoken at the Newton Poppleford parish council meeting about a recent LGA meeting he had attended, where it had been suggested that there would be no district councils left in ten years time. In light of that, she urged the committee to explore the costs of the relocation project and asked how much it would cost to refurbish the existing building, funded by sale of the "hotel" part of the site.

***36 Minutes**

The minutes of the Overview and Scrutiny Committee meeting held on 11 September 2014 were confirmed and signed as a true record.

***37 Declarations of Interest**

Councillor Vivien Duval Steer; personal interest; member of Development Management Committee, and therefore would not take part in item 9 on the agenda.

Councillor Claire Wright; personal interest; member of Devon County Council health scrutiny committee.

Councillor Frances Newth; personal interest; trustee of organisation affiliated with Sidmouth Hospital.

***38 Broadband scrutiny review report**

Two submissions had been made by members of the public who were unable to attend the meeting in person, relating to the report.

A statement was circulated from Graham Long, parish councillor for Upottery. It outlined how his rural parish had been taken out of the broadband programme and therefore those residents would not benefit from the scheme. The last possible action in order to secure superfast broadband for the parishes was to request that the Phase 2 Superfast Extension Programme (SEP) tender documents require that potential suppliers bring in additional

investment to the programme in order to achieve as close as possible to 100% coverage. Anything less, in his opinion, than 100% was not acceptable to rural taxpayers. Having a reduced coverage would adversely affect those homes that did not receive superfast broadband, such as affecting house price and businesses.

A statement was circulated from Mr S J Horner, a parish councillor for Yarcombe. He noted the difficulty of gaining any meaningful information from the CD&S team. Parishes in the area had also been deemed “out of area” despite the efforts of a number of councillors, including Councillors Diviani, Twiss and Leadbetter, alongside councillors from other parishes in a similar position. He felt that the report was too late to affect the programme at this stage but urged the committee to recommend that wholesale changes were made to the CD&S organisation.

Emily McGuinness, Scrutiny Manager of South Somerset District Council, outlined the report to the committee. She explained the frustration of the Forum over the access to information and recognised that the report was not as revolutionary as the members would have wished at the outset of the task. South Somerset District Council Scrutiny committee had agreed the recommendations in the report and these would go forward to the Executive in November.

The Chairman reiterated his frustration at the reluctance of CD&S to provide information, as set out in his foreword to the report.

In response to a question, Councillor Phil Twiss informed the committee that he would know more about the SEP funding shortly but the timescales were not expected to be kept. Work was being undertaken to see if the SEP could be extended to open to other providers other than BT.

RECOMMENDED

1. that clarification is sought from the Connecting Devon and Somerset team, and reported to members, at the earliest opportunity as to whether the SSDC/EDDC element of the potential £22.75 million SEP funding can be redirected to an alternative provider outside of the Connecting Devon and Somerset Programme;
2. that clarification is sought from the Connecting Devon and Somerset team, and reported to members on whether the original objectives of the BDUK project was to provide improved access for rural residents to Superfast Broadband, in recognition of the fact that such access is now seen as essential in modern domestic and business life, or was it also to support cheaper provision to small and medium enterprises (SMEs) in more urban areas. Members would also like to have the position on state aid to businesses clarified in relation to this point;
3. that whatever decision are taken corporately to address providing Superfast Broadband to “the final 10%”, there is a commitment to openness, transparency and accountability from all those involved and there will be no further use of non-disclosure agreements or similar.

***39 Office relocation update**

Richard Eley, a local resident, outlined his concerns about the complexity of the relocation project and his estimate on the final cost of the project being double the amount of the build cost of a new office. He stressed the importance of a robust procedure and that the project must be open to scrutiny, as well as the ability to reassess the value and viability of the project. Following the Scottish referendum, he questioned the logic of pursuing relocation when the future of district councils was in doubt with local government reforms pending, and the significant depreciation in his opinion of any new office building.

In response to Mr Eley and the public speaking earlier in the meeting, the Deputy Chief Executive, Mr Richard Cohen, outlined:

- Assessment of the sale of the “hotel” part of the existing offices had been made and the conclusion reached that: the remaining office space was insufficient for the council to run its business; the chamber would be lost, which is required for the holding of council meetings; close proximity of council premises to a redeveloped hotel section would impact significantly on any sum offered by a developer.
- Mr Eley’s calculations were not recognised and members were reminded of confidential reports and figures presented to them at past meetings under Part B conditions. The Council had already agreed a series of recommendations in February 2014.
- Capital receipts for the assets of the Knowle and Manstone depot would not be known until the results of the marketing exercise had been completed.
- Process of local government reform had been ongoing for over 40 years and the council should not use present uncertainties as a reason to fail to act on the current needs of the council.

The Deputy Chief Executive outlined recent developments of the relocation project to the committee, including:

- Marketing of the Knowle and Manstone sites
- Outcome of the town and village green inquiry
- Objections to rights of way orders lodged, pending with the planning inspectorate
- Heathpark - continued contract negotiations with Terrace Hill – the supermarket commitment to the site had changed due to a revised retail shopping strategy that has reduced the size of the required floor area that is required and has therefore reduced the offer price. The impact on users of the East Devon Business Centre was also a consideration.
- Business space review – a study has been commissioned using external contractors, to provide information to help inform a case for the future of serviced business spaces in the district, and the Council’s role in that provision
- Transformation and modernisation of how the council conducts its business continues, including the roll out of mobile devices to better equip a mobile workforce; and review of facilities across the district. Now that Devon County Council had vacated Exmouth Town Hall, he was looking at how that resource could be developed to expand and evolve the services offered from Exmouth.
- The budget for the preliminary implementation costs stands as £705,568, of which £475,669 has been spent up to the end of August 2014.

A number of questions were asked by the committee, including:

- What the required office floor space was for the council? The current space at the Knowle was approximately 7000sqm; the requirement was approximately 3,300sqm.
- Had there been expressions of interest in the Knowle building? Yes, considerable interest but the extent of actual offers will only be known at the point that that tender process closes.
- Were options other than Skypark as the preferred location still open? Yes, there is always the possibility that the council will not relocate to Skypark.
- If the supermarket now wanted a smaller site, why not protect the East Devon Business Centre rather than loose an asset; it cannot be assumed that the private sector will take up the slack to provide business units – Negotiations with the developer on the Heathpark site, which are still ongoing, will still provide a capital

receipt worthy of consideration. Honiton was recognised as an important town for business provision, but review was needed of the best way to deliver support to small and medium enterprises. The traditional approach of providing such a form of business centre may no longer be the best method of serving the business community. Consultant work was underway to evaluate the best way forward for the council.

- Had any further staff surveys been carried out on staff preference for location? No; costs had been calculated and included in the project, looking at a period of time for allowances for staff that would have to travel longer distances. Green travel plans had also been factored in.
- When would the detail of capital receipts from the main assets be released to the public? Currently the information was commercially sensitive. There was an expectation of publication either at the end of the project or when the information became no longer commercially sensitive.

SWAP involvement in the project was confirmed and the officer from that partnership was fully aware of the confidential project information and figures. Councillor Howard suggested that a project management spreadsheet would be helpful to members, to demonstrate the progress of the project and where gaps in knowledge existed.

It was confirmed that both internal and external legal advice has been provided to the project team while external professional advice in terms of planning advice has been provided on the Knowle site (published on Savills website). There has been a conscious decision not to involve the planning department in discussions given their role as the local planning authority. In response to debate on the loss of 400 jobs from the town of Sidmouth, the committee was informed that around 30% of the current workforce lived in or in close proximity to Sidmouth.

The Chairman highlighted that, as a report on relocation was due to Cabinet at their December meeting, there was an opportunity for members to question the content of the report at that time. Officers also outlined to the committee that any recommendation to sell sites would be subject to delivery of a new location.

A proposal by Councillor Claire Wright seconded by Councillor Roger Giles and amended by Councillor Mike Allen, with agreement of the proposer and seconder, was as follows:

- that no decision on the sale of the assets Knowle building, Manstone depot and the Heathpark site be made until complete certainty on the council's new relocation;
- that no decision on the sale of the assets Knowle building, Manstone depot and the Heathpark site be made until all costs, expenditure and new build costs are published;
- any decision is not made at the December Cabinet meeting but deferred until after the Christmas period, as it is too close to the Christmas period for a decision of that magnitude.
- instant notification if the Skypark option was known by officers to have become unviable

The proposal was put to the vote and lost.

RESOLVED

The report on relocation update be noted.

***40 The Beehive**

The Chairman opened debate into how the committee could reasonably scrutinise the project from the view of the capital investment made by the council. The facility was operated by a separate body and it was not the intention of the committee to scrutinise the operational methods of the facility or the business of Honiton Town Council. An update of the council's commitment to the project was outlined to Cabinet in June 2014, where it was resolved (amongst other resolutions) that updates from Honiton Town Council in future regarding the effective use, operation and management of the Centre be sought.

Councillor Mike Allen, who had called the item for discussion at the committee, outlined his reasons for bringing the topic forward for debate.

He outlined two main issues:

- Additional funding provided by the district council to help implement sufficient drainage should have been met by the partnership running the Beehive, who had taken responsibility for the project at that point;
- Evaluation of how contracts are drafted should be undertaken to safeguard district council grants, including how the contract can be enforced, how monies can be clawed back on breach of contract, and that the money is being used in accordance with the purpose intended.

In response, advice was given that a review would be possible to look at how current safeguards could be improved. The specific terms of the grant between the district council and Honiton Town Council were not available at the meeting and therefore could not be discussed in any detail.

In response to concerns about the recent decision of the Honiton Town Council to hand over the running of the facility to a third body, the committee were informed that it was up to the Town Council how to facilitate delivery of the community resource and they would have to rely on their contract with the third party on the delivery. Any action by the district council, if deemed necessary, would have to be taken against Honiton Town Council as per the agreement between the district and the town – the district council had no jurisdiction over any contract with which they were not a part of.

Members agreed that the resolution by Cabinet on receiving regular update reports from Honiton Town Council in the future would be beneficial to be presented to the committee as well.

***41 NHS consultation members briefing notes**

Notes of the CCG consultation briefing held on 24 September outlining the questions raised and answers given were noted. A press release from Northern Devon Healthcare NHS Trust had also been circulated to members following publication late the previous day.

Members voiced their concerns on a number of issues, including:

- Actions already taken by the Northern Devon Healthcare NHS Trust in moving inpatient beds from Axminster to Seaton hospital for the winter period with an end result of a permanent move with a total of 18 beds, despite the New Devon CCG consultation still being open until December;

- Actions already undertaken at Ottery St Mary hospital in the setting up of stroke beds, evident by changes within the building despite the consultation period still being open;
- Concern that consolidation of beds in the district's community hospitals would lead to future bed reductions, at a time of increasing need for beds for RD&E cases to be discharged to;
- The fact that not all GPs agreed with the New Devon CCG proposals;
- Local MPs shared concerns and sought to meet with the Health Secretary;
- No clear costs set out in the consultation documents by New Devon CCG and concern that the changes would lead to an increase in overall costs, not a decrease;
- Shortage of carers in the district, and travel implications for sending carers to homes that may adversely impact on the time that carers can spend with their patients;
- Availability of services driven by the providers, such as Northern Devon Healthcare NHS Trust and the RD&E, that the New Devon CCG has to be mindful of in reaching a final view on their proposals. The proposals as they stand currently allow for all the community hospitals to remain open, although with some no longer providing in-patient beds;
- Poor communication between NHS England and the New Devon CCG which is to the detriment of the local community;
- Impact of closure/movement of Minor Injury Units on both local people and tourists to the area.

The committee felt that strong recommendations should be put forward on behalf of the Council.

RECOMMENDED

1. that anger be expressed at the apparent changes already being made to local hospitals, namely Axminster, Seaton and Ottery St Mary hospitals, despite the consultation process still being underway;
2. that more regard should be paid to the costs, burdens imposed, and time taken to travel and support patients either in their own homes or in fewer in-patient community hospitals;
3. that the New Devon CCG be asked to consider not only the retention of the current in-patient bed provision, but should look to the future expansion of each hospital, in light of the growing pressure on the RD&E and it being unable safely to discharge patients in a timely manner;
4. that there should be improved communication between the providers and commissioners of health services in order to benefit the local community;
5. that the provision of Minor Injury Units in the proposal be reconsidered in light of the considerable needs of certain communities in busy tourism periods and the growing pressure on the RD&E;
6. that the providers and commissioners of the local health services take an active role in the formulation of the council's Local Plan in order to better understand the need of a growing population, particularly in the growing towns in the area.

***42 Environment Portfolio Holder update**

Councillor Iain Chubb, portfolio holder for environment, outlined the recent work in preparing for the new waste and recycling contract. The committee had received an update report that detailed the options considered, and the decision to twin-track the approach, keeping an interest in the Integrated Devon (ID) option, whilst being ready to procure the council's own collection contract should the ID option not prove viable.

Discussion has already taken place in the form of a think tank held in August about what the service should cover, and a recycling and refuse commissioning group has been set up that will meet in November. It is intended for representatives of the overview and scrutiny committee to be part of this commissioning group. A report is pending from Eunomia, now expected in December, alongside advice of specialist procurement solicitors before a recommendation is made to Cabinet.

The Portfolio Holder and his Deputy had also attended that day the opening of the Exeter Energy Recovery Facility, and described the operation of the facility, which generated up to half of Exeter's electricity needs.

Members praised the quality of the work of the service of refuse and recycling collection and asked that their thanks be passed onto the relevant teams.

***43 Overview and Scrutiny Forward Plan**

The committee noted the forward plan. The Exmouth beach management task and finish forum had met and completed their task in one meeting and would report back to a future meeting of the committee. The Trees TaFF has a start date of 5 December 2014 and members of that forum would be notified with an agenda in due course.

Attendance list

Present:

Tim Wood (Chairman)
Graham Troman (Vice Chairman)
Mike Allen
Claire Wright
Roger Giles
Frances Newth
John Humphreys
Deborah Custance Baker
Vivien Duval Steer
David Chapman
Sheila Kerridge
Tony Howard

Also present:

Ray Bloxham
Christine Drew
Graham Godbeer
Pauline Stott
David Cox
Iain Chubb
Tom Wright
Phil Twiss

Emily McGuinness, Scrutiny Manager SSDC
Richard Cohen, Deputy Chief Executive
Debbie Meakin, Democratic Services Officer
Henry Gordon Lennox, Principal Solicitor

Apologies:

Jill Elson
Peter Bowden
Andrew Moulding
Eileen Wragg
Stephanie Jones
Maddy Chapman
Peter Sullivan
Chris Wale
David Key
Brenda Taylor

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Overview and Scrutiny Committee held at Knowle, Sidmouth on 13 November 2014

Attendance list at end of document

The meeting started at 6.30pm and ended at 9.57pm.

***44 Public Speaking**

Robert Persey asked the committee if they could conduct a review of how planning officers interpret “sustainable locations” in open countryside. He outlined how the Council took a narrow view of the NPPF and the new permitted development order introduced in April, comparing a 100% refusal of application against this new order for the Council as opposed to only 14% refused for Mid Devon District Council. He suggested that the Council’s approach to determining a sustainable location was not consistent with other authorities.

Robert Leach informed the committee of his recent application under the new permitted development rights, and that despite meeting the criteria, the application was refused. He quoted from the Minister of State for Housing and Planning on the application of the new permitted development rights. Mr Leach felt that the Council was not in line with the views of the Minister on development.

In response, Councillor Helen Parr, Chairman of Development Management Committee, informed the committee that the issue of sustainability was discussed at a recent meeting of her committee. The important issue of determining what was sustainable would be set out in the Local Plan, which was due before the Development Management Committee in January, expected to go onto full Council in February of next year and she welcomed views of Members at both of those meetings. In response specifically to the new permitted development rights, she advised the committee that the authority was not alone in refusing applications and that appeals on those decisions had been upheld.

***45 Minutes**

The minutes of the Overview and Scrutiny Committee meeting held on 16 October 2014 were confirmed and signed as a true record subject to an amendment to Minute 40 to add:

RESOLVED

That the committee receive a report on how contracts are drafted where substantial grants are made to other organisation, outlining steps taken to safeguard the investment to ensure that it is used for the purpose intended.

***46 Declarations of Interest**

Councillor Eileen Wragg: personal interest; member of Regional Coast and Flood Committee

Councillor Peter Halse: prejudicial interest; Chairman of Honiton Town Council.

***47 Police and Crime Commissioner**

The Chairman welcomed the Police and Crime Commissioner (PCC) for Devon and Cornwall, Mr Tony Hogg, who was accompanied by one of his team, Richard Martin. Mr Hogg was also joined by Superintendent Keith Perkin, Local Policing Commander for Exeter, East and Mid Devon; as well as Inspector Antonia Weeks (Exmouth and Ottery).

Paul Arnott spoke about the conclusion of the police investigation into former councillor, Graham Brown, of the district council and questioned if the investigation had indeed been

robust and extensive as stated; he accused the Chief Executive of “meddling” with the investigation and targeting the council’s best councillors. Following a reference to the current president of FIFA, he commented on whether the announcement of the police investigation one day prior to the Police and Crime Commissioner attending the committee that evening was co-incidental.

The Police and Crime Commissioner, Tony Hogg, outlined to the committee his recent work in light of continued budget pressures for the police force. He outlined his six priorities from his plan:

- To make our area a safer place to live, work and visit – reducing the likelihood that people will become victims of crime
- To reduce the crime and harm caused by the misuse of alcohol
- To make every penny count in protecting policing for the long term, We need to drive for further efficiency, work to secure more central funding and actively explore all avenues to deliver the significant savings we require from 2017/18 to sustain our services
- To promote an effective criminal justice system for our area, delivering a high quality service for victims, witnesses and society
- To deliver a high quality victim support service across our area
- To encourage and enable citizens and communities to play their part in tackling crime and making communities safer.

He outlined the financial savings already made by Devon and Cornwall constabulary and the issues ahead to secure further savings, such as making transformations to the service and pursuing a strategic alliance with Dorset. There was also work to be done towards closer working with other agencies such as with the Health and Wellbeing Board to help knit together services, and some further promotion to the public of the valued work by the Community Safety Partnerships.

The service to victims was outlined in response to a question, with a victims code being introduced last December being built on to provide an ambitious model providing a victims’ hub and links to forty organisations that could benefit victims (from locksmiths to specialist services) that would be in operation from April 2015.

Work on alcohol abuse in no way impeded the war against drugs, but consultation had made clear that alcohol needed clear focus. Police checked legal highs and some results had shown contamination with class A and B drugs in some areas. Recent changes to anti-social behaviour legislation meant that police had more powers to secure closing down shops that sold such products. Health partners need to be involved in terms of the impact of legal highs on the health and wellbeing of individuals.

In response to a question on police numbers and retiring officers, Mr Hogg responded that pension changes for 2016/17 were twice the level of the precept, and the budget instability was concerning, but he was committed to defend the 3,000 plus level of officers.

In response to a question relating to the closure of safe houses, Mr Hogg outlined a shift in approach away from removing the victim from their area to removing the perpetrator. Supt Perkin advised the committee of the recent introduction of sexual offences and domestic abuse investigation teams; the use of safeguard alarms; close working advisors to victims; and new notices and orders now available under the changes in legislation to be used prior to obtaining a court order.

A number of questions had previously been submitted to the PCC, which are reproduced below with the response.

Q Is your office ever informed of the progress of ongoing police investigations that are of local or national interest? If so, with whom might you share any such confidential information?

In response, Mr Hogg confirmed that he was kept informed of high profile or high risk investigations and was party to confidential information, but he was not informed of very investigation due to the high number.

Q The way in which the police service now works involves closer working with many partner organisations and agencies, e.g. local authorities, social services, the NHS. Consequently, if there are allegations of criminal conduct by members of any such partner organisations, it may be regarded as inappropriate for the local force to investigate such allegations in the same way, as it may be inappropriate for the police to investigate themselves. What reassurances can you offer that there are systems in place to ensure that local police are not too close to persons and organisations complained of and that if such complaints are made, there is due consideration of the question of requesting that an outside force investigate?

In response, Mr Hogg stressed that the police are impartial and adhere to high standards of behaviour. He was confident that there were provisions in place to reduce the risk referred to in the question. In addition, a joint audit committee examines that the recently updated code of ethics is embedded and followed.

Q Does the commissioner have any plans to ask the Chief Constable of Devon and Cornwall Police to require all staff, police and civilian, who may be members of organisations such as the Freemasons, to register such membership ? (At present there is no such local requirement, only an expectation that any such officers will report such membership where there may be potential for conflict. Unless there have been any recently, no such potential conflicts have ever been reported) Further, will the commissioner make public whether he or any of his staff are members of such organisations?

In response, Mr Hogg stated that he was not a member of any organisation. There were certain prescribed organisations that police officers were not permitted to belong to because of the potential for being compromised. The Freemasons was not one of the organisations and the force vetting service does not ask applicants if they are a member of that organisation.

Q Is the Commissioner aware that the respected organisation Transparency International is of the opinion that corruption, at all levels, is one of the biggest global issues of our time (<http://www.transparency.org.uk/corruption>) and that the same organisation gives, in its report 'The Mounting Risks', the following two examples: "Electoral corruption, such as the in the 2004 Birmingham local elections, when over 1,500 votes cast were subsequently identified as fraudulent." and "Bribery in local government, such as in the case of a councillor in the West Country who was recorded making claims that he could obtain planning permission in return for payment". Is the commissioner satisfied that Devon and Cornwall police have the experience and resources to deal with allegations of corruption in the West Country, in any of its partner organisations, in a professional, diligent and timely manner?

In response, Mr Hogg advised that if any suspicion was referred by the Returning Officer to the police, guidance in investigation was followed from ACPRO and the Electoral Commission, working with the CPS. He gave an example of a Saltash councillor case in 2013. In terms of bribery in local government, each council would have its own defence against fraud in place and the referral options to the police to pursue. If referred, the police would allocate resources appropriately.

Q Can the Commissioner comment on the length of time it is taking to deal with the Graham Brown case and the unfairness this has caused to various individuals involved, as well as the continuing damage it does to the Council's reputation while the matter remains unresolved?

In response, Mr Hogg read out the announcement by the police of the previous day. Supt. Keith Perkin explained the delays in the initial stages where the case fell to the national body of the fraud squad, which took time to filter back down to the local force. CID officer took initial statements and those went onto the serious crime branch. The case was complex, with excess of 40 statements taken. The case was thorough and undertaken by specialist investigators, who have to follow evidence and determine that a threshold of evidence has been reached. In this case, the evidence was not there.

A question was asked by Councillor Giles if the police intended to release details of those who gave statements. The response was no, as per any other investigation the statements would not be released. In response to a question on what view the police would take on someone else releasing details of who had been interviewed, the Superintendent advised he would take a dim view. He was not prepared to answer any further questions put forward on the same topic.

A question was asked if a report was submitted along with recommendations to the council by the police. The Superintendent was unable to answer the question because he was not informed of the full operational details of the case but would find out and respond in due course. He also made clear that the delays did not affect the outcome, as no evidence was lost.

Q Please can you explain the difference in comparative expenses today of your office as against the old Police Authority. How does this offer better value for money to the council tax payer?

In response, Mr Hogg informed the committee that in 2013 the Police Authority budget was £1.623m; 2013/14 budget for the Commissioner's office was £1.93m, which included £183K transition costs. Costs also included some redundancies. The Police and Crime Panel undertake scrutiny of the budget. In comparison with the previous Police Authority, the work achieved was improved. Efficiencies were also being made by moving the Commissioner offices to Middlemoor and two redundancies had been made from the team.

In response to a question about what the Commissioner felt was his greatest achievement, he responded that it was to uphold the number of police officers.

Q The Exe Valley is a fairly neglected area with regard to police. We have been moved from pillar to post, from Ottery to Crediton, back to Ottery, with rumour that Crediton Police Station was closing. We have always had great support from the over stretched staff in Crediton, but even they do not know the future of this rural patch. We have various issues, which we have asked for support with including speeding, school parking as well as crime prevention and neighbourhood watch. Some members have asked to be on the police

email system but this has resulted in emails regarding crimes not relevant to this patch – apparently done by Beat numbers not location. I would be grateful to know what the future plans are for policing in the Exe valley, and how we can get details of the police events in this area.

Inspector Weeks responded that every effort was made to police a geographically challenging area. The local policing team for that area is the Ottery team and officers are deployed from the nearest station as necessary and available. Rural policing is a priority for the service. Community messaging continues to be used extensively. Supt Perkin added that it was key for officers on the ground to have leadership in place, and the area now had a full complement of Inspectors, with a move to achieving the same result for Sergeants.

Other questions included:

- Closure of enquiry desks – footfall evidence showed that those desks were not being used to a large extent and closures had produced £800K savings. Where closure had occurred, local arrangements had been made to provide the ability for people to meet with local police officers. Mr Hogg did not believe that closure of desks prevented people from reporting crime;
- Lost property could now be reported online or handed into the Exeter office;
- 101 service had been recognised as needing full review, with plans to enable calls made from blue police phone boxes to jump the queue once technology permitted it.

The Chairman thanked Mr Hogg, his aide, and the police officers for their attendance and responses to the numerous questions from members.

***48 East and Mid Devon Community Safety Partnership update**

The Chairman welcomed Gerry Moore, the Community Safety and Anti-Social Behaviour Co-ordinator who presented his latest update.

Highlighted were a number of examples of work recently undertaken by the Community Safety Partnership and their local action groups, including:

- Raise awareness of domestic abuse and the support services available
- Delivery of consistent messages on substance misuse
- Make local communities aware of the new Anti-Social Behaviour legislation
- Promote the activities of the local action groups and arrange positive news stories
- Tackling rural crime

In response to a question on the change of provider for advice and support in the area, Mr Moore informed the committee that the provider SPLITZ was providing the same if not improved service, and he was working to distribute the change of provider around local services, such as GP surgeries.

Members agreed in praise of the work of the Community Safety and Anti-Social Behaviour Co-ordinator and the continued work of the local action groups.

***49 Exmouth beach management task and finish forum report**

Councillor Maddy Chapman presented her findings of the Forum, set up in response to local concerns about the loss of beach material. There was also concern on the focus on Dawlish contained in the beach management study being led by Teignbridge District Council, where Exmouth was contained within the plan title, which raised expectations of Exmouth residents.

She outlined the site visit undertaken and the Forum's work in discussion the issue with officers from both the council, and the Environment Agency. As a result of the meeting and site visit, the Forum were satisfied that Exmouth issues had been clarified and felt reassured that appropriate consideration was being given to local concerns.

John Golding, Strategic Lead - Housing, Health and Environment, reassured the committee that the situation would continue to be monitored. The Forum has given members the opportunity to question the experts and made clear to members the funding rules for such work.

RECOMMENDED

1. To understand that the current Beach Management of Exmouth beach is in respect of protecting its amenity value – there is no identified risk of flooding and therefore any works will not attract government funding. Any emergency resulting from an exception storm would justify government funding to repair damage but not to undertake improvements;
2. Consideration should be given to raising funds from commercial enterprises and new development to use for future beach management specific to maintaining the amenity value of the beach area and address problems of sand erosion and accretion;
3. To undertake consultation with beach users – including the RLNI, fishermen and Stuart Line cruises – as an important means of local intelligence in determining any change to the beach and estuary profile. This local information could be used to support the 6 monthly monitoring being undertaken by the Plymouth Coastal Observatory on behalf of the Environment Agency, and also to immediately flag up any problems or significant changes;
4. The Dawlish and Exmouth Beach Management Study to be renamed "The Dawlish Beach Management Plan" to be more factual and to avoid raising Exmouth residents' expectations;
5. The beach trends and sand movement to be closely monitored to inform the Exmouth Beach Management Plan and to potentially bring forward action should the sand loss/accretion indicate an accelerated trend. The drafted Plan to be referred to the Task and Finish Forum and/or Exmouth Town Council for consideration before being referred to Cabinet;
6. Immediate improvement works to be carried out – including removal of sand from the Esplanade and road, clearance of exposed gun emplacement debris and alerting South West Water to problems arising from the exposure of the sewerage drainage pipe at the Maer.

***50 Full council meeting review**

Councillor Ray Bloxham, Portfolio Holder for Corporate Business, briefly outlined work undertaken by a joint Think Tank in conjunction with the Portfolio Holder for Corporate Services.

RECOMMENDED

1. In respect of agendas and decisions by the council that:
 - a. There is timely and early involvement of Chairman in production of the draft Council agenda;
 - b. Councillors have a responsibility to contact the Chairman at their earliest opportunity about any inaccuracy or other concern over a minute that will become part of the minute book;
 - c. Councillors have a clearer understanding of the procedures to “calling in” a decision and “calling” a minute;
 - d. Councillors to have a clearer understanding of the decisions that can be made by Cabinet (resolutions) and those which are referred to Council (recommendations);
 - e. Councillors have a clearer understanding of the significance of starred and un-starred minutes;
 - f. That recommendations to council from other meetings include a link to the officer report on which the recommendations were based. Where the officer report was in Part B of the agenda, councillors will be given a supplementary list of agenda links to these officer reports;
 - g. That when the issue is within the remit of the Council to make a decision, in making its recommendations, Cabinet or other decision making committee adds the wish that this matter is shown as a separate item on the Council agenda.
2. In respect of presentations to Council, that presentations will only be made in the following cases:
 - a. where the matter relates to the health and wellbeing of the district;
 - b. where the matter relates to a change to national policy and/or legislation which affects the Council’s core business;
 - c. where the matter relates to a key decision that the council will be asked to make;
 - d. and, in all of the above cases, it is considered necessary that all members of the Council be briefed;
3. Presentation of long service awards and other awards such as Bes Kept Village be retained at full council;
4. In respect of minutes of meetings, that as soon as possible (normally within five working days) draft (unsigned) minutes are publicised to councillors via email or knowledge newsletter with link;
5. Called minutes should be notified by councillors to democratic services by no later than 6pm on the Monday preceding full council, to notify of the intention to “call” a minute from the minutes book;
6. Questions to the leader and portfolio holders administration is amended as follows:
 - a. That the period of notice of questions be increased to midnight on Thursday prior to the Wednesday full council;
 - b. That questions provided for council are circulated prior to the meeting for members to consider them;
 - c. That the initial question and answer is projected on the screen so that members of the public may be aware of the question and answer;
 - d. That the questions and answers (and supplementary questions and answers if made) are included as part, or as an appendix to, the minutes of the meeting;
7. That the website be revised and improved in setting public speaking rules and what to expect.

RESOLVED

That the Portfolio Holder for Corporate Business report back to a future meeting of the committee on the other matters debated by the joint think tank following further research.

***51 Performance monitoring second quarter 2014/15**

A query was raised prior to the meeting on council promise “Make sure that new developments are supported with the right level of investment in infrastructure to benefit the community”, in that the promise seemed vague as did the answer. A revised comment to the council promise was issued to all members prior to the meeting which stated:

The reason it is shown as variation is simply that viability remains an issue with developments and as a result it is not always possible to secure all of the necessary planning obligations to meet policy requirements in relation to education contributions, affordable housing provision etc. This is nothing new and is completely outside of our control since where a development would not be viable under our policy requirements we are required to reduce our requirements until the scheme is viable. This is a national issue and not unique to East Devon.

RESOLVED

that a report be provided to the committee at a future date on the council promise relating to developments supported with the right level of investment in infrastructure to benefit the community to help explain the issues to members.

***52 Finance Portfolio Holder update**

The Chairman welcomed Councillor David Cox, Portfolio Holder for Finance to update the committee on his work.

He gave the committee an update on the asset management aspect of his portfolio, including:

- Refreshed corporate property asset management plan
- Additional land and buildings management in Cranbrook
- Tenanted non residential review of leisure assets, beach huts and chalets, private clubs and sports clubs;
- Estates team systems thinking review
- Whole life costing appraisal
- Beach development plans
- East Devon serviced workspace demand and delivery appraisal
- Policy on unauthorised occupation of council owned land

He also reminded the committee on the challenges already achieved on the budget, set out in a presentation to the committee. The work of the Budget Task and Finish Forum was also fed into the draft budget process and the general understanding of both the services and the budget process by members had been boosted as a result.

A report is being prepared on how to achieve a balanced budget up to 2020/21, helping to identify how future savings will be achieved to cover a £2.7m shortfall.

In response to come comments about the need to relocate in light of future budget shortfall, the committee were reminded that the council needed to be mindful of good stewardship in preparing for providing consistent services in the future.

The Chairman and the Portfolio Holder thanked the Strategic Lead – Finance for the work he and his team had undertaken in budget preparation, and in making the accounts more transparent in terms of additional information supplied.

***53 Viewpoint survey results**

The Portfolio Holder for Corporate Business presented the report on behalf of the Strategic Lead – Organisational Development and Transformation. The report set out the feedback from the 2014 viewpoint survey on the council overall, and on specific council priorities and services.

Members flagged up the satisfaction rate with the planning service and debate took place over the difference between satisfaction with the service and satisfaction with the outcome of a planning application.

RECOMMENDED

1. that members note the contents of the report and agree that the actions and responses are delegated to the Chief Executive and SMT in conjunction with their portfolio holders.
2. that members note that the results of the residents' survey are very similar to last year. On that basis, we have identified where responses show a 5% difference or more compared to last year. We would expect some fluctuations year on year.
3. that members agree that due to the similar nature of the feedback to the 2013 Viewpoint Surveys these will next be carried out in 2016.

***54 Overview and Scrutiny Forward Plan**

Jacqueline Green spoke about the former Economic Development Manager as lead officer of the Business Task and Finish Forum, asking who would act as lead officer for the Forum once it resumes.

An answer had been provided which the Chairman read out:

At the April 2014 Council meeting, the Chairman of the Overview and Scrutiny Committee responded to a question raised by Jacqueline Green on when the Business Task and Finish Forum would resume and if the Council's Economic Development Manager would continue to be the Forum's lead officer. Councillor Tim Wood advised that he was guided by legal advice and, so far as he was aware, the Economic Development Manager would continue to be the lead officer for the Forum, as there was no reason for this not to be the case. With the conclusion of the police investigation into ex Cllr G. Brown, the Chief Executive has issued advice regarding this particular TAFF. The most appropriate next step is to now consider that advice.

The Chairman expressed that he saw the next step for the committee was to review the requirements of the Forum at their next meeting and for the Forum to briskly complete work, aiming for March 2015. He wanted the committee to be confident that the Forum was able to investigate and ensure a satisfactory relationship with businesses. He also commented strongly that businesses should have the right, just as individuals enjoyed, to communicate their views to the council.

Mrs Green asked a supplementary question: was it appropriate for a paid servant of the council to influence the committee?

The Chairman confirmed that it was the role of officers to give advice to the committee and members make their own decision. The Chief Executive affirmed this as his role to give advice to council. The Chairman also made clear that it is the decision of the committee to decide the composition of the Forum.

In clarifying his advice, the Chief Executive set out to the committee that it was important for them, in considering the future of the Forum, to understand the full history of the Forum to date and the issues involved. He outlined that, in response to the police referral, he had advised them to take into account when the concern about the East Devon Business Forum (EDBF) had first been raised at the meeting of Council on 27 July 2012 where a motion had been put to Council on the subject. Clearly those individuals raising concern at Council on 27 July 2012, and at subsequent meetings of the Overview and Scrutiny Committee and the Business TaFF would be of interest to the police to contact.

In response to statements that the naming of a councillor was incorrect to do, legal advice from the Principal Solicitor was provided to the committee that the advice issued by the Chief Executive did not state that the police interviewed those individuals detailed, it stated that there was contact with the police.

Councillor Claire Wright commented on recent circulation of letter of the East Devon Alliance, and stated that trying to eject her from the membership of the Forum sends a message to the public that there is something to hide.

Councillor Allen reminded the committee that a Task and Finish Forum could not pursue a legal investigation under the terms of the constitution. He suggested that, if the Forum proceeds, the committee consider including in its remit to investigate any undue influence of any councillor or organisation, including political elements, on the issue of land use.

Arising from the minutes of the 16 October 2014, Councillor Allen asked the committee to agree to, further to the agreement to have a report back on general contract terms, a report specifically on the contract relating to the Beehive, Honiton. He wanted to be clear on the contractual obligations for Honiton Town Council in respect of the development on a charity basis.

RESOLVED

1. that a report be brought to the committee at their next meeting on the Business Task and Finish Forum with proposals of how, if the committee agrees, it should proceed, bearing in mind that there has been no criminality, unlawfulness or maladministration arising out of the operation of the Forum and the Council's relationship with it;
2. that a report be brought back to the committee at a future meeting on the contractual arrangements of the Beehive, Honiton to scrutinise how the value of the investment is being secured.

Attendance list

Present:

Tim Wood (Chairman)
Graham Troman (Vice Chairman)
Mike Allen
Peter Bowden
David Chapman
Maddy Chapman
Deborah Custance Baker
Roger Giles
Peter Halse
Tony Howard
John Humphreys
David Key
Frances Newth
Brenda Taylor
Chris Wale
Eileen Wragg
Steve Wragg
Claire Wright

Also present:

Pauline Stott
Peter Sullivan
Susie Bond
Ray Bloxham
Tom Wright
Iain Chubb
Stephanie Jones
Steve Gazzard
David Cox
Ben Ingham
Andrew Moulding
Phil Twiss
Paul Diviani
Philip Skinner

Mark Williams, Chief Executive
John Golding
Simon Davey
Jamie Buckley
Debbie Meakin, Democratic Services Officer
Henry Gordon Lennox, Principal Solicitor

Apologies:

Derek Button
Sheila Kerridge
Jill Elson
Alan Dent

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Housing Review Board held at Knowle, Sidmouth on 6 November 2014

Attendance list at end of document

The meeting started at 6.00pm and ended at 7.30pm

***41 Public Speaking**

Victor Kemp read a statement to the Board stating that GPs should make a recommendation of support for housing allocations applicants. Dennis Boobier, Housing Needs & Strategy Manager responded on behalf of the Board and stated that the Exeter Health and Wellbeing panel did not have a GP member but did have social workers, health practitioners and occupational therapists. They review health needs with property needs; it was about the impact of the property on health ground issues not the actual health of the person themselves. In most cases common sense prevailed; bias could arise if a medical person was on the panel as health would be their priority over the property. He did not think that setting up a Task & Finish Forum was necessary. Comments from the Board were that they did have a representative on the Health and Wellbeing panel and it was recommended retaining the status quo. It was suggested the Panel ought to look at long-term needs of people needing assessment and to respond to these in the future.

Cllr Elson, Portfolio Holder – Sustainable Homes and Communities reminded the Board of the lack of two bedroom properties for live-in carers and large hospital equipment required by the patient - often meaning they was no room for anyone else to use or even get into the bedroom. She agreed the situation needed looking into long-term. The Housing Needs & Strategy Manager stated that the Devon Home Choice Board were reviewing the health and wellbeing criteria in the Devon Home Choice Policy. He would give an update at a future meeting.

***42 Minutes**

The minutes of the Housing Review Board meeting held on 4 September 2014 were confirmed and signed as a true record.

***43 Declarations**

Mike Berridge

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

Douglas Hull

Personal Interest - Sister lives in Council owned property.

Rob Finch

Prejudicial interest - Agenda items 17 & 18 works for Devon & Cornwall Housing

Joyce Ebborn

Personal Interest - Housing tenant

John Powley

Personal Interest - Housing tenant

Pat Rous

Personal Interest - Housing tenant

***44 Exclusion of the Public**

RESOLVED: to agree any items to be dealt with after the public (including press) have been excluded. There were two items that officers recommended should be dealt with in Part B.

***45 Housing Review Board forward plan**

The Strategic Lead – Housing, Health and Environment 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.

***46 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 six (September 2014).

Regular monitoring was intended to highlight 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. There are currently no areas of concern.

A large proportion of the Capital spend would be on the new IT software system. The Right to Buy fund had been bolstered by the sales of 15 Right to Buy properties and 1 garage so far this year.

Current monitoring indicated that:

- The Housing Revenue Account Balance would be maintained at or above the adopted level and currently shows a surplus of £4.7m
- The position on the HRA Business Plan remained healthy.

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

***47 Review of Asbestos Procedures**

Dennis Boobier, Housing Needs & Strategy Manager highlighted key points from his report. In March 2011 Members agreed the Council's revised Asbestos Policy and Procedures. This document had been revised further to reflect good practice and was presented to Members for approval. The information held about asbestos in the Council's housing stock was being updated through the asbestos 'management' surveys carried out on each void property. The survey results of each void property could be shared with similar properties of the same size, build type and build date in the same street/location.

Members of the Board had previously agreed to undertake a Demolition and Refurbishment Survey in place of the Management Survey, where necessary and additional funds had been approved for this purpose. Outcomes identified were that annual reviews of properties where asbestos materials was known to exist were not being carried out; of the 3000 properties on the housing database, 75% have some form of asbestos material. This is a requirement of Health and Safety legislation and action must be taken to ensure that this was carried out. Members were asked to approve the appointment of 1 x FTE new member of staff to undertake this work.

RECOMMENDED: members agreed approval for an additional FTE post to undertake the annual review of council properties where asbestos materials were known to exist in accordance with current legislation.

***48 Handy Person Scheme**

The Board was asked to consider the principle of introducing a Handy Person Scheme for day-to-day repairs and minor works that are the tenant's responsibility. It was proposed that the Board set up a time limited Task and Finish Forum (TAFF) to develop the scope and key criteria for a Handy Person Scheme. The Board agreed to this TAFF made up of the following members:

Cllr Stott, Cllr Drew, Cllr Bond, Joyce Ebborn, John Powley, Pat Rous and 1 support officer from the housing team.

Discussions included the following:

- Service to be more than just a repair scheme – responsive repairs normally undertaken by a contractor. Operatives would be the 'eyes and ears' of the housing service as would report back other repair issues.
- How other schemes are run; with some of these being free of charge to the tenant.
- TaFF could consider how best to provide the service, such as if the handy person was a dedicated employee, or a contractor but managed by the housing service.
- Exmouth Town Hall has a similar scheme that does light jobs for free – the Housing Needs & Strategy Manager would look into how this scheme operates.

RESOLVED: that a Task and Finish Forum be set up to develop the concept of a Handy Person Scheme and to propose a local scheme approved by the HRB.

***49 Tenant Inspectors**

The Board was asked to consider whether or not to introduce tenant inspectors for day-to-day repair maintenance service to help manage the quality of workmanship by the Council's contractors, and to better understand tenant satisfaction with the service.

Discussions included the following:

- Initial inspections would be to look at void properties, including improvements to kitchens and bathrooms and compliance with the void standard.
- Not every repair would be inspected as it would be too time consuming.
- If a tenant was dissatisfied with any work the inspector would be called in.
- Experience from the Mid Devon scheme would be reviewed and taken into account.

RECOMMENDED: that the introduction of tenant inspectors for the Council's repair service be recommended for approval in principal.

***50 Older Persons Targeted Support**

Sue Bewes, Landlord Services Manager gave an update to the Board on the position regarding the impact of the termination of Devon County Council (DCC) Supporting people contract and options for the future of the Council's support service for sheltered housing residents. The service was in the process of conducting tenant consultations with over 400 people having already attended a roadshow session. Initial results showed that 109 tenants preferred option 1 (charging all customers) and 211 tenants preferred option 2 (an enhanced management service plus the opportunity to buy more support hours). The

Landlord Services Manager thanked Cllr Peter Sullivan who came to the Sidmouth consultation and helped with initial questions raised at the start about issues affecting local government in general. Some of the comments already received during the consultation were shared with the Board.

A full report will be presented to the Board in January and would be looking for the recommendation to start from 1 April 2015.

Pat Rous thanked Sue and her team for the help and support in this matter as well as thanking Cllr Jill Elson for providing information to the press.

RESOLVED: that the contents of the report be noted.

***51 Home Safeguard activity report**

Amy Gilbert, Support Services Manager gave an update on the work of the Home Safeguard team due to changes to the service. It had been a challenging year especially the implementation of the new Operator working rota that changed staff times of work; this had led to some staff leaving. The new team was now in place and working well with a day team and a night team, set up to meet customer demand. Devon County Council cuts would affect Home Safeguard but the team was ready for these challenges.

There had been good marketing feedback on the new logo and publications with lots of talks with community groups. There is already an increase in business for installations and October was a record month with the highest number of installations for quite some time.

The Home Safeguard team had passed another Telecare Services Association (TSA) accreditation for the fourth year in a row and was now accredited to 2016; subject to a further successful annual inspection in 2015. The TSA accreditation provided a 'health check' in all areas of the service with particular focus on speed of response and customer satisfaction.

John Golding, Strategic Lead – Housing Health and Environment thanked Amy Gilbert, Sue Bewes, and Sue Hodges for the new rota and the continuous 24/7 service provided. They ensured the service is always covered, sometimes at very short notice and sometimes covering shifts themselves. The Chairman asked that the team be nominated for a 'bouquet' in the next Team Brief on behalf of the Housing Review Board. Cllr Jill Elson congratulated the whole Home Safeguard and Housing teams. The Chairman gave her support for this growing scheme and said it was a great comfort to many people knowing someone was there.

Discussions included the following:

- Concerns over County Council cuts to support services and hope that officers could cover these challenges.

The Support Services Manager intended to seek further corporate contracts to see if these could generate extra income.

John Golding reported that next year's budget was a challenge and was being prepared. He intended for the draft budget to be cost neutral for the Home Safeguard team. This process would be presented at the next meeting. Any revised charges should be kept affordable, and with a flow of new people accessing this is a strong demonstration of need for the service.

RESOLVED: that the changes in the Home Safeguard work plan as set out in the report be approved.

***52 Right to Move consultation**

The Strategic Lead – Housing, Health and Environment presented a report from the Department for Communities and Local Government (DCLG) who were consulting on proposals to give social housing tenants a right to move to take up a job offer or to live closer to employment or training. He advised that the Government may impose targets. Cllr Jill Elson stated that as a council this was already the practice but recognised the shortfall of suitable affordable rented properties would make the process difficult. If changes are made to national guidance on allocations, this will be reflected in our Devon Home Choice scheme.

RESOLVED: that the proposals in the consultation paper on Right to Move be noted.

***53 Tenants Leading Change**

The Strategic Lead – Housing, Health and Environment updated the Board on the DCLG Tenants Leading Change initiative, promoting tenant involvement and its benefits to the delivery of improved services. He added that the Council had good examples of this, including tenant scrutiny and mystery shoppers. John Golding thanked Pat Rous for being on all interviews for HRA staffing and quoted this as another example of good practice.

RESOLVED: that the report on Tenants Leading Change be noted.

***54 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).

***55 Danby House/Exebank – DCC updated proposals**

Members were asked to view correspondence between DCC and the Council regarding proposals over the future of these two DCC owned properties. The Board was asked to support an 'in principle' offer to purchase subject to contract, surveys, further investigations etc.

RECOMMENDED: that the opportunity to acquire the site be progressed.

***56 Submission of Offers – Manstone Depot, Sidmouth**

As part of the office relocation project the Council had appointed Savills to market Manstone Depot and the Knowle. The Manstone Depot site was considered to be of a suitable size and location consistent with the Council's ambitions for own build and therefore an offer subject to contract has been submitted.

RESOLVED: that the offer submitted for the purchase of Manstone Depot, Sidmouth be noted.

Attendance list

Present:

Cllr Pauline Stott (Chairman)
Cllr Susie Bond
Cllr Christine Drew
Cllr Douglas Hull

Co-opted tenant members:

Mike Berridge (Vice Chairman)
Pat Rous
Joyce Ebborn
John Powley

Co opted independent community representatives:

Rob Finch,

Also present:

Cllr Jill Elson, Portfolio Holder – Sustainable Homes and Communities

Tenant Scrutiny Panel

Jose Ireland
Eric Howard

Officers

John Golding, Strategic Lead - Housing, Health and Environment
Dennis Boobier, Housing Needs & Strategy Manager
Sue Bewes, Landlord Services Manager
Jane Reading, Tenant & Communities Section Leader
Amy Gilbert, Support Services Manager
Giles Salter, Solicitor
Amanda Coombes, Democratic Services Officer
Debbie Meakin, Democratic Services Officer

Apologies:

Julie Adkin
Harry Roberts
Cllr Steph Jones

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 21 October 2014

Attendance list at end of document

The meeting started at 2.00pm and ended at 5.55pm.

***27 Minutes**

The minutes of the Development Management Committee meeting held on 23 September 2014 were confirmed and signed as a true record.

***28 Declarations of interest**

Cllr David Atkins; 14/1303/MFUL; Personal Interest (remained in the Chamber during the debate but did not vote); Councillor is clerk to Newton Poppleford and Harpford Parish Council.

***29 Delivering Sustainable Drainage Systems Consultation**

The Chairman agreed for the Development Manager's report to be taken as an urgent item in order for the Council to submit responses to the government consultation by the set deadline (this date was before the next scheduled Committee meeting).

The Committee considered the report, which highlighted key points within the consultation document on delivering sustainable drainage systems (SuDs) and the Council's proposed response to the questions posed. Members were advised that the consultation document detailed an alternative approach to the one that was consulted on in 2012. The new proposals built on the current planning system rather than introducing a new regime, including strengthening planning policy on surface water drainage issues and introducing national standards for sustainable drainage.

The Development Manager advised that the new proposals would have an impact on resource, as local planning authorities would require access to expert advice in order to deal with SuDs. It was anticipated that the Council would need to employ at least one additional qualified engineer - the proposed response suggested that increasing the application fee could cover the additional resource required.

In response to a question, the Development Manager advised that the consultation document suggested that the Environment Agency would remain a statutory consultee for applications that discharged into a watercourse.

The importance of securing maintenance of SuDs was raised during discussion.

The Chairman thanked the Development Manager for preparing the responses.

RESOLVED: that the responses as set out on the Committee report be submitted to the Department for Communities and Local Government as the Council's formal response to the consultation on delivering sustainable drainage systems (SuDs).

***30 Planning appeal statistics**

The Committee received and noted the Development Manager's report setting out appeals recently lodged and ten appeal decisions notified, of which six had been dismissed. Members' attention was drawn to the appeal decisions allowed.

The Development Manager corrected an error in relation to the appeal decision for a proposal at land adjacent to 4 Cheese Lane, Sidmouth. The officer recommendation should have read 'approve'.

***31 Update on the Local Plan and future work programme**

The Committee considered the Planning Policy Manager's update report on the progress of the emerging Local Plan and future work programme.

The Planning Policy Manager advised that substantial progress was being made on background reports which would inform any recommended changes to the Plan, including the Strategic Housing Market Assessment (SHMA). A key element of the SHMA was to ensure that the projected future levels of job growth and the housing needs they might generate were taken into account. This issue was currently being assessed and consultants had advised that the SHMA would be completed in November 2014. The Committee also noted progress on other work currently underway that would inform any recommended changes to the Plan, including Residential Land Availability Assessment and Gypsy and Traveller Accommodation Needs Assessment.

In respect of the Community Infrastructure Levy (CIL), during examination the Inspector had raised some concerns about the proposed charges for the Cranbrook expansion. As a result, further assessment work was being undertaken. A CIL report would be considered at a special meeting of the Committee in December 2014/January 2015, along with a report setting out any proposed changes to the Local Plan.

Points made during discussion included extending the end date of the Local Plan; using market signals to assess housing need; and ensuring that all the Inspector's requirements set out in his letter were addressed.

The Chairman thanked the Planning Policy Manager for his report.

RESOLVED: that the ongoing work and future work programme for the Local Plan as set out in the Committee report, which would also be forwarded to the Local Plan Inspector, be noted.

***32 Potential AONB status for the Exe Valley**

The Committee considered the report presented by the Development Manager outlining a proposal by Members of Mid Devon District Council to pursue the potential of designating the Exe Valley, part of which falls within East Devon, as an Area of Outstanding Natural Beauty.

The Development Manager advised that the process was at a very early stage. However, if supported, Mid Devon District Council would be asked to consult closely with this Council and relevant parishes as the proposal progressed to ensure continued involvement and to monitor any future resource or planning implications.

RESOLVED: that the Committee supports Mid Devon District Council in their proposal to designate the Exe Valley as an Area of Outstanding natural Beauty and writes to them to this effect.

33 Annual update on section 106 planning obligations

The Committee considered the Section 106 Officer's report providing a summary of all new signed planning obligations and unilateral undertakings registered in the last financial year (2013/14), an overall summary of receipts and details of where any contributions had been spent. The report also proposed changes to the charges for monitoring Section 106 Agreements.

The Development Manager drew the Committee's attention to the section of the report outlining the future of Section 106 Agreements following the introduction of the Community Infrastructure Levy (CIL). Members noted the implications of the rules within the CIL regulations that meant that the receipts of not more than five agreements made since 2010 could be pooled post April 2015

RESOLVED: that the annual update on Section 106 Planning Obligations be noted.

RECOMMENDATION: that the changes to the monitoring charge as set out in paragraph 4.3* of the annual update report on Section 106 Planning Obligations be adopted.

* The current hourly rate used in the monitoring charge calculations was £45.00 (and mileage of 0.45 per mile). Following a 1% rise in salary the monitoring charge would be increased to £45.45 with a mileage average round trip of £4.50.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 6 – 2014/2015.

Attendance list

Present:

Committee Members

Councillors:

Helen Parr (Chairman)

David Key (Vice Chairman)

Mike Allen

David Atkins

Roger Boote

Peter Burrows

Bob Buxton

Geoff Chamberlain

Alan Dent

Martin Gammell

Mike Howe

Ben Ingham

Peter Sullivan

Mark Williamson

Officers

Richard Cohen, Deputy Chief Executive
Matt Dickins, Planning Policy Manager
Ed Freeman, Development Manager
Henry Gordon Lennox, Principal Solicitor
Hannah Whitfield, Democratic Services Officer

Also present

Councillors:
Susie Bond
Paul Diviani
Roger Giles
Graham Godbeer
Tony Howard
Andrew Moulding
Philip Skinner
Ian Thomas

Apologies:

Committee Members

Councillors:
Vivien Duval Steer
Geoff Pook

Non-Committee Members

Councillors:
David Cox
Stephanie Jones
Ken Potter

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 18 November 2014

Attendance list at end of document

The meeting started at 2.00pm and ended at 5.42pm.

***35 Minutes**

The minutes of the Development Management Committee meeting held on 21 October 2014 were confirmed and signed as a true record.

***36 Declarations of interest**

Cllr Bob Buxton; 14/1001/OUT; Personal Interest (remained in the Chamber during the debate and vote); Councillor had been a customer of Home Farm Hotel.

Cllr Vivien Duval Steer; 14/1768/FUL & 14/1767/LBC, 14/1820/FUL, 14/2212/CPL; Personal Interest (remained in the Chamber during the debate and vote); Councillor is a member of Exmouth Town Council

Cllr Mark Williamson; 14/1768/FUL & 14/1767/LBC, 14/1820/FUL, 14/2212/CPL; Personal Interest (remained in the Chamber during the debate and vote); Councillor is a member of Exmouth Town Council

***37 Planning appeal statistics**

The Committee received and noted the Service Lead – Planning’s report setting out appeals recently lodged and ten appeal decisions notified, of which nine had been dismissed.

Members’ attention was drawn to the appeal decision allowed at Waldrons Farm, Farringdon. The inspector had overruled reasons for refusal concluding that the proposed building would not have a detrimental impact on the character or appearance of the area.

The Service Lead – Planning highlighted the appeal decision dismissed by the Inspector for the erection of four dwellings on land south of the Village Hall in Offwell. He advised that this was an important outcome for future decisions read out extracts from the report to the Committee. Due to the Local Plan Inspector requiring further work on strategy 27 of the emerging Local Plan, the appeal Inspector had looked afresh at the issue of the sustainability of the village. The Inspector had acknowledged that although there were some accessible facilities within the village, which would reduce the need for car journeys, they were not sufficient to eliminate the need for travel and therefore the development was not sustainable. The Inspector’s report suggested that, in terms of whether or a not a settlement was sustainable, each should be considered on its own merit based on its accessibility to facilities. Members were encouraged to read the appeal decision for the application.

***38 Cross boundary issues at Uplyme and Lyme Regis**

The Committee considered the Planning Policy Manager’s report updating Members on cross boundary issues at Lyme Regis and Uplyme and seeking endorsement for the appended report. This would be submitted for consideration by planning inspectors ahead of oral sessions in respect of the West Dorset and Portland Local and Plan and in due course for the East Devon Local Plan.

The Council, under the Localism Act, had a legal duty to cooperate with neighbouring planning authorities during the preparation of local plans. The future growth of Lyme Regis and potential development options to accommodate any growth had been identified as a cross boundary issue during the development of both the East Devon and the West Dorset and Portland Local Plans. Following receipt of the planning inspector's letter to the Council in March 2014, further work had been undertaken by officers of both authorities with input from the Dorset and East Devon AONB teams. This work had led to a technical paper (appended to the committee report) being produced. Development potential was carefully assessed and officers from both authorities were in agreement that there were no sites suitable for development identified in East Devon that could help to meet the growth of Lyme Regis.

RESOLVED: that the Committee notes the ongoing work in respect of cross boundary issues at Uplyme and Lyme Regis and endorses the appendix to the committee report being submitted to the planning inspectors for both the East Devon Local Plan and the West Dorset and Portland Local Plan.

***39 Council intervention to reduce height of hedge**

The Committee considered the Service Lead – Planning's report seeking to obtain authorisation to take direct action in respect of a high hedge, which had been the subject of a remedial notice. The hedge owner had failed to comply requirements of the notice. Reduction in the hedge height, which currently stood at around 19m, would significantly improve the amenity and reasonable enjoyment of the neighbouring property. Costs incurred by the Council would be recovered by a charge on the property.

Cllr Tony Howard, a Ward Member for Ottery St Mary Rural spoke in support of the recommendation but asked that care was taken to keep the owner of the property informed of works to be undertaken.

RESOLVED: that direct action be taken to reduce the height of hedge in accordance with the terms set out in the committee report and that the costs for the intervention be recovered through a charge on the property.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 7 – 2014/2015.

Attendance list

Present:

Committee Members

Councillors:

Helen Parr (Chairman)

David Key (Vice Chairman)

Mike Allen

David Atkins

Roger Boote

Peter Burrows

Bob Buxton

Geoff Chamberlain

Alan Dent
Vivien Duval Steer
Martin Gammell
Mike Howe
Ben Ingham
Geoff Pook
Mark Williamson

Officers

Matt Dickins, Planning Policy Manager
Ed Freeman, Service Lead – Planning
Henry Gordon Lennox, Principal Solicitor
Hannah Whitfield, Democratic Services Officer

Also present

Councillors:

Ray Bloxham
Iain Chubb
Tony Howard
Steve Gazzard
Graham Godbeer
Andrew Moulding
Eileen Wragg

Honorary Alderman Ray Franklin

Apologies:

Committee Members

Councillor Peter Sullivan

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Planning Inspections Committee held at Knowle, Sidmouth on 28 November 2014

Attendance list at end of document

The meeting started at 10.30am and ended at 11.12am.

***16 Minutes**

The minutes of the Planning Inspections Committee meeting held on 5 September 2014 were confirmed and signed as a true record.

***17 Declarations of interest**

There were none.

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

The Committee considered the following application:

Raleigh: 14/2122/OUT – Construction of a dwelling and detached double garage and formation of a new vehicular access (outline application reserving details of layout, scale, appearance and landscaping) at Hayes House (to the rear of), Otterton EX9 7JQ.

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

<http://new.eastdevon.gov.uk/media/481221/181114-combined-dmc-agenda-compressed.pdf>

RESOLVED: APPROVED subject to conditions as per recommendation and a further condition restricting the height of the dwelling to single storey with rooms in the roof space. Delegated authority given to the Service Lead – Planning to draft the wording for the additional condition, which the Committee considered necessary to reduce any adverse impact the proposed dwelling could have on the amenity of neighbouring properties and to reduce the impact on the landscape.

Attendance list

Present:

Committee Members

Councillors:

Helen Parr (Chairman)

David Key (Vice Chairman)

David Atkins

Bob Buxton

Alan Dent

Martin Gammell

Geoff Pook

Peter Sullivan

Officers

Nigel Barrett, Senior Planning Officer

James Brown, Principal Planning Officer

Rachel Pocock, Corporate Legal and Democratic Services Manager

Hannah Whitfield, Democratic Services Officer

Ward Member

Councillor Ray Bloxham

Apologies

Councillor Mark Williamson

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Standards Committee held at Knowle, Sidmouth on Tuesday, 28 October 2014

Attendance list at the end of the document

The meeting started at 10.00am and ended at 11.30am

The Chairman introduced the interim Monitoring Officer, Ian Clarke, and welcomed him to the meeting.

***1 Public speaking**

There were no questions asked.

***2 Minutes**

The minutes of the meeting of the Standards Committee held on 8 April 2014 were confirmed and signed as a true record subject to Councillor Chamberlain's name being corrected in the attendance list.

***3 Declarations of interest**

There were none.

***4 Guidance/advice on Councillors meeting with developers update**

At the previous meeting, the Committee was presented with advice/guidance on councillors meeting with developers - this had been produced by the Monitoring Officer in consultation with the Devon Association of Local Councils and had been circulated to town and parish councils. The Committee had agreed that the Monitoring Officer should review the last paragraph of the advice/guidance in light of the Committee's discussions on whether parish and town councils should take notes of any meetings with developers.

The interim Monitoring Officer had reviewed the advice and amended the last sentence, advising that in the interests of transparency where a parish or town council had been involved with pre-application discussions with developers they should make this known at the time they submit their planning consultation response to the local planning authority. The Committee was advised that it was not the role of the Monitoring Officer to say whether the parish or town council should take notes of any pre-application discussions.

The Committee considered the reviewed advice/guidance and during discussion raised concern about the use of the word 'private' in the first sentence as it was considered that this implied that meetings were taking place 'behind closed doors'. An amendment to the wording of the first sentence was proposed and accepted by the Committee.

RESOLVED: that the reviewed advice/guidance to councillors on meeting with developers be agreed, subject to:

- the first sentence being amended to read 'It is up to each Town/Parish Council to determine whether circumstances exist to justify holding a confidential meeting. EDDC has no authority....'
- 'know' being corrected to 'known' in the last sentence.

5 **Probity in planning and lobbying by and of councillors**

At the Council meeting on 26 February 2014, Members agreed that a motion on lobbying be referred to Standards Committee for clarification and debate. Following discussion about the motion at their last meeting the Committee asked for a report on lobbying, particularly in relation to councillors and the planning process be brought to its next meeting.

The Committee considered the Deputy Monitoring Officer's report, which set out the current legal and constitutional safeguards in place concerning lobbying by, and of, councillors. Members were advised that the Planning Code of Good Practice had been reviewed following recent work undertaken by the body of Lawyers in Local Government; proposed minor revisions were set out in an appendix to the report. The Planning Code covered a range of issues such as lobbying, registering of interests, bias and predetermination. The safeguards in place aimed to make sure Development Management Committee (DMC) members did not have a closed mind when weighing up material planning considerations and that planning processes operated in a fair way.

Points made and questions raised during a lengthy discussion about the current safeguards in place concerning lobbying and the motion referred from Council included:

- Had there been any instances of a councillor reporting excessive lobbying to the Monitoring Officer for consideration? The Deputy Monitoring Officer did not recall any instances. [The Planning Code provides for members to inform the Monitoring Officer if they have been subject to excessive lobbying].
- Should Development Management Committee members attend pre-application public exhibitions?
- Ward members often, in the presence of officers, engaged with developers during the pre-application process.
- The Code of Good Practice set out clear rules about Councillor contact with applicants, developers and objectors, the lobbying of and lobbying by councillors and was sufficient with the proposed revisions included.
- Including an additional item on the DMC agenda requiring committee members to declare if they had been excessively lobbied would provide greater transparency in the decision making process.
- The Council needed to be seen to be doing all it could to address public concern about lack of transparency.
- Concern raised about potential conflicts of interest when considering an application due to council wide-policy. In response, it was advised that each planning application was considered on its own merits and only material planning considerations could be taken into account, including strategic planning policy. This point was emphasised to members during their comprehensive planning training.
- Declarations at DMC meetings should include any lobbying by a councillor as well as of details of lobbying of councillor.
- Failure to declare a pecuniary interest on a matter being considered was a criminal offence without reasonable excuse. However, there was currently no guidance as to what constituted a 'reasonable excuse' as this had not been tested through the courts. Any councillor acting as a paid lobbyist would be required to declare a pecuniary interest and was precluded from the decision making process.
- The principle of DMC members declaring whether or not they had been lobbied on any application on an agenda should be supported.

- Ward members making a representation at DMC try to influence members of the committee and therefore should be required to declare whether or not they had been lobbied.
- Focus should be placed on declaring inappropriate/excessive lobbying.
- Code of Good practice set out that any lobbying correspondence should be passed to the Development Manager which ensures it is on the public record.
- The creation of a central register to record all lobbying approached received by the DMC members was not supported by the majority of the (voting) Committee.

RECOMMEDATION: that the proposed minor revisions set out in the appendix to the report to the Planning Code of Good Practice following recent work undertaken by the body Lawyers in Local Government be agreed.

RESOLVED: that the item on probity in planning and lobbying by and of councillors be deferred to the next Committee meeting to allow the Deputy Monitoring Officer to draft a further discussion document on introducing declarations at Development Management Committee meetings where there has been significant lobbying of committee members by developers or supporters or those opposing an application.

*6 **Approach to induction/welcome programme following 2015 elections**

On 30 September, the Member Development Working Party met to consider:

- What pre-election information should be provided to prospective candidates – local and district councils – prior to the May 2015 elections.
- The welcome/refresher programme following the May 2015 elections.
- The information provided to newly elected councillors.

The minutes of the meeting had been included in the agenda paperwork for information.

The Democratic Services Manager advised that the Working Party meeting had been well attended with a lot of useful feedback received, such as:

- avoiding information overload – information should be provided in bite-sized pieces
- avoiding full days of training
- problem solving and working through examples were an effective way of learning
- newly elected councillors benefited from mentoring provided by experienced councillors
- retiring councillors be asked to take part in the induction process to share their experience
- Include 'meet the team' sessions to help councillors better understand the services provided by the Council
- Emphasise continual learning, particularly through observation and attending meetings

The Committee was invited to feedback any comments or suggestions on the approach to the induction/welcome programme. These included:

- Provide photos and contact details of the Senior Management Team and key staff
- Take newly elected councillors on a tour of the offices introducing them to key staff
- Encourage staff to wear their name badges at all times
- The Democratic Services Team had provided great support to newly elected councillors following the last district elections in 2011

The Democratic Services Manager thanked the Committee for their helpful input – this would be taken into account when finalising the induction/welcome programme.

*7 **Open and accountable local government**

The Committee noted new guidance for public and press on attending and reporting meetings of local government. The guidance set out new rights to allow members of the public, including citizens and professional journalists, to:

- use modern technology and communication methods such as filming, audio-recording, blogging and tweeting to report the proceedings of the meetings of their councils and other local government bodies
- see information relating to significant decisions made outside meetings by officers acting under a general or specific delegated power

The wording on committee agendas had been amended to reflect the new legislation.

*8 **Review of public speaking arrangements introduced in February 2014**

At their meeting in February 2014, Council agreed a number of changes, endorsed by the Committee, to the 'public question time' element of the public speaking arrangements (excluding Licensing and Enforcement and Development Management Committees): These changes were:

- a) Public Question Time be amended to 'Public Speaking' and statements to be accepted as well as questions. All contributions to be limited to a total of 3 minutes;
- b) Where a question is put, this to be put first, with any explanation or background to follow;
- c) Where the public wish to raise a question on an issue which is not included as an agenda item for the meeting, this to be submitted in writing to Democratic Services in advance (two clear working days before the meeting) to enable a considered response to be given in writing at the meeting if time permits. The speaker who has submitted the question two clear days in advance to be able to ask a supplementary question relevant to the original question. Two days' notice is not required if the question being put to the Committee relates to a subject already included as an agenda item. This change would be introduced initially for a six month trial period and then reviewed by the Standards Committee;
- d) Where questions are submitted in advance they should be displayed on a screen together with the written answer, if available (otherwise a verbal reply would be given). This approach to help Committee and the public better understand the issue(s);
- e) Questions (or statements) to be limited to those that relate to matters within the remit of the Council or related to matters the Council is able to influence.

The Committee was asked to consider whether the revised arrangements, which had been trialled for 7 months, had been effective. Members noted that to date there had been no questions submitted in advance of a committee meeting on an issue, which did not relate to an item on the agenda. During discussion members of the committee spoke of the need to improve the focus and size of the text projected onto the screen behind the top table, as it was often difficult for Members/members of the public to read what was written.

RESOLVED: that the new arrangements approved by Council in February 2014 for a 6 month trial period to the 'public speaking' agenda item on committee agenda (excluding Licensing and Enforcement and Development Management Committees) continue to be supported by the Committee.

***9 Complaint update**

The Committee considered and noted the report of the interim Monitoring Officer, which detailed the level of code of conduct complaints received since the last meeting.

The interim Monitoring Officer spoke of the importance of managing a complainant's expectations at an early stage in the complaint process by outlining the limited sanctions available to be imposed (or in the case of parish/town councillors recommended) even if a councillor was found to have breached the Code of Conduct.

RESOLVED: that the complaints update report be noted.

***10 Forward Plan**

The Committee noted the contents of the forward plan and future meeting dates. The item on probity in planning and lobbying of and by councillors would be included for the 20 January 2015 agenda.

Attendance list

Present:

Councillors:
Graham Godbeer (Chairman)
Susie Bond
Graham Chamberlain
Tony Howard
Frances Newth

Co-opted non-voting members:

Cllr Courtney Richards, Co-opted Parish/Town Council member

Attendance list cont...

Ray Davison, Co-opted Independent member
David Mason, Co-opted Parish/Town Council member

Also present:

Alison Willan, Independent Person

Councillors:

Ray Bloxham

Alan Dent, substitute Committee Member

Steve Gazzard

Roger Giles

Claire Wright

Officers:

Ian Clarke, Interim Monitoring Officer

Rachel Pocock, Deputy Monitoring Officer and Corporate Legal and Democratic Services Manager

Diana Vernon, Democratic Services Manager

Hannah Whitfield, Democratic Services Officer

Apologies:

Douglas Hull, substitute Committee Member

Tim Swarbrick,

John Walpole, Independent Person

Chairman Date

Minutes of a Meeting of the Audit & Governance Committee held at Knowle, Sidmouth on 20 November 2014

Attendance list at end of document

The meeting started at 2.30pm and ended at 5.10pm.

***25 Public Speaking**

There was no public speaking.

***26 Minutes**

The minutes of the Audit and Governance Committee meeting held on 25 September 2014 were confirmed and signed as a true record. Councillor Steve Gazzard wished to thank Simon Davey, Strategic Lead – Finance for sending him an A3 sized copy of the Statement of Accounts 2013/14.

***27 Declarations**

No declarations were stated.

***28 Audit and Governance Committee update**

External auditors, Grant Thornton, presented a report which provided Committee members with progress at 23 October 2014 in delivering their responsibilities as the Council's external auditors.

The paper included details on the following completed work:

- 2013-14 Accounts Audit Plan;
- Interim accounts audit;
- 2013-14 final accounts audit;
- Value for Money (VfM) conclusion;
- 2013-14 Certification work.

Members were delighted that Grant Thornton had issued an unqualified opinion about the Value for Money conclusion.

RESOLVED: that the Audit and Governance update from Grant Thornton be noted.

***29 Annual Audit Letter – Grant Thornton**

Ashley Allen of Grant Thornton presented the annual audit letter for EDDC, which summarised the audit activity undertaken over the last financial year. He was pleased to report that the key messages on the financial statement were that there were

- No material errors were found during the course of their audit in the draft accounts presented for audit;
- The accounts were produced to a good standard; and
- All requests for additional information were dealt with promptly by the finance team

Ms Allen was able to issue an unqualified opinion on the Council's 2013/14 financial statements and VfM conclusion for 2013/14 on 25 September 2014.

Members noted that Grant Thornton's audit fee was £80,375 excluding VAT, which represented a reduction of 2% from the previous year. There were two significant recommendations in the report regarding the Estates Section's areas of responsibility.

One was around the rolling property, plant and equipment programme not meeting the Code's requirement in paragraph 4.1.2.35 to value items within a class of property, plant and equipment simultaneously. The other was met through testing of property, plant and equipment, it was noted that there were five assets that had not been revalued in the last five years.

RESOLVED:

1. that the Annual Audit Letter from Grant Thornton be noted;
2. that the Asset Management Forum be requested to consider the two significant recommendations listed in the report.

***30 Risk Management Review**

Members considered the report of the Management Information Officer on the first full risk review of 2014/15.

Members noted that the EDDC's Risk Management Policy required all risks identified by the Council to be reviewed bi-annually. There were currently 12 Strategic and 109 Operational Risks, each when first identified were considered high or medium level risks which required some form of mitigation through control actions. For the first full review for 2014/15 all risk owners were asked to reassess the overall risk, update their control action/s and re-score the risk to give a residual score in light of the mitigation from the control actions undertaken.

In the full risk register there was one risk which was currently scored as high:

- Loss of supporting people contracts would mean a significant loss of income that part pays for the housing related support service received by EDDC's tenants in sheltered housing – Impact: Serious. Likelihood: Very Likely.

Members raised concerns that 50 risks were attached to the Strategic Lead – Housing, Health & Environment. It was pointed out that in practice these risks would be shared between different teams dealing with these responsibilities. A request was made that the ownership of risk should be allocated to those responsible in the report.

Regarding the Safeguarding Children policy, in response to a question the Management Information Officer reported that the Safeguarding Children policy was a compulsory read for all members of staff. It was considered that, as the policy was so important Councillors should be required to read it as well.

RESOLVED: 1. that the current status of risks following the full risk review undertaken in September/October 2014, be noted;

2. that in future the report be updated to show the ownership of risk allocated to those members of staff actually responsible for the risk.

***31 Office Relocation Project Assurance**

The Audit Manager, South West Audit Partnership (SWAP) provided a verbal report on assurance over the Office relocation project. He reported that he was a member of the Office Accommodation Working Group and was actively involved in overseeing its work.. Andrew Ellins, Audit Manager, SWAP, confirmed that he would continue to give regular reports back to the Committee to give assurance on the Office Relocation project from an internal audit point of view.

The Office Accommodation Working Group met every 4 – 6 weeks and Andrew Ellins, Audit Manager sat on it as an independent observer. He gave advice in terms of best practice and on audit issues. He confirmed that the Office Relocation project had an up to date Risk Register and risks in the project were well managed. The job of the Audit & Governance Committee was to ensure that there was a Risk Register in place and that the project was properly managed. Andrew Ellins, confirmed the probity and accuracy of the reports given so far and that each decision taken had been in line with standing orders.

The Audit Manager, SWAP was thanked for his report. He confirmed that he would make a report on the Office Relocation project at each meeting of the Committee.

***32 Medium Term Financial Plan**

Members received a presentation by the Strategic Lead – Finance on the Medium Term Financial Plan. Members noted that there was an anticipated deficit in 2015/16 of £400K, increasing to £2.8M by 2020/21, which was highlighted as a risk to the Council. However, the Strategic Lead – Finance, updated Members on ways of meeting this deficit by a mixture of income generation and cost saving which officers were currently putting together proposals on for members consideration in the new calendar year.

It was noted that the Waste & Recycling contract was large area of expenditure - the current contract ended in 2016. There was a Waste & Recycling Commissioning Group set up to look at this contract. It was investigating possible cost savings measures, such as switching to four weekly collections, which had been successful and saved money in other local authority areas.

Members of the Committee congratulated Simon Davey, Strategic Lead – Finance and his Finance Team on how well the Council had met its financial deficits so far and the plans in place to meet future anticipated financial deficits. Simon Davey agreed to supply Councillor Steve Gazzard with an A3 copy of his presentation.

33 Housing land supply Update

The Committee considered the report of the Planning Policy Manager, which updated Members of the Committee on ongoing work. It advised of:

- Projected high levels of future housing development;
- Programmed improvements to ICT systems
- Funding for a new housing delivery office post; and
- Future key areas of work.

Richard Cohen, Deputy Chief Executive reported that the Council were working on making the economy function a more robust area of the authority. This would include appointing a new Economic Development Manager and Development Manager. This would also include updating the Council's Economy Plan and a review of the way the Council went about strategic planning and planning policy processes to see if a more corporate approach could be adopted. The suggestion was of a review of process for strategic planning decision making currently undertaken by Development Management Committee. Members of the Committee considered that planning should not just be seen as a regulatory function, but also an enabling one.

During discussion the following points were noted:

- There needs to be a more joined up and holistic approach to economic activity;
- Development in East Devon should be pursued in a sustainable way;
- There should be a review made of the way the Council considers planning matters to see if there could be a more corporate approach;

- It was not clear whether there was currently an oversupply or undersupply of housing in the district, the SHMA findings would help provide clarity on this issue;
- The prospect of the larger planning applications going before other Council bodies rather than or in addition to Development Management would be welcomed;
- Discussion was underway about putting a system into the Council actively supporting and promoting high quality development;
- The Committee wanted to see more control taken of the risk of the Council having no Five Year Land Supply;
- Consideration should be given for a strategic process whereby there would be a Portfolio Holder in place who would report to Cabinet and who would take a lead on strategic planning matters;
- Planners should be encouraged to lead the development process and talk to land owners about where they would like to see development taking place;

RECOMMENDED: that the Deputy Chief Executive be tasked with carrying out a review to achieve the objective of determining strategic planning matters for the Council through Cabinet and a Portfolio Holder being appointed to lead on this role and the Constitution be amended appropriately with effect from the next Annual Council, the aim being to establish a greater understanding and approach to policy matters and reduce the risk to the Council.

***34 Thelma Hulbert Gallery**

The Countryside & Leisure Manager updated the Committee on the current position regarding the Thelma Hulbert Gallery. He reported that the Gallery had just won the Devon Tourism awards for Access & Inclusivity category.

Members noted the progress made since the report to the Cabinet meeting in March and the grants awarded to the Gallery and income generated.. A report would be made to the January meeting of Cabinet on the final position for the Gallery.

During discussions the following points were noted:

- the Committee should review and monitor the progress of the Gallery in financial terms;
- there was competition from the Beehive for space for art displays in Honiton;
- there were social benefits of the Gallery working in the community;
- the Gallery was an expense not warranted by the Council;
- a much lower level of subsidy was given to sport in East Devon when compared with the losses made by the Gallery;
- Elmfield House was too small a building to house a successful Gallery;
- EDDC as a Council had not decided what it wanted to spend on arts and sport and should set aside an amount of money to spend on these areas;
- the issue of getting the best value for the public purse.

RESOLVED:

1. that the report be noted;
2. that it be noted the Committee wish to express no confidence that the Thelma Hulbert Gallery will ever make a profit and therefore is considered to be a waste of public money.

***35 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 January Committee included:

- Internal Audit Activity – Quarter 2 2014/15
- Office relocation project update
- Audit Committee update
- Certification Report
- Thelma Hulbert Gallery update
- Risk Management Review
- Five year land supply

RESOLVED: that the updated Forward Plan be noted.

Attendance list

Present:

Councillors

Ken Potter (Chairman)

Peter Bowden (Vice Chairman)

Roger Boote

Bob Buxton

Steve Gazzard

Steve Hall

Tony Howard

Geoff Pook

Also Present:

David Cox

Ian Thomas

Officers:

Chris Lane, Democratic Services Officer

Simon Davey, Head of Finance

Charlie Plowden, Countryside & Leisure Manager

Richard Cohen, Deputy Chief Executive

Matt Dickins, Policy Manager

Joanne Avery, Management Information Officer

Andrew Ellins, Audit Manager, South West Audit Partnership (SWAP)

Ashley Allen, Senior Audit Manager, Grant Thornton

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Committee held at Knowle, Sidmouth on Wednesday, 19 November 2014

Attendance list at the end of the document

The meeting started at 9.30am and ended at 10.35am

*7 Minutes

The minutes of the meeting of the Licensing & Enforcement Committee held on 27 August 2014, were confirmed and signed as a true record.

*8 Declarations of interest

Councillor Steve Hall

Minute 96

Disclosable Pecuniary Interest – private hire licence holder

Councillor John O'Leary

Minute 9

Disclosable Pecuniary Interest – personal licence holder

*9 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

It was noted that the Sidmouth Folk Festival was again held this year between 1 and 8 August 2014. Officers were involved in checking both licensed premises and the trade stalls along the Esplanade on Sidmouth Sea Front. The festival was well run and did not cause any licensing issues. The event organisers had a debrief on each morning of the Folk Week to identify any issues from the previous 24 hours. Both the Chairman and Vice Chairman made a personal visit viewing the trade stalls along the Esplanade and calling at several of the premises licensed by the Folk Festival.

On 23 October 2014 officers attended a private members club in Exmouth following complaints about how the premises were being run. Following discussions the club submitted a temporary event notice for an event scheduled to run at the premises and agreed to apply for a new premises licence.

Since the last report two premises licences have been suspended for failure to pay their annual fees. One of the premises was situated at Yarcombe and the other at Woodbury. John Tippin, Licensing Manager explained that a list of all those premises who had their licences suspended due to non payment of licensing fees had been circulated to members. There were a total of five on the list.

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

Members noted that the Government had introduced changes to the mandatory premises licence conditions made under the Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 which came into effect on the 1 October 2014. The Order effectively amends the current mandatory conditions created in 2010 which related to irresponsible drinks promotions, provision of free drinking water, an age verification process and the provision of small/minimum measures.

2. Gambling Act 2005

Members were reminded 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

Notice of an appeal relating to Honiton and Seaton applications has since been received from the applicants’ agent Mr Richards, and an initial hearing was held at Exeter Magistrates Court on 6 October 2014. A date for the full appeal to hear the cases has been set for Friday 19 December 2014.

3. 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. But the minutes of the bi-annual meeting between Members, Hackney Carriage Proprietors and Officers held on 30 October 2014 were attached to the report. The next meeting had been arranged for Wednesday 1 April 2015 at 2.30pm in the Council Chamber.

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. But to date the works had still not been started by Devon County Council. Councillor

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

Pauline Stott reported that it was anticipated that the County Council would start on this work in January at the same time as the new bus shelter.

A letter had been received by the District Council from Beer Parish Council requesting the removal of a single taxi rank in Beer and its conversion to general street parking. This issue was being researched to include consultation with the highways authority and taxi and private hire operators who trade in that part of Devon. Following completion of research a report would be brought to the next meeting of the Committee. Also included would be a list of the locations of all taxi ranks in East Devon for members' information.

4. General Licensing including Animal Licensing and skin piercing
Members noted that the District Council had recently had two zoo applications pending. The first was for land outside the Greendale Farm Shop, Sidmouth Road, Farringdon and the second for Bicton College. The College was developing a business based on the college's new animal husbandry school. Following successful inspections carried out by a specially qualified vet nominated by the Department for Environment Food & Rural Affairs (DEFRA) the Council had been able to issue both licences.

The Council now had a total of six zoo licences in existence. These were at Crealy Park, Escot, Axe Valley Animal Park and World of Country Life, Greendale Farm Shop and Bicton College.

Members noted that November and December was always a busy time for animal licensing in the Council as all the Pet Shop and Animal Boarding licences come due for renewal on the 31 December. In addition to the paperwork and liaison required between the Licensing staff and the licence holders it was necessary to arrange for the 12 pet shops to be inspected by a vet and the 22 boarding establishment (kennels and catteries) to be inspected by officers.

5. Ongoing monitoring

The Chairman acknowledged the value of the update reports prepared by John Tippin. Licensing Manager for each meeting. The Chairman was aware of the ongoing work carried out through the budget process in monitoring the level of fees to ensure that these remained sufficient to recover the costs of the service. If this work indicated a need to increase fees, this would be the subject of a report to Cabinet, with Council then agreeing any increase. The Committee would be copied into any such proposal.

RESOLVED:

that the report be noted.

Attendance list

Councillors present

Steve Hall (Chairman)

Jim Knight (Vice Chairman)

Peter Burrows

Maddy Chapman

Steve Gazzard

Frances Newth
Ken Potter
Pauline Stott
Peter Sullivan
Tom Wright
Pat Graham
John O'Leary

Officers present

John Tippin, Licensing Manager
Neil MacDonald, Licensing Officer
Chris Lane, Democratic Services Officer

Apologies:

Councillors:
David Atkins
Bob Buxton
John Jeffery
Officers:
Giles Salter

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Licensing &
Enforcement Sub-Committee held at Knowle, Sidmouth on
Monday, 10 November 2014

Attendance list at the end of the document

The meeting started at 10.00 am and ended at 11.00 am

- *14 Minutes
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 20 August 2014, were confirmed and signed as a true record.
- *15 Declarations of interest
There were none.
- *16 Application for the variation of a premises licence to extend the existing hours for the sale of alcohol off the premises to 24 hours a day seven days a week and to remove condition 6 of Annexe 2 of the existing licence at Shell Exmouth, 223 Exeter Road, Exmouth

The Sub Committee gave consideration to an application for variation of a Premises Licence to extend the existing hours for the sale of alcohol off the premises to 24 hours a day seven days a week and to remove condition 6 of Annexe 2 of the existing licence at Shell Exmouth, 223 Exeter Road, 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 residential area of Exmouth and its physical relationship with other residential and commercial properties in the vicinity.

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's case was at the hearing that this was a variation to remove condition 6 of Annexe 2 of their current licence that restricted late night refreshment to the sale of hot drinks and soup only and there had been no representations on this aspect of the application.

- *16 Application for the variation of a premises licence to extend the existing hours for the sale of alcohol off the premises to 24 hours a day seven days a week and to remove condition 6 of Annexe 2 of the existing licence at Shell Exmouth, 223 Exeter Road, Exmouth (Cont)

With regard to the 24 hour licensing for alcohol sales – Council (Professor Light) referred to the Council's Licensing Policy at Section 6.6 and Government Guidance.

The previous application in November 2012 had originally been for 24 hour alcohol sales but the applicant had agreed to reduced hours at that time to work with the residents who had concerns. This application was in front of the Sub Committee following two years of trading under the present licensing conditions. There were no issues concerning the three licensing objectives and it was important to note that the Police and other Responsible Authorities had not made representations.

Mr Fletcher the premises manager had had a conversation with one resident to allay fears of the increased hours for the sale of alcohol. The Town Council's representations were very similar to those on the previous application and there was nothing in the current application which evidenced the fears of the residents or nursing home.

The applicant's representatives, Locketts had 22 years experience of making this type of application and putting together the paperwork, with policies required.

Regarding public safety and the prevention of public nuisance the petrol station was in a residential area and next to a nursing home.

At the hearing Town Councillor Tim Dumper stated that he was representing the Town Council and in particular the Planning Committee who were the democratically mandated body. He stated there was concern about this application because it was felt by the Town Council that the 'spirit' of good neighbourliness had been compromised. He believed that the current position of the sale of alcohol between 5.00am and 12 midnight had been an indefinite agreement and that this had now been superseded by the new application.

He stated that there were concerns over the sale and consumption of alcohol in the area and that a number of residents had raised concerns to town councillors, although there were no concerns raised with the Licensing Authority or the Police.

A further relaxing of sales would endanger a quiet residential area. The nursing home and residents wanted to be good neighbours to the business.

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.

- *16 Application for the variation of a premises licence to extend the existing hours for the sale of alcohol off the premises to 24 hours a day seven days a week and to remove condition 6 of Annexe 2 of the existing licence at Shell Exmouth, 223 Exeter Road, Exmouth (Cont)

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 sale of alcohol and late night refreshment shall be as set out in the Appendix A.
 - c) Condition 6 of Annexe 2 of the premises licence will be removed, all other existing conditions shall continue.
 - d) The mandatory conditions of Section 19 of the Licensing Act 2003 shall be imposed.

the designated Premises Supervisor will be: Nigel David Fletcher, 17 Claredale Road, Exmouth, Devon, EX8 2EE.

2.

**Attendance list
Councillors present**

Steve Hall (Chairman)
Frances Newth
Tom Wright

Councillor also present:
John Jeffery

Councillor apology from non member of the Sub Committee
Steve Gazzard

Officers present

Giles Salter, Solicitor

Neil MacDonald, Licensing

Chris Lane, Democratic Services

Chairman Date