

Agenda for Council

Wednesday, 16 December 2015; 6.30pm



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

Venue: Council Chamber, Knowle, Sidmouth, EX10 8HL

[View directions](#)

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Prior to the formal start of the meeting, the Chairman will invite Revd Handel Bennett to say a prayer

Dear Sir/Madam

Meeting of the Council of the District of East Devon on Wednesday 16 December at 6.30 pm

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

Yours faithfully

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

Chief Executive

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

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

If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chairman has the power to control public recording and/or reporting so it does not disrupt the meeting.

Agenda:

- 1 [Public speaking](#)
- 2 Minutes of the Council meeting held on [21 October 2015](#)
- 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	107 - 121, 122 - 141
†Overview Committee	Minutes	14 - 23
†Scrutiny Committee	Minutes	25 - 33, 34 - 40
†Overview and Scrutiny Committees – joint meeting	Minutes	9 - 14
†Housing Review Board	Minutes	34 - 48
Development Management Committee	Minutes	44 - 51
Audit and Governance Committee	Minutes	25 - 32
Licensing and Enforcement Committee	Minutes	13 - 18
Licensing and Enforcement Sub Committee	Minutes	21 - 24

†The recommendations of these meetings have already been referred to Cabinet for consideration
- 10 Changes to representation on Outside Body

Allocation of representative(s) on outside body - SELCA

To formally allocate Councillors (one member plus two substitutes) to formally represent this Council at future meetings of Salisbury-Exeter Lineside Consortium of Authorities (SELCA). Formal representation from this Council would appropriately acknowledge the importance of rail transport to the district and help to promote future improvements to the service

Councillor Stuart Hughes currently attends the meetings in a reporting capacity as Transport Portfolio Holder for Devon County Council.

EDDC nominees are David Foster, with Brian Bailey and Phil Twiss as substitute members.

- 11 To receive a presentation by Exeter City Football Club on their Football in the Community work, which aims to deliver inspiring physical activity, health and wellbeing and educational services for people of all ages across Devon.

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

[Decision making and equalities](#)

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Meeting of the Council – 16 December 2015

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EAST DEVON DISTRICT COUNCIL

Minutes of the Meeting of the Council held at Knowle, Sidmouth, on Wednesday, 21 October 2015

Attendance list at the end of document.

The meeting started at 6.30 pm and ended at 7.55 pm

***31 Public Speaking**

The Chairman welcomed those present and invited members of the public to speak to the Council.

Denis O'Day spoke as a member of Save Exmouth Seafront. Mr O'Day questioned a perceived lack of progress being made and the chosen developer's financial record and ability to meet deadlines. He asked the Council to ensure that it practised due diligence throughout the process. Mr O'Day advised that Exmouth Beach was the Number One attraction according to Trip Advisor and asked the Council to guard against over development.

Annie MacAllister spoke on behalf of Save Exmouth Seafront. She said that the development plans would not meet the needs of children. Why use a splash park when there was the sea? The town already had a cinema. Annie said that she liked the seafront as it was and that the development plans would not match up to what was already there. She asked the Council to listen to the views of children.

In response, the Chief Executive referred to the Council's press release in June which set out the proposals and processes for the Queen's Drive redevelopment which was still in its infancy. More work would be carried out with the community and chosen developer to make sure that the needs of all interest groups were taken into account. The Council was currently in a legal process with the existing tenants on the Queen's Drive site and so it was not appropriate to make further comment at this stage.

Anna Roderick spoke of the Syrian refugee crisis. She said that she was aware that EDDC was working behind the scenes in its role within the Government's plans to resettle 20,000 Syrian refugees throughout the UK over the next 5 years under the Syrian Vulnerable Persons Scheme (SVPS). She appreciated that there was much effort and energy needed to provide a co-ordinated and practical response. She referred to the significant will amongst ordinary local people to respond to the crisis and asked that this be born in mind. She asked how many refugees had EDDC committed to resettle under SVPS.

In response, the Chief Executive advised that the Council was working through Devon County Council as lead social services provider in the county. It was anticipated that the majority of Syrian refugees within Devon would be settled in Exeter and Plymouth but there would be 4 or 5 families homed within East Devon annually over the next 5 years. He confirmed the significant co-ordination work being put in place behind the scenes; support was not just about housing provision but included cultural orientation, benefit entitlement, primary and secondary medical care, education and social provision. Agencies and authorities were working together to ensure that the package of essential support was in place.

The Chief Executive agreed that the crisis was not just a council responsibility; local people would also play a crucial part. The church network was already involved and members of the public willing to help should supply their contact details to the co-ordinators.

Councillor Jill Elson, Portfolio Holder – Sustainable Homes and Communities confirmed the work being carried out ‘across the board’ to ensure that a full package of support was available for the most vulnerable refugees who would be coming to Devon over the next few years.

***32 Minutes**

The minutes of the Extra Ordinary meeting of the Council and of the Ordinary meeting of the Council – both held on 29 July 2015 - were confirmed and signed as a true record.

***33 Declarations of interest**

Councillor Phil Skinner – Minute No.36

Type of interest – Personal

Reason – Member of National Farmers Union

***34 Chairman/Leader notices/announcements**

- a) The Chairman had extended sincere condolences on behalf of the Council to Councillor Brenda Taylor whose husband had recently died. The Chairman advised of the funeral arrangements.
- b) The Leader was pleased to announce that the Council had won the South West Councils Local Authority Challenge 2015. Although most teams were from individual authorities, our team had chosen to have the extra challenge of being a joint team with Exeter and Teignbridge Councils. Ed Freeman and Amy Gilbert were the EDDC members on this successful team.
- c) The Leader congratulated the Growth Point Team for its recent success. Cranbrook had been entered into the Inside Housing's Top 60 awards in the Best Affordable Housing Development category. Cranbrook had won both the Affordable Housing Development of the Year award and the Best Overall Scheme award.
- d) The Leader also referred to the breaking news about a signed agreement between edf energy and China Nuclear Power Corporation for nuclear power provision at Hinkley Point, Somerset. This would create 25,000 new jobs.

***35 Long Service Awards**

The Chairman said that it was always a pleasure to present service awards to long-serving staff; it was an ideal opportunity to thank them for their valued contribution. The Chairman highlighted the achievements of the members of staff who were then awarded their certificates by the Vice Chairman.

Karen Arnett:	Environmental Health Technical Officer	10 years
Rodney Brooks:	Building Cleaning Team Leader	10 years
David Clode:	Environmental Health Technical Officer	47 years -23 for EDDC

***36 Presentation – National Farmers' Union (NFU)**

Andrew Butler, Devon County Advisory South West NFU gave a presentation on the current agricultural position and potential for growth. The presentation included statistical information on current trends, challenges (including increased market volatility and decline in self-sufficiency), and why the industry was vital to the national and local economy. Growth within the industry meant that farmers could reinvest and diversify. A strong farming sector had a positive impact on the wider supply chain (including consumers, retailers and businesses built around, and reliant, upon agriculture). British farmers had an enviable worldwide reputation for maintaining high standards of produce, traceability, and animal welfare.

Mr Butler said that EDDC could help by:

- Promoting the Back British Farming message
- Ensuring the new Local Action Group – Make it Local, delivers real benefit to farming businesses
- Promoting the farming sector through to the Local Enterprise Partnership
- Ensuring that the needs of the farming industry are fully recognised within the upcoming Local Plan. Importantly, recognising that in order to stay competitive the industry must continue to adapt and invest.
- Through the wider planning regime, supporting good applications that deliver jobs and growth to the economy (either direct agriculture or diversified businesses)
- Continuing to push for increased broadband provision in rural areas

Members were invited to ask any questions. Issues raised included:

- Agriculture was within the remit of the Economy Portfolio Holder – it was important that the Council was aware of the connectivity between farming and the wider economy. Farmers also help to protect the countryside.
- There was a challenge of land-use between food and energy production. This was an old challenge - traditionally hay was grown for working farm horses. The modern equivalent was use of anaerobic digesters and solar farms, which helped to support the energy mix. Farmers had to balance their land use to ensure the viability of their business.
- Young people were being encouraged to return to agriculture as a career – it was now regarded as a high-tech industry requiring highly qualified workers.
- The Farm-wise initiative run by Devon Farm Estates to educate school children on farming and food production could be widened to educate the wider community.
- The proposed Local Plan included opportunities to include dwellings on existing farms to house the next generation of farmers as a way of keeping young people on the land.
- Farm theft and security continued to be a problem. The Police were now taking rural crime much more seriously, recognizing this as a business crime. Those within agriculture were working with the Police but the reduction in Police resource would have a negative impact on this work.
- One of the challenges to the British Farming industry was cheap imported food. British farmers continued to maintain high welfare standards despite the competition and had built a worldwide reputation for its produce. However, British produce would never be the cheapest due to cost of production.

The Chairman thanked Mr Butler for his informative presentation.

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

Three questions had been submitted in accordance with Procedure Rule 9.2 - the printed [questions and answers](#) were circulated at the meeting. Councillors submitting questions are entitled to put a related supplementary question (Procedure Rule 9.5). The responses to the supplementary questions are set out below.

- a) Question 1 – In response to a supplementary question, the Leader said that he had not been inundated with emails about beach hut arrangements.
- b) Question 2 – In response to a supplementary question about potential transfer of Windsor Gardens to the Seaton Town Council, the Leader advised that he would investigate and respond in writing.

***38 Minutes of Cabinet and Committees**

RESOLVED

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

Cabinet

Minutes 58-73, 74-89, 90-106

Development Management Committee

Minutes 23-27, 28-33, 34-43

Standards Committee

Minutes 1-8

Audit and Governance Committee

Minutes 15-24

Licensing and Enforcement Committee

Minutes 6-12

Licensing and Enforcement Sub Committee

Minutes 1-6, 7-12, 13-15, 16-18, 19-20

2. that the under-mentioned minutes be received.

Cabinet (minutes 65, 98, 99, 100) had noted or accepted the following Overview/Scrutiny Committees' recommendations with or without amendment.

Overview Committee

Minutes 6-13

Scrutiny Committee

Minutes 8-16, 17-24

Housing Review Board

Minutes 17-33

Arising from consideration of the above minutes:-

a) Exmouth Regeneration (Cabinet Minute 102)

Speakers raised a number of issues in respect of:

- the loss of two popular local businesses on Exmouth Seafront
- public concern as evidenced during public speaking at the start of the meeting.

- Request that the Council undertake an independent consultation exercise before any further regeneration is carried out.
- the reputation of the proposed developer of the Queen's Drive site was questioned - to achieve due diligence, the proposal and associated issues should be referred to Scrutiny Committee.
- The aim of the regeneration now seemed to be to bring money to the Council to bridge funding gaps and not for the wider community benefit.
- Exmouth beach was not just important to Exmouth residents – the Council needed to find a way to achieve improvements without destroying its appeal.

The Leader noted the wide-ranging comments raised and advised that a written response would be given.

The Chief Executive noted comments and suggested that Councillors should take note that there will be future consultation around planning for Exmouth Seafront. He referred Members to the Council's press release and reminded Members of the need to respect the legal processes currently going through.

b) Scrutiny Committee – 17 September 2015

Councillor Peter Burrows to be added to the list of Councillors present.

c) Housing Review Board – 10 September 2015

In presenting the minutes of the meeting, the Chairman, Councillor Pauline Stott asked Councillor Jill Elson, Portfolio Holder – Sustainable Homes and Communities to update Members on action taken in respect of the Government's proposed reduction in rents (1% for 4 years).

Councillor Elson confirmed that a deputation including herself, the Strategic Lead – Housing, the two local MPs and Councillor and Officer equivalent representatives from Mid Devon District Council had now met with the Minister for Housing to argue the case – but with little success. Consideration was now being given to putting the argument to the Public Bills Committee. The visit gave both Councils a useful opportunity to speak with the Local MPs – John Golding, Strategic Lead – Housing had given an excellent briefing. The most positive and immediate outcome was that the local MPs were now fully informed and would be kept in the picture to use their influence within Parliament whenever possible.

Councillor Douglas Hull applauded Councillor Elson for her strong backbone and for standing up for the rights of ordinary people.

d) Audit and Governance – 24 September 2015

In presenting the minutes, the Chairman, Councillor Mark Williamson, drew Members' attention to the very positive report from the external auditors and the auditor's praise for this Council for being innovative in identifying ways to ensure it had a strong future. Councillor Williamson extended credit and appreciation to Simon Davey, Strategic Lead – Finance and his colleagues.

***39 Member Champion - Leader appointment
RESOLVED**

that Councillor David Chapman be appointed Member Champion for Sport and Recreation.

***40 Committee Vice-Chairman appointment**

Councillor Mike Allen had resigned as Vice Chairman of the Overview Committee but would remain as a Committee member.

RESOLVED

that Councillor Graham Godbeer be appointed Vice Chairman of the Overview Committee for the remainder of the civic year.

Attendance list

Councillors present:

Stuart Hughes (Chairman)
Helen Parr (Vice Chairman)
Mike Allen
Megan Armstrong
Brian Bailey
David Barratt
Dean Barrow
Susie Bond
Matthew Booth
Colin Brown
Peter Burrows
Paul Carter
David Chapman
Maddy Chapman
Iain Chubb
Alan Dent
Paul Diviani
Jill Elson
Peter Faithfull
Cathy Gardner
Steve Gazzard
Roger Giles
Graham Godbeer
Pat Graham
Alison Greenhalgh
Simon Grundy
Ian Hall
Mike Howe
Douglas Hull
Ben Ingham
Geoff Jung
David Key
Jim Knight
Rob Longhurst
Andrew Moulding
Bill Nash
Cherry Nicholas
John O'Leary
Christopher Pepper
Geoff Pook
Val Ranger
Marianne Rixson
Philip Skinner
Pauline Stott

Ian Thomas
Phil Twiss
Mark Williamson
Eileen Wragg
Tom Wright

Honorary Aldermen:

Christine Drew
Stephanie Jones
Ann Liverton
Graham Liverton
Frances Newth
Tim Wood

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Henry Gordon Lennox, Strategic Lead – Legal and Democratic Services
Diana Vernon, Democratic Services Manager

Councillor apologies:

Peter Bowden
Matt Coppel
Roger Giles
Maria Hale
Marcus Hartnell
John Humphreys
Dawn Manley
Brenda Taylor

Honorary Aldermen apologies:

Trevor Cope
Bob Peachey
Ken Potter
David Scott

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of the meeting of Cabinet held
at Knowle, Sidmouth on 4 November 2015

Attendance list at end of document

The meeting started at 5.32pm and ended at 7.16pm.

***107 Public Speaking**

Richard Gibbs spoke on behalf of the Sidmouth Residents Association concerning item 12 on the agenda; vehicle related anti-social behaviour in car parks. He asked for night closures at the Manor Road car park, Sidmouth from 9pm to prevent 'boy racers', speeding and loud music. Local residents had their sleep interrupted by the noise from these cars. He informed the committee that lawful use of the car park at night was minimal and it was not used by businesses or hotel visitors. He pointed out the speed bumps do not prevent entry into the car park and barriers worked elsewhere in the county. He reminded members that EDDC had a duty to stop nuisance such as this.

Eric Bowman spoke on behalf of the Seaton Residents Association on the same issue. He informed members they now had an opportunity to solve the problem of 'boy racers'. Such aggressive driving late at night was intimidating to members of the public. The Underfleet car park in Seaton was used as a race circuit finishing back at the car park. He recommended the installation of barriers and 30 miles per hour enforcement signs.

Sergeant Andy Squires, Community Policing Officer for Sidmouth and Seaton, spoke from a police perspective stating this was a partnership problem. Catching these drivers was very difficult as they needed witnesses in order to prosecute. He spoke of the need for education, enforcement and engineering as there would always be 'boy racers', hence the need for a long-term solution. He supported the installation of barriers to stop entry with the facility to leave to car parks.

***108 Minutes**

The minutes of the Cabinet meeting held on 7 October 2015 were confirmed and signed as a true record.

***109 Declarations**

None

***110 Exclusion of the public**

There were no confidential items which officers recommended should be dealt with in this way.

***111 Matters referred to the Cabinet**

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

***112 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 December 2015 to 31 March 2016.

***113 Minutes of the Arts and Culture Forum on 18 September 2015**

Members received and noted the minutes of the Arts and Culture Forum on 18 September 2015. Members noted that Councillor John O'Leary had been elected Chairman of the Forum for the ensuing year and that Douglas Hull was appointed Vice Chairman. Particular

thanks had been given to the Manor Pavilion Theatre manager and his team for all their hard work.

***114 Notes of the Budget Working Party on 8 October 2015**

Members received and noted the notes of the Budget Working Party held on 8 October 2015.

RESOLVED (1) that the following decision be noted:

Minute 3 – Financial Plan and Transformation – actions update 2014/15

1. that the current budget position be noted and action identified through the Transformation Strategy be supported,
2. that town and parish councils be advised of the anticipated reduction in the Council Tax Support Grant for 2016/17 as 27% maximum – in line with the reduction being made by the Government.

115 Minutes of the Scrutiny Committee held on 15 October 2015

Members received and noted the minutes of the Scrutiny Committee held on 15 October 2015. The Chairman of Scrutiny thanked members of the committee as well as other councillors for their input into the meeting. He especially wanted to thank officers; in particular Debbie Meakin, Democratic Services Officer, for their guidance help and support.

Discussions included:

- representations were made to the local MPs concerning cuts to the police service
- the formula to which the policing cuts were considered, for example tourism figures were not considered alongside residential numbers
- the operation of the Asset Management Forum should be public, with the need for working bodies operating in private to avoid Part B (confidential) items being on agendas

RESOLVED (1) that the following be noted:

Minute 33 - Scrutiny Forward Plan

RESOLVED (2) that the following decisions be supported:

Minute 31 – Changes to Scrutiny practices based on best practice.

To adopt the practices recommended as follows:

- Sharing of forward plans of the Cabinet, Scrutiny Committee and Overview Committee to raise awareness of issues for each;
- Encourage Single Member Studies for an elected member to research a specific topic to feed back to the committee that include scope and regular update;
- Receive regular updates from Task and Finish Forums prior to the final report;
- Request written submission from external bodies or witnesses if they are not able to attend a meeting of the committee in person.

RECOMMENDED (1) that the following recommendations be referred to Council for determination:

Minute 29 - Crime and Disorder Update

that Council conveys to the Home Secretary that the proposed cuts for the police service would severely impact on Police Community Support Officers and other front line staff and must be resisted; the issue also to be raised with the local Members of Parliament.

Minute 30 – Asset Management Forum

1. that the Asset Management Forum, a forum appointed by Council to advise the Cabinet, be allowed to meet in public, with reports meeting exemptions being heard when public and press are excluded under “Part B”;
2. that questions and statements from the public be permitted on agenda items of Asset Management Forum that are not considered in “Part B” as per the practice adopted by Cabinet, and the Overview and Scrutiny Committees;
3. that agendas and minutes of the Asset Management Forum be published as per the access to information procedure rules.

Minute 31 - Changes to Scrutiny practices based on best practice

1. that Portfolio Holder update reports are provided to the Scrutiny Committee in writing at least once each civic year, thereby giving the committee opportunity to invite the Portfolio Holder back to respond on specific issues of interest to the Scrutiny Committee;
2. that the Council’s constitution be amended to reflect these changes.
3. That a report dealing with the issues raised from minutes 30 and 31 was sent back to Cabinet.

116 Empty Homes Plan 2015 - 2019

The report was to seek agreement from Cabinet to adopt the Empty Homes Plan 2015 – 2019. The Strategic Lead Housing, Health and Environment spoke of empty homes being a wasted resource, especially when there was pressure for good quality affordable housing in the district. The plan was simple with changes in legislation making the task a little easier. The plan followed good practice but was proportionate and relevant to the local area.

The Portfolio Holder Finance requested the cost figures and potential financial gain be reported to Cabinet.

RECOMMENDED:

1. that the Empty Homes Plan 2015 – 2019 be adopted
2. that the cost figures and potential financial gain be reported to Cabinet.

REASON:

The previous plan expired in 2014; Cabinet was asked to agree formal adoption of this plan.

***117 Vehicle related anti-social behaviour in car parks**

The Service Lead - Environmental Health and Car Parks asked members to consider reports of vehicle related anti-social behaviour in Sidmouth's Manor Road car park and Seaton's Jurassic car park and to propose a solution to the problem.

Discussions included:

- Speed bumps did not deter drivers entering the car parks
- Lockable barriers to prevent entry and 'Dragons teeth' to allow exiting were a reasonable solution
- Visitors needed to use the car parks at night
- A substantial scheme was needed to overcome the problem of 'boy racers'
- Speed bumps were a waste of time
- Investment would also slow down regular traffic entering and exiting the car parks
- The town councils could be responsible for locking any barriers or automated locking devices could be used
- Trial road humps in one car park and barriers in the other
- Closure hours could be adjusted if a public event was taking place

RESOLVED:

that lockable entry barriers and appropriate exits be installed in Sidmouth's Manor Road car park and Seaton's Jurassic car park at a cost funded from existing budgets.

REASON:

To discourage vehicle related antisocial behaviour and dangerous driving in two of the Council's public car parks.

***118 Financial Monitoring Report 2015/16 - Month Six September 2015**

The Strategic Lead – Finance summarised the report of the Council's overall financial position for 2015/16 at the end of month six (30 September 2015). Income lost due to the substantial reduction of recycling materials was highlighted.

Current monitoring indicated that:

- The General Fund Balance was being maintained at or above the adopted level.
- The Housing Revenue Account Balance would be maintained at or above the adopted level.
- There was a sufficient Capital Reserve to balance this year's capital programme.

RESOLVED:

The variances identified as part of the Revenue and Capital Monitoring process up to Month Six be acknowledged.

REASON:

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

***119 Monthly Performance reports – September 2015**

The Strategic Lead – Organisational Development and Transformation presented the report setting out performance information for September 2015. This allowed Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

There were three indicators that were showing excellent performance:

1. Percentage of planning appeal decisions where the planning inspector has disagreed with the Council's decision
2. Percentage of non-domestic rates collected
3. Days taken to process Housing Benefit/Council Tax Benefit new claims and change events

There is one performance indicator showing as concern:

1. Working days lost due to sickness absence – the Council's sickness absence was now on a downward trend. This follows a period of increased sickness absence resulting from long term illnesses.

RESOLVED:

that the progress and proposed improvement action for performance measures for September 2015 be noted.

REASON:

The performance reports highlighted progress using a monthly snapshot report; SPAR report on monthly performance indicators and system thinking measures in key service areas including Development Control, Housing and Revenues and Benefits.

120 South East Devon Habitat Regulations Joint Committees

Following the decision of Council on 29 July 2015 to agree to enter into joint arrangements with both Exeter City Council and Teignbridge District Council, it had been necessary to review and alter the governance arrangements to ensure clarity and consistency in terms of its operation going forward.

RECOMMENDED:

that the Council agrees to;

1. establish the South East Devon Habitat Regulations Joint Committees (comprising the Habitats Mitigation Executive Committee and Habitats Mitigation Scrutiny Committee) with Exeter City Council and Teignbridge District Council, for the purpose of delivering habitat mitigation measures to be governed in accordance with the Terms of Reference and Rules of Procedure attached at Appendix 1 to the report.
2. delegate all necessary powers (save for those relating to compulsory purchase) to the Habitats Mitigation Executive Committee to enable delivery of mitigation measures in accordance with the Conservation of Habitats and Species Regulations 2010.

3. the Strategic Development and Partnerships Portfolio Holder being the East Devon District Council member of the Habitats Mitigation Executive Committee.
4. seek nominations for and appoints three members to be the East Devon District Council members on the Habitat Mitigation Scrutiny Committee.
5. delegate authority to the Strategic Lead (Legal, Licensing and Democratic Services) in consultation with the Leader of the Council and Chief Executive to amend the Terms of Reference and Rules of Procedure as necessary to ensure effective working of the South East Devon Habitat Regulations Joint Committees, provided that the Solicitors to the Council of Exeter City and Teignbridge District Councils are in agreement.
6. provide the legal support for governance arrangements for the South East Devon Habitat Regulations Joint Committees.
7. be responsible for holding and administering the finances to support the implementation of the decisions of the Habitats Mitigation Executive Committee (or to any officer taking delegated decisions on its behalf) and to provide financial advice when required.
8. the administration of the South East Devon Habitat Regulations Committees being rotated with the Chair - East Devon District Council shall Chair the Committees during the first year. After the first year the Chairmanship will rotate around the other Councils coming back to East Devon in the fourth year.
9. to transfer all funds held to deliver habitats mitigation obtained through planning agreements and community infrastructure levy receipts (as and when adopted) to the account set up in accordance with Recommendation 7. Funds identified in planning obligations to be spent for specific projects will be ring fenced to be spent for those purposes.

REASON:

To implement the decision of Council of 29 July 2015 (following Cabinet recommendations of 2 July 2014 and 17 June 2015)

***121 Exemption to contract standing orders - work on the water main at Underleys, Beer**

Members noted the report that an exemption had been given to contract standing orders, for the sum of £5,850 + VAT to be spent on renewing the water main to 33-43 Underleys, Beer. Reasons for the exemption were set out in the report.

RESOLVED:

that the exemption be noted

REASON:

to inform Cabinet of the exemption and the money spent to renew the water main at Underleys, Beer

Attendance list

Present:

Paul Diviani	Leader
Andrew Moulding	Deputy Leader/Strategic Development and Partnership

Portfolio Holders:

Tom Wright	Corporate Business
Iain Chubb	Environment
Jill Elson	Sustainable Homes and Communities
Phil Twiss	Corporate Services
Ian Thomas	Portfolio Holder Finance

Cabinet Members without Portfolio

Geoff Pook
Eileen Wragg

Cabinet apologies:

Philip Skinner	Portfolio Holder Economy
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Non-Cabinet apologies

Mike Allen
Peter Bowden
Peter Burrows
David Chapman
Maddy Chapman
Graham Godbeer
Ian Hall
Marcus Hartnell
Steve Gazzard
Marianne Rixson
Brenda Taylor
Mark Williamson

Also present:

Councillors:

Brian Bailey
David Barratt
Dean Barrow
Matt Booth
Colin Brown
Paul Carter
Alan Dent
Peter Faithfull
Roger Giles
Simon Grundy
Steve Hall
Geoff Jung
John Nash
John O'Leary
Pauline Stott

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

Henry Gordon Lennox, Strategic Lead – Legal, Licensing and Democratic Services

Karen Jenkins, Strategic Lead – Organisational Development and Transformation

Andrew Ennis, Service Lead - Environmental Health and Car Parks

Amanda Coombes, Democratic Services Officer

Chairman Date.....

EAST DEVON DISTRICT COUNCIL
Minutes of the meeting of Cabinet held
at Knowle, Sidmouth on 2 December 2015

Attendance list at end of document

The meeting started at 5.30pm and ended at 7.30 pm.

***122 Public Speaking**

Richard Eley, Sidmouth, spoke on agenda item 17 – Sidmouth Mill Street car park. He said that the report had wrongly attributed comments to the Chamber of Commerce and asked Cabinet to disregard this element. He said that he welcomed the way that EDDC was now tackling the problem of car parking at Mill Street. He said that EDDC's approach should be incremental increases in tariff to avoid any adverse impact on the community. He emphasised the importance of wide consultation, time to think and consideration of all options. He said the suggestion that the area could be used for housing would be to the expense of valuable town centre parking.

The Leader advised Cabinet that three questions had been received with notice under the terms of 'questions and statements by the public' in respect of broadband provision in the area. The questions and supporting documents provided by the questioners had been circulated in advance of the meeting to Cabinet members. In turn, the Leader asked the three members of the public to read out their questions to Cabinet.

Councillor Twiss declared a Disclosable Pecuniary Interest at this point and withdrew from the Chamber until after the public speaking item.

1. Question received with notice – Graham Long.

"Minutes of the Nov 12 Scrutiny Meeting which considered a report from Connecting Devon & Somerset are in your agenda pack. You need to be aware that whilst the Phase 1 90% programme may be on track to deliver 90% superfast coverage in the more urban areas by the end of 2016, there is now not a snowballs chance in hell of Phase 2 delivering 95% coverage in rural East Devon by the end of 2017- the goal that David Cameron states repeatedly.

"This is because the CDS Board have twice failed to find suppliers for Phase 2 and are now on their third attempt, which may result in suppliers contracts being signed in the second half of 2016, leaving just over one year for suppliers to complete the programme. CDS's second attempt to agree a Phase 2 contract with BT collapsed in June, not because BT didn't offer value for money, but because CDS were offering them £35M for it, £6M less than BDUK estimate the project will cost, namely £41M. This happened because not one District Council in Devon, including EDDC, committed a penny whilst every District Council in Somerset committed their Phase 2 match funding. The attached FOI response showing the breakdown of the £34,495,000 offered to BT confirms this.

"Paul Diviani has confirmed to me that EDDC had "in principle" allocated £680k to the Phase 2 programme, but EDDC did not commit that funding and as such it could not be included in a legally binding contract with BT. Devon is the only County in England where the County Council and the District Councils have failed to work together on this with the consequence that rural taxpayers in Devon & Somerset will have to wait up to 2 years extra before their broadband service improves.

"It is clear that DCC & EDDC do not understand that there is a problem here because the Devolution Statement of Intent in your agenda pack (Slide 6), amazingly lists CDS as an example of a successful Devon & Somerset programme. CLA members who put Devon & Somerset in the bottom four out of 44 English counties for broadband connectivity in their recent survey, will not agree with that.

"Why is this Cabinet not working with the County Council to deliver the rural broadband service that every other county outside of Devon & Somerset now have up and running?

Will this Cabinet commit, (not allocate "in principle"), £680k of match funding to CDS's third attempt at securing Phase 2 contracts which may be signed between June and November 2016? If not, why not? "

2 Question received with notice – Steve Horner.

"You will have received from me a paper that explains how Co-Investment Financing would be the solution which will provide Next Generation Access compliant broadband coverage for Devon and Somerset. Equally, this Co-investment proposal could be applied to cover East Devon only.

"Now that negotiations have collapsed between BT and CD&S, EDDC are left without a Phase 2 solution and your taxpayers are dependent on what CDS come up with as a 95% coverage solution next year. Co-investment can take that 95% programme and extend it to provide close to 100% superfast coverage.

"Last summer I spent considerable time with Councillors Twiss and Diviani explaining how such a proposal would work and obtained a proforma outline contract for both to study.

"I have heard no more from either Councillor.

"I have considerable experience with such financial matters, having led, on behalf of a major British bank, a trail blazing multi million pound contract to construct and launch a chain of geo stationary communication satellites on behalf of Inmarsat.

"What action has been taken by this council to implement a Co-investment Phase 2 superfast broadband programme for East Devon?

3 Question received with notice – Adrian McArdle.

I have two hats on tonight. One as Parish Councillor for the Parish of Broadhembury, and one as a Dairy Farmer attempting to drive our family business; a traditional facet of our Devon landscape, with an amount of diversification into employing more people and helping more businesses that require a quick and reliable internet connection. I will not drone on citing all the reasons why home and business life is made ghastly without one, nor why more and more of our lives are spent online. I have wasted enough of my time moaning about this over the last few years, and I come here for action from people who can act, and, ideally, some proof that someone is getting yelled at for this fudge.

Areas of our parish are, according to CDS maps, deemed out of programme as regards the current roll-out, and who knows what is going on with the next phase. CDS are unable to provide information that will enable my parishioners to plan for their future, and manage their home and business lives online now. The PC has asked questions of CDS

regarding the status of the cabinets in our parish, and what will or won't be enabled. We are not being given the courtesy of decent replies, let alone concrete answers. Weeks of delay are becoming months then years which as you can hear from me tonight has created frustration at best and anger at worse.

I want to grow and invest. Yet all we have from the programme director of CDS is "how long is a piece of string?" when for many of your taxpaying voters this is the second of only two utilities.

I and many of the businesses in my parish have now no faith that you will help us. You are failing to make this happen by failing to get the money committed last year, and CDS admit they are intending to fail half of my parish for the want of a week with a wheeled digger and a drum of cable, or better still a ladder and a drum of cable, despite the wads of free money.

Please can I have my share of this money back? I will match it and with others will invest it in a not for profit solution that works for us, our families, businesses and parish, and potentially neighbouring parishes. I believe it will be faster, cheaper, more future-proof, and working sooner than yours. Satellite broadband is not fit for purpose and we will thus not be fobbed off with vouchers for that to achieve the PM's goal of 100%. If you support me, we will get it right, and today will be the day when this council is identified as the can-do answer for several hundred registered voters. Be brave.

For the absence of doubt that it can be done please visit b4rn.org.uk [<http://b4rn.org.uk/chris-conder-invested-by-prince-william/>] to see how farmers wives, children, and grandparents are currently doing in rural Lancashire what Devon is not, to the tune of 1000MB/s whilst I sit here ranting with no-one managing to improve my 5MB/s. And I'm lucky with 5."

The Leader's response, presented by Councillor Ian Thomas, Portfolio Holder, Finance, to the questions put by Mr Long, Cllr Homer and Cllr McArdle was:

'The questions rightly identified the fact that up till now the matter of Superfast Broadband roll out had fallen within the remit of Connecting Devon & Somerset (a joint venture set up by the County Councils) and their contractual arrangements with BT. EDDC had chosen not to be a contractual party to the matter because of the excessive secrecy surrounding the original contracts.

The issue of agreeing an 'in principle contribution' to the phase 2 roll out or making a 'commitment' was not just a matter of semantics. Without an open approach to discussions and an ability to share that information with communities, it would be irresponsible to commit funding - or in effect, give it away.

EDDC was committed to pursuing the matter on behalf of its communities and recently on 24 November, the Chief Executive wrote in the following terms to the Commercial Lead of Broadband Delivery UK:

"We are writing to confirm our intention to apply for support from the South West Fund for a project to provide superfast broadband to the remaining 10% of premises in East Devon District not otherwise covered by the CD&S/BT Phase 1 buildout.

We have been in discussion with potential suppliers for the past year on a possible co-investment arrangement whereby public and private funds

would be applied to the construction of a predominantly FTTH network, and we find their proposals appealing and well worth supporting, both financially by way of co-investment by EDDC, and in 'soft' terms.

In the absence of an application form, we intend to address the various points raised in the guidelines by way of a paper to be submitted to EDDC Cabinet and to BDUK. In the meantime, we can confirm the Council's intention to comply with mandatory criteria points 1-5 and priority criteria points 6-9, and to satisfy information requests a-d.

We look forward to working with BDUK on the successful initiation, funding approval and execution of this important and worthwhile project."

A reply is awaited in order to commence the stage of preparing a detailed report. We also understand that CD&S are in discussions to try to ensure the delivery of their original objectives.'

The Leader advised that under the Council's terms in respect of questions submitted in advance, the questioners now had the right to ask a supplementary question relevant to the original questions printed above.

Mr Long asked why the Council was taking so long to take action. The Chief Executive responded by saying that necessary time had been spent debating with a potential partner to proposed alternative arrangements which the Council could then consider in detail. As the Broadband update report considered by the Scrutiny Committee at its meeting on 12 November 2015 (minute 37) shows, positive steps had been taken with Devon and Somerset (CDS). The District Council would continue, as necessary, to investigate additional providers when the Phase 2 tendering process had been completed. The Council was very aware of the needs of isolated and rural communities.

Councillor Horner asked if Devon County Council's needs would out-weigh those of the district council.

In response the Leader confirmed his commitment to the needs of East Devon. The Chief Executive explained why the Devon districts had decided not to contribute to the Phase 2 rollout.

***123 Minutes**

The minutes of the Cabinet meeting held on 4 November 2015 were confirmed and signed as a true record.

***124 Declarations**

Councillor Phil Twiss – Minute 122

Interest: Disclosable Pecuniary

Reason: His work includes selling broadband and network connections.

Councillor Jill Elson – Minute 133

Interest: Personal

Reason: Governor, Exmouth Community College

Councillor Eileen Wragg – Minute 139

Interest: Personal

Reason: Member of the South West Regional Flood and Coastal Committee

***125 Exclusion of the public**

There were no confidential items which officers recommended should be dealt with in this way.

***126 Matters referred to the Cabinet**

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

***127 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 January 2016 to 30 April 2016.

***128 Minutes of the Recycling and Refuse Partnership Board held on 23 October 2015**

Members received and noted the minutes of the Recycling and Refuse Partnership Board held on 23 October 2015.

Councillor Iain Chubb, Portfolio Holder – Environment and Chairman of the Partnership Board spoke positively about the sustainable waste service trial (Feniton and Exmouth colonies). He also advised on the details of the Christmas collections and use of information hangers which highlighted and promoted the East Devon app - this would be particularly useful should winter collections be disrupted by severe weather. Consideration in respect of possibly charging for replacement refuse and recycling receptacles would be deferred until after the new waste contract was in place – it was more important to encourage recycling than to generate income. When possible charges were considered, arrangements regarding multiple occupation properties and whether the responsibility for providing the waste receptacles should be that of the landlord or tenants would be included.

RESOLVED (1) that the following be noted:

Minute 27 – Statistical information – update report.

Minute 28 - SITA Senior Contract Manager update - performance

Minute 29 (1) - Sustainable waste service trial (Feniton & Exmouth) – update, leaflets and communications plan

Minute 30 - Devon County Council textile contract - update

RESOLVED (2) that the following be agreed:

Minute 29 (2) – Sustainable waste trial

that thanks be given to all the various teams involved in the success of the trial so far.

Minute 32 - Christmas collections

that the Christmas collections and the sample year collection information hanger be agreed in principle.

RESOLVED (3) that the following recommendations be agreed:

Minute 34 - Charging options for replacement refuse and recycling receptacles

The Council look positively at charging for waste and recycling receptacles, with officers further exploring charging options and proposing a policy. (This would be deferred until after the new waste contract was in place).

Minute 35 - Progression of collection contract procurement

The bidding lots be reduced as set out in the report to the Partnership Board.

***129 Minutes of the STRATA Joint Scrutiny Committee held on 22 October 2015**

Members received and noted the minutes of the STRATA Joint Scrutiny Committee held on 22 October 2015. Councillor Alan Dent, Committee member, advised that overall Strata was on target and on budget.

RESOLVED (1) that the following decision be noted:

Minute 28 - Progress Report on Strata Implementation Plan

Minute 29 - Strata Performance Indicators - Month ending 30 September 2015

Minute 30 - Budget Monitoring Report to 30 September 2015

The report update and Final Statement of Accounts for 2014/15

Minute 33 - Human Resources Update Report

RESOLVED (2) that the following recommendations be agreed:

Minute 33 - Human Resources Update Report

1. the approach proposed in relation to terms and conditions.
2. the agreements made at the Staff Joint Forum (point 4) with UNISON.

130 Minutes of the Housing Review Board held on 5 November 2015

Members received and noted the minutes of the Housing Review Board held on 5 November 2015. In the absence of Councillor Pauline Stott, Chairman of the Review Board, Councillor Jill Elson, Sustainable Homes and Communities Portfolio Holder, advised of steps being taken to mitigate the impact of the Government's rent reduction policy. She also referred to the Government's 'pay to stay' policy consultation. She questioned how the Council could gather earning information by household and the unfairness of any extra income generated by local authorities under this scheme being returned to the Exchequer when it was proposed that Housing Associations would be able to keep any extra income from their housing schemes. Councillor Elson had written to the local MPs on this matter, seeking their support. She also referred to the proposed changes through the Housing and Planning Bill and the need to drive policy forward to enable more affordable houses to be built.

In response to concerns raised on the impact of Government initiatives (including Right to Buy, Rent Reduction Policy and Pay to Stay) as well as cuts to Government grant, the Chief Executive advised that the budget process would address their effect on the Housing Revenue Account.

RESOLVED (1) that the following be noted:

Minute 38 – Forward Plan update

Minute 43 – Consultation update on changes to variation of tenancy agreement – outcomes

Minute 45 – Completion of asbestos management surveys in housing stock – progress made

Minute 46 - Handy person trial review – success of review noted.

Minute 48 - Housing and Planning Bill briefing – noted main contents of Bill.

RESOLVED (2) that the following recommendations be agreed:

Minute 39 – Tenant Scrutiny Panel report – customer recruitment and involvement

that Officers review the Tenant Scrutiny Panel report and recommendations on customer recruitment and involvement and respond in a report at a future Housing Review Board meeting.

Minute 42 – ‘Pay to stay’ consultation for social housing tenants

that the Board’s comments and concerns be included in the Council’s response to the Government’s consultation on pay to stay.

Minute 44 – Provision of free and independent financial advice service for tenants

that the Council enters into a new contract for the provision of a free and independent financial advice service for tenants.

Minute 45 – Completion of asbestos management surveys in housing stock

that a two year programme of works to ensure asbestos management surveys are carried out across the council housing stock be approved;

Minute 46 - Handy person trial review

that the trial be extended to a wider area, at the discretion of the Property and Asset Manager.

Minute 47 - The tenant’s journey – a longitudinal study proposal

that the STAR survey be replaced with a longitudinal study to enable better collection of tenant satisfaction and performance data.

Minute 48 - Housing and Planning Bill briefing

that the Strategic Lead – Housing, Health & Environment and the Portfolio Holder – Sustainable Homes and Communities meet with Planning to discuss the Bill and its implications and report back to the next meeting of the Housing Review Board.

RECOMMENDED that the following recommendations be referred to Council:

Minute 40 – Rent reduction policy

The position with regard to the rent reduction proposals be considered and a review of the Housing Revenue Account Business Plan be initiated.

Minute 41 – Moving rents to target rents

that rents be moved at a tenancy change to formula/target rent level for new tenants commencing 30 November 2015.

Minute 45 – Completion of asbestos management surveys in housing stock
that £100,000 be set aside in the 2016/17 and 2017/18 budgets for the completion of asbestos management surveys, with the Strategic Lead – Housing, Health & Environment and the Portfolio Holder – Sustainable Homes and Communities being given delegated authority to approve additional funding if required to ensure this work is completed.

131 Minutes of the Scrutiny Committee held on 12 November 2015

Members received and noted the minutes of the Scrutiny Committee held on 12 November 2015. In the absence of the Scrutiny Chairman, Councillor Alan Dent, Vice Chairman, commented on the useful update and recommendations regarding Broadband. He said that the meeting had included useful feedback on the Aboricultural Service and positive works carried out. However, the Service was under-resourced and was not currently in a position to carry out all of the recommendations of the Tree Task and Finish Forum.

In response, the Chief Executive advised that any bids for increasing service resources would be considered during the budget process but that the Council's key priority was to deliver the Recycling and Refuse Contract.

RESOLVED (1) that the following be noted:

Minute 38 - Evaluation and protection of Trees Task and Finish Forum update

1. the hard work of the Aboricultural Team and the importance of the service;
2. the intention to embed the recommendations of the Task and Finish Forum in the service plan.

RESOLVED (2) that the following recommendations be agreed:

Minute 37 – Broadband Update

1. that Connecting Devon and Somerset (CDS) be encouraged to pursue an open tender exercise for providers for Phase 2 of broadband delivery;
2. that CDS be asked to investigate alternative technologies, including cable less technologies for rural areas, and remain technology neutral;
3. that CDS be asked to give priority to isolated and rural communities;
4. that the District Council continue to investigate additional providers once the Phase 2 tendering process is completed, as necessary.

Minute 38 - Evaluation and protection of Trees Task and Finish Forum update
that the recommendations of the Task and Finish Forum be implemented within the service plan period.

RECOMMENDED that the following recommendations be referred to Council:

Minute 38 - Evaluation and protection of Trees Task and Finish Forum update

That significant resource allocation takes place to achieve the service requirements of the Aboricultural Team.

132 Minutes of the Overview Committee held on 17 November 2015

Members received and noted the minutes of the Overview Committee held on 17 November 2015. Councillor Peter Bowden, Chairman of the Committee highlighted

issues discussed, including in respect of the Exmouth Beach Management Plan, Environmental Health Licensing Policy and the Local Government Boundary Commission for England Electoral Review update.

In response to a question on the Electoral Review, the Chief Executive confirmed that the Council's case would be made for no or minimal change to the existing number of EDDC Councillors. However with the increase in electorate in the district and the addition of Cranbrook, electoral change would impact across the whole district.

RESOLVED (1) that the following be noted:

Minute 18 - Draft Council Plan 2016-2020 – content.

RESOLVED (2) that the following be approved:

Minute 20 - Environmental Health Service

that it be recognised that the health, safety and wellbeing of residents, workers and visitors was being safeguarded by the work of the Council's Environmental Health teams. In particular to note that they continued to: inspect food businesses and investigate complaints about the safety of food; resolve complaints about workplace health and safety and good practice; investigate infectious diseases and prevent their spread within the community; prevent and control environmental pollution including the control of smoke, odours, flies and noise; promote and enforce public health and pest control legislation; provide advice on the likely impact of new development and on a variety of licensing matters; develop the Council's new permanent in-house pest control and dog warden services alongside a range of other duties including reporting bathing water quality and arranging funerals (where no other arrangements are being made to dispose of the body of a deceased person in the district).

Minute 22 - Local Government Boundary Committee for England Electoral Review Update – results of Member survey.

Minute 23 – Overview Forward Plan

RECOMMENDED that the following recommendations be referred to Council:

Minute 18 - Draft Council Plan 2016-2020 – content.

that the comments made at the meeting be incorporated into the draft Council Plan, including endorsement of the importance of neighbourhood local plans.

Minute 19 - Exmouth Beach Management Plan

that the draft Plan be adopted and the management, maintenance and monitoring recommendations be implemented, subject to concerns about obtaining funding sources for the work.

Minute 21 - Environmental Health Licensing Policy

that the following be formally adopted:

- the conditions for home boarding of dogs as set out in Appendix A to the report;
- the conditions for Dog Day Care facilities set out in Appendix B to the report;
- the enforcement policy set out in Appendix C to the report.

Minute 22 - Local Government Boundary Committee for England Electoral Review Update

that a draft submission be prepared for the LGBCE on the basis of no or minimal change to the existing number of EDDC Councillors (currently 59).

133 Heart of the South West Devolution

A joint Overview and Scrutiny Committees meeting had been held earlier in the afternoon and their recommendations circulated to Cabinet.

The report of the Chief Executive advised members of discussions to date regarding possible devolution of powers to the Heart of the South West (included Devon County, Somerset County, Plymouth City and Torbay) and sought approval for the next step. The presentation given to parish, town and district delegates the previous evening had been circulated to all Members prior to today's meeting. Of particular note was the aim to develop a local solution to deliver better services compared with the current centralised approach. This would help achieve 'joined up' delivery of services, such as health and social care, built around people and the places where they live. The delivery would have improved regulation with embedded prevention, support and self-management and financial sustainability to achieve best use of resources. Strategic Planning, for example in flood prevention and in provision of affordable housing would be based on local issues and solutions.

The Statement of Intent issued from the Heart of the South West area in September had been sent to all Members together with subsequent updates on progress. A key issue highlighted was that the Heart of the South West was seeking to achieve consensus and to ensure that all areas would benefit.

Councillor Moulding, Portfolio Holder – Strategic Development and Partnerships updated Members on joint discussions already undertaken with South West authorities and key priorities. He spoke of the need for health and public welfare reforms and the particular concerns regarding the demographic of this area with its ageing population. Devolution was not just about economic growth and opportunity. The Council also needed to be mindful of its leadership role within the South West, the ambition for growth and the contribution that the Heart of the South West would make to the national economy. Investment in the future would include important infrastructure improvements. He applauded the statement of intent which the partnership would build - it was vital to get this early stage right.

The report was further debated and points made included:

- The election of a Mayor covering such a wide area was not supported.
- Devon County Council and Somerset County Council were not providing adequate care in the community. Even a 2% increase in the Council Tax would not cover the cost of care.
- The loss of funds to Community Colleges including the apprentice levy.
- The need to get set up a proper dialogue between employers and schools/colleges before students make their subject choices at 14.

- Transport issues – public transport does not always provide students with a link from their community to the college of their career choice.
- How will academies fit in the plans – these are currently under the direct control of Government rather than County Councils?
- The Council must represent its residents in the best way that it can – but will this be possible when there is potentially going to be more influence from Counties?
- The demographics of the area – older population, medical advances, retirement incomes. Devon County Council should invite Devon Senior Voice to contribute to the debate.
- Developers of private sheltered housing should be asked to make a Section 106 contribution to social and health care.
- It would be helpful to refer the report to the Audit and Governance Committee for consideration of governance issues arising from devolution.
- Economic growth was essential for delivering benefits to the area – including health and social care provision.
- It was important not to assume that this area would remain one of comparative low wages in perpetuity – the devolution initiative needed to address this perception.
- Work needs to be carried out with the universities in the region to help retain the skills and help build a knowledge economy.
- Connectivity does not just mean super-fast broadband but also significantly improved transport links.
- Need to take into account genetic analysis in local hospitals.
- Is there a danger that this could be an additional layer of government? Could very local input be lost as a result? It was important to communicate reassurances.
- The importance of prevention was highlighted – the Council would want to drive this approach.

In summing up, Councillor Moulding said that the comments would be taken into account at the detailed stage. At this point, the Council was agreeing to a strategic approach with key objectives being used as building blocks. In supporting the bid at this early stage, the Council was not making a commitment other than to continue in the process.

Councillor Ian Thomas, Portfolio Holder – Finance, read out and proposed the five recommendations of the Joint Overview and Scrutiny Committees. The proposals were seconded by Councillor Tom Wright followed by a unanimous vote.

RECOMMENDED:

1. that clear objectives be set in preparation for negotiation if the bid proves successful in reaching Government discussion;
2. that an oversight group be set up of Portfolio Holders and appropriate members to follow the process of the bid;
3. that the work and the process to date be noted;
4. that the Leader be given delegated authority to sign the proposed Devolution Bid on behalf of EDDC subject to ratification of Council on 16 December 2015;
5. that an element of rural proofing is put forward for inclusion in the draft bid.

REASON:

the Leader and Chief Executive, together with the Leaders and Chief Executive Officers of the various authorities within the Heart of the South West area, had been debating the possible content of a devolution bid to Government. The next stage in the process was to submit the bid by the 18 December 2015.

134 Refresh of the Council Plan

Councillor Tom Wright, Portfolio Holder – Corporate Business presented the report of the Strategic Lead Organisational Development and Transformation. The report incorporated the work undertaken by the Corporate Business Think Tank and feedback from the Overview Committee of 17 November 2015. The draft Council Plan 2016-20 included a new council ambition, four key priorities and clear, measurable performance strategies as well as refreshed council values. Councillor Wright thanked his Think Tank and the Strategic Lead Organisational Development and Transformation for their valued input.

The Plan was a pivotal document, which set out the context, direction of travel and key priorities as the basis for service planning and monitoring. It was an important document for informing staff, councillors, residents, visitors, town and parish councils, business and other partners about the Council's key priorities and how and where the Council would direct its finance and other resources.

RECOMMENDED:

that the draft Council Plan be reviewed and recommendations for amendment or additions to the document be noted.

REASON:

To enable Members to debate and review the contents of the draft Council Plan in advance of its publication.

***135 Council Tax Support Scheme 2016/17**

Members considered the report of the Revenues and Benefits Service Lead setting out details of the Council Tax Support Scheme (also known as Council Tax Reduction), which was included with the agenda papers together with a full Equality Analysis Form. The Council was legally required to approve a new local scheme annually by 31 January of the preceding financial year. The Council was required to subject any proposed changes to the scheme to public consultation before the new scheme could be adopted. Members were asked to approve the current scheme for 2016/17.

In consultation with other Devon authorities, this Council proposed that the current scheme be retained for 2016/17 with a review and wide consultation undertaken next year. This would be after Government measures to cut welfare spending had come into effect in April 2016. At the moment it was difficult to fully determine their impact - these changes would influence the scheme in 2017/18.

Members were advised that the Council no longer received a separate grant from Government for Council Tax Support – this funding was now amalgamated into the Council's overall Finance Settlement and not identified separately. Since 2014, the Council had reduced the grant paid to town and parish councils by the percentage reduction in its own grant from Government. It was proposed that this methodology continued – with the town and parish grant payment being reduced by 27% for 2016/17.

RESOLVED:

1. that the Council Tax Scheme for working age customers be approved for 2016/17 (unchanged from 2015/16) with delegated authority to the S151 Officer and the Portfolio Holder for Finance being included in the Policy to take into account any typographical issues and any further changes in law, government guidance or policy.
2. that the Council Tax Support Grant passed to Town and Parish Councils for 2016/17 be reduced by 27% in line with this Council's expected reduction in its Revenue Support Grant from Government in 2016/17.

REASON:

The consensus of the Devon Chief Executives and Leaders at the Devon Local Government Steering Group meeting in May 2015 was to continue with the current scheme for 2016/17.

***136 Treasury Management Performance 2015/16 – 1 April 2015 to 30 September 2015**

The report presented by the Strategic Lead – Finance, detailed the overall position and performance of the Council's investment portfolio for the first six months of 2015/16. The review of performance included monitoring cash flow, investment and resourcing capital plans. The report acknowledged the difficult investment market, low interest rates and risk.

An update of the Treasury Management Strategy Statement and Annual Investment Strategy would be presented to Cabinet in February 2016 to enable the annual formal review to be carried out.

The Portfolio Holder – Finance extended thanks to the Strategic Lead – Finance and his team. He particularly drew Members' attention to the Capita Asset Services Benchmarking report for the period to 30 September 2015 (paragraph 8.6 of the report) which indicated that the weighted average rate of return expected for the range of investments which EDDC is party to should be between 0.41% to 0.51%. However EDDC's net weighted average return was above this at 0.76% which indicated that EDDC was outperforming market expectations.

In response to a question about exploring the possibility of investing in community projects, the Strategic Lead – Finance advised of particular security issues but that the Council was considering funding internal investments and would consider community projects if these had a very strong business case.

RESOLVED:

that the investment values and performance for the period to 30 September 2015 be noted.

REASON:

the Council was required by regulations to produce a half yearly review of its treasury management activities and performance.

***137 Sidmouth Mill Street car park**

Alan Morgenroth, proprietor of Goviers said that car parking in Sidmouth was a significant issue. The lack of town centre parking was creating a problem for customers and staff. Creating a pay and display car park would benefit the whole of Sidmouth. Mr Morgenroth was concerned that the Council had considered developing the site for housing – this would put even more pressure on car parking in the town centre. In response, the Chief Executive gave him reassurances about the foreseeable future.

The Senior Lead for Environmental Health and Car Parks presented the report on the Mill Street proposals, which gave details of the current position and proposed options. Interim proposals were to offer the spaces for business use over the Christmas period, with income paid through the Council being given to charity.

RESOLVED:

that steps taken to revise the East Devon Parking Places Order and the Council's in-house team be tasked with managing the remaining car parking spaces as a public pay and display car park.

REASON:

to enable the quick response to bring the 36 un-let reserved parking spaces in Sidmouth town centre, into use for public pay and display car parking.

***138 Staff engagement survey 2015**

The report updated Members on staff responses to the 2015 staff engagement survey. The majority feedback was very positive indicating a motivated workforce who were happy with East Devon as their employer. The survey was important in providing critical information about staff engagement throughout the moving and improving project. It would be submitted in January 2016 to the Investor in People assessor who would be reviewing the Council's Gold status.

RESOLVED:

1. that the outcomes of the staff engagement survey as an important benchmark and to monitor staff engagement throughout the office relocation project be noted,
2. that the next steps would involve drawing up a corporate and service action plans to address points made by respondents in the comments section be noted.

REASON:

that Members were kept updated of staff engagement generally and any issues that arising.

***139 Exemption to Contract Standing Orders for Feniton Flood Alleviation Project Phase 1 Tendering**

The report gave the reasons for an exemption to Contract Standing Orders for the use of four contractors on Pro Contract who had expressed an interest in submitting a tender for the Feniton flood alleviation project Phase 1 works.

RESOLVED:

that the exemption in order for this Phase of the Feniton flood alleviation scheme to be completed, be agreed.

REASON:

The Feniton Flood Drainage Works was part of a project being promoted by EDDC at a total cost of £1.6m, to reduce the risk of flooding to residents in Feniton. Phase 1 of the project was to construct the ditch system at Metcombe & Sweethams Cottage and Gosford Farm. The Environmental Agency wanted to see work started on site to justify the money that had been allocated for EDDC from Defra. The successful contractor was Kingcombe Aquacare Ltd for the Tender sum of £158,852.92. This work started on site in October 2015.

***140 Exemption to Contract Standing Orders for Feniton Flood Alleviation Project Phase 3 Network Rail Crossing**

The report gave the reasons for the approval of an exemption to Contract Standing Orders for the use of one contractor, specified by Network Rail (NR), to carry out work on their land to cross the West of England Main Line.

RESOLVED:

that the exemption in order for this Feniton flood alleviation scheme to be completed, be agreed.

REASON:

In order to complete the Feniton Flood scheme, a pipe has to pass underneath the West of England Main Line, on the route agreed with the Environment Agency, Parish Council and adjacent landowners. The contractor NR have recommended for this scheme was Balfour Beatty Rail (BBR). If BBR were not used there would be long delays and increased cost in delivering the scheme. BBR had sent a budget cost of £226,759.00 +/- 10%.

***141 Monthly Performance reports – October 2015**

The Strategic Lead – Organisational Development and Transformation presented the report setting out performance information for October 2015. This allowed Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

There were two indicators that showed excellent performance:

1. Percentage of planning appeal decisions where the planning inspector had disagreed with the Council's decision
2. Days taken to process Housing Benefit/Council Tax Benefit new claims and change events

There was one performance indicator showing as concern:

- Working days lost due to sickness absence –
 - a) Sickness for October 2014 was 5.64 average days per person. This year the figure was 5.78, which represented an increase of 0.14 average days per person compared with last year.
 - b) The trend in sickness absence showed a higher incidence of sickness against the annual target of 8.5 average days per person. However, if sickness absence continued at the same rate for the remainder of the financial year the final average number of days sick per person would be 9.90, which was lower than last year, which was 10.41.
 - c) The Human Resources team continued to work closely to manage sickness absence with line managers. The trend of new long-term sickness cases emerging continued and 18 employees had been on long-

term sick (2 months or more) during the year compared with 11 for the same period last year.

RESOLVED:

that the progress and proposed improvement action for performance measures for October 2015 be noted.

REASON:

The performance reports highlighted progress using a monthly snapshot report; SPAR report on monthly performance indicators and system thinking measures in key service areas including Development Control, Housing and Revenues and Benefits.

Attendance list

Present:

Paul Diviani	Leader
Andrew Moulding	Deputy Leader/Strategic Development and Partnership

Portfolio Holders:

Tom Wright	Corporate Business
Iain Chubb	Environment
Jill Elson	Sustainable Homes and Communities
Phil Twiss	Corporate Services
Ian Thomas	Portfolio Holder Finance

Cabinet Members without Portfolio

Geoff Pook
Eileen Wragg

Cabinet apologies:

Philip Skinner	Portfolio Holder Economy
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Non-Cabinet apologies:

Steve Gazzard
Roger Giles
Pat Graham
Mike Howe
Pauline Stott
Brenda Taylor

Also present:

Councillors:

Mike Allen
Megan Armstrong
Brian Bailey
David Barratt
Dean Barrow
Matt Booth
Susie Bond
Peter Bowden
Colin Brown
Paul Carter

David Chapman
Matt Coppel
Alan Dent
John Dyson
Peter Faithfull
Graham Godbeer
Alison Greenhalgh
Ian Hall
Steve Hall
Marcus Hartnell
John Humphreys
Ben Ingham
Rob Longhurst
Dawn Manley
Bill Nash
Cherry Nicholas
John O'Leary
Helen Parr
Marianne Rixson
Mark Williamson

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
Henry Gordon Lennox, Strategic Lead – Legal, Licensing and Democratic Services
Karen Jenkins, Strategic Lead – Organisational Development and Transformation
Andrew Ennis, Service Lead - Environmental Health and Car Parks
Anita Williams, Principal Solicitor and Deputy Monitoring Officer
Diana Vernon, Democratic Services Manager

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Overview Committee held at Knowle, Sidmouth on 17 November 2015

Attendance list at end of document

The meeting started at 6.00pm and ended at 9.00pm.

***14 Chairman's introduction**

The Chairman welcomed the committee members to the meeting

***15 Public speaking**

There were no public speakers at this point of the meeting.

***16 Minute confirmation**

The minutes of the Overview Committee held on the 22 September 2015, were confirmed as a true record.

***17 Declarations of Interest**

Cllr Graham Godbeer declared a pecuniary interest in item 22 below as he undertook some veterinary work for the Environmental Health Service.

***18 Draft Council Plan 2016-2020**

Members received the Draft Council Plan 2016-2020 that was presented to members by Councillor Tom Wright and Karen Jenkins – Strategic Lead Organisational Development and Transformation, following work undertaken by the Corporate Business Think Tank. The Draft Council Plan 2016-20 incorporated a new council ambition, 4 key priorities and actions, which were:

- Encouraging communities to be outstanding;
- Developing an outstanding local economy;
- Delivering and promoting our outstanding environment;
- Continuously improving to be an outstanding council.

as well as refreshed council values.

It was recognised that the Council Plan was a pivotal document, which set out the context of travel and key priorities for the council's staff and its members for the next term. It was an important document for informing our residents, visitors, town and parish councils, businesses and other partners about the Council's key priorities and how and where the Council would direct its financial and other resources.

Debate on the issue also included:

- Importance of supporting communities in East Devon;
- Opportunity provided for improved economic performance through the Council Plan
- Endorsement of the primary importance of neighbourhood local plans;
- Need for improved sports and recreation provision in East Devon;
- Speed of action and the need for sense of urgency should be portrayed;
- The Council Plan would be refreshed every 2 years;
- The main aims of the draft Council Plan fitted in well with the Greater Exeter agenda.

Councillor Tom Wright wished to thank members of his Think Tank and Karen Jenkins for the work they had undertaken on preparing the draft Council Plan 2016 – 2020.

RESOLVED that the contents of the report and the comments made at the meeting be noted and incorporated into the draft Council Plan, including endorsement of the importance of neighbourhood local plans.

***19 Exmouth Beach Management Plan**

The Committee received a report from John Golding, Strategic Lead – Housing, Health and Environment, which invited them to consider and recommend the adoption of the Beach Management Plan for Exmouth.

The Chairman welcomed Alan Frampton from ch2m, who provided a report on the extensive technical work making up the Plan and which underpinned the recommendations made in respect of future management and maintenance of the beach, and hard engineering structures that maintained coastal protection.

The BMP recognised the importance of the Exmouth beach in terms of the amenity and coastal defence properties and outlined the ways in which the Council could manage and protect the beach and coastline. The BMP set out the management regime for Exmouth Beach for the next 5 years. In response to a question, Alan Frampton confirmed that Beach Management Plans (BMP) and Shoreline Management Plans (SMP) were produced for different reasons and the SMP was the more important of the two.

Debate on the issue included:

- Concern expressed over the future flooding of parts of Exmouth and that Pole Sands were being eroded. The sands were considered to protect Exmouth from flooding;
- Lack of local opinion obtained for the BMP;
- Dredging of Pole Sands could have an adverse impact upon Exmouth Beach;
- Concern expressed regarding difficulties in finding suitable funding sources for the work.

RECOMMENDED

that the draft Exmouth Beach Management Plan be adopted and the management, maintenance and monitoring recommendations be implemented, subject to concerns about obtaining funding sources for the work.

***20 Environmental Health Service**

Members noted that the Council's Environmental Health Services regulated a range of environmental and behavioural areas that helped people in East Devon to live in, work in and enjoy this outstanding place. The services underpinned a reasonable standard of wellbeing for all residents of East Devon; much of the day to day work of the service went unseen by the majority. The annual report for the service set out just how much the service did behind the scenes to prevent problems and where problems did arise how hard they worked to overcome these.

A member of the Committee expressed concerns about the lack of visible presence in East Devon of Dog Wardens to deter dog fouling. Andrew Ennis - Environment Health and Car Parks, reported on the success of dog bins in East Devon and that reports of dog fouling had reduced greatly in recent years, due to more responsible dog ownership.

RESOLVED

that it be recognised that the health, safety and wellbeing of our residents, workers and visitors were being safeguarded by the work of our Environmental Health teams. In particular to note that they continued to: inspect food businesses and investigate complaints about the safety of food; resolve complaints about workplace health and safety and promote good practice; investigate infectious diseases and prevent their spread within the community; prevent and control environmental pollution including the control of smoke, odours, flies and noise; promote and enforce public health and pest control legislation; provide advice on the likely impact of new development and on a variety of licensing matters; develop the Council's new permanent in-house pest control and dog warden services alongside a range of other duties including reporting bathing water quality and arranging funerals (where no other arrangements are being made to dispose of the body of a deceased person in the district).

***21 Environmental Health Licensing Policy**

Members received the report of Andrew Ennis, Service Lead - Environment Health and Car Parks, which sought Members' endorsement of the restrictions placed on residents running a business of home-boarding for other people's dogs and of the proposals for the proper regulations of new businesses providing day-care for other people's dogs.

The Committee noted that there were currently over 30 dog home boarders licensed in East Devon and it was likely that there were more than this unregistered

RECOMMENDED

1. that Cabinet considers and recommends to Council to formally adopt the conditions for home boarding of dogs as set out in Appendix A to the report;
2. that Cabinet considers and recommends to Council for formal adoption the conditions for Dog Day Care facilities set out in Appendix B to the report;.
3. that Cabinet considers and recommends to council the enforcement policy set out in Appendix C to the report.

***22 Local Government Boundary Committee for England Electoral Review Update**

The Committee considered the report of Mark Williams, Chief Executive, on the results of the member survey that the Committee had agreed should be carried out at its meeting on 22 September 2015 (minute 11 refers). Members noted that the response rate from EDDC Councillors to the survey was only 47%. Mark Williams, Chief Executive, reported that a further report on this issue would be made in February/March 2016.

RESOLVED

that the results of the member survey be noted.

RECOMMENDED

that it be recommended to Cabinet that the Council prepare a draft submission for the LGBCE on the basis of no or minimal change to the existing number of EDDC Councillors (currently 59).

***23 Overview forward plan**

The Committee discussed items for the forward plan, and agreed the following topics to be scoped before further consideration on how to proceed:

RESOLVED

That the forward plan include:

13 January 2016 – Draft service plans and budget 2016/17 jointly with Scrutiny Committee.

26 January 2016 – Discussion on planning policy and how this should be dealt with within the Council, possibly through a separate planning policy committee. Also update from Rob Murray on economic development.

9 February 2016 – additional meeting on the Refuse and Recycling contract award.

22 March 2016 – Sustainability.

Attendance list

Councillors Present:

Peter Bowden (Chairman)

Graham Godbeer (Vice Chairman)

Matthew Booth

Peter Faithfull

Pat Graham

Maria Hale

Ian Hall

Rob Longhurst

Councillors Also Present:

David Barrett

Jill Elson

Roger Giles

Geoff Jung

Marianne Rixson

Philip Skinner

Pauline Stott

Tom Wright

Officers

Mark Williams. Chief Executive

Henry Gordon Lennox, Strategic Lead – Legal, Licensing & Democratic Services

John Golding, Strategic Lead – Housing, Health and Environment

Karen Jenkins, Strategic Lead - Organisational Development and Transformation

Andrew Ennis, Service Lead – Environment Health and Car Parks

Janet Wallace, Principal Environmental Health Officer

Alan Frampton, ch2m Consultants

Chris Lane, Democratic Services Officer

Councillor Apologies:

Mike Allen

Paul Diviani

John Humphreys

Andrew Moulding

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Scrutiny Committee held at Knowle, Sidmouth on 15 October 2015

Attendance list at end of document

The meeting started at 6.00pm and ended at 7.33pm.

***25 Public speaking**

There were no public speakers at this point of the meeting.

***26 Minute confirmation**

The minutes of the Scrutiny Committee held on the 17 September 2015 were confirmed as a true record.

***27 Apologies**

In receiving the apologies for the meeting, the Chairman, on behalf of the committee, conveyed his condolences to Councillor Brenda Taylor for the recent sad loss of her husband.

***28 Declarations of Interest**

No declarations were made.

***29 Crime and Disorder Update**

The Chairman welcomed Gerry Moore, Anti Social Behaviour and Community Safety Co-ordinator to the meeting. The Committee had received the latest newsletter from the East and Mid Devon Community Safety Partnership, which highlighted:

- The successful Annual Conference
- Stop Abuse for Everyone (SAFE) initiative needing volunteers to complement their existing services for victims of domestic abuse
- Tackling anti-social behaviour across both East and Mid Devon
- Avoiding scams, raising awareness by working with local police neighbourhood teams through delivery of advice packs;
- Protecting property at home with alarmed padlocks and engraving;
- Work with young people on online safety.

Local Action Groups (LAGs) continued to meet regularly and tackle issues at a local level.

Domestic Violence Awareness Week takes place in November, and leaflets were heading out to various outlets covering where anyone can get help. White ribbons were also being worn to signify Males against Domestic Violence. In response to a question about domestic violence against men, the committee were informed that whilst the majority of domestic violence was against women, men are not ignored and there are help sources for all individuals, with resources available both at a national and local level for both sexes.

Partnership working would continue to be impacted as cuts to budgets continued. There had already been significant changes for a number of agencies because of staff resourcing, and the planned cuts for the police service would only add to that problem.

Councillor Tom Wright, as the Council representative on the Police and Crime Panel, outlined the issues currently facing the Police Commissioner. These included continued efforts to improve the 101 telephone service for reporting low level crime, and the Fair Funding campaign looking to retain a fair level of funding to the police force for Devon and

Cornwall. The force was planning on having to find 25% reduction in budget, but could be facing a 40% reduction.

Recent announcements on cuts were discussed in terms of impact on delivery of the police service, including closure of police stations and the impact a dramatic budget subsidy would have on the deployment of Police Community Support Officers (PCSOs). A 25% budget reduction may lead to a 60% reduction in the number of PCSOs; 40% budget reduction may lead to a complete cut of PCSOs.

The Chairman echoed the sentiments of the committee in his praise of the work both of Gerry Moore and the PCSOs in the District. The loss of PCSOs would have a dramatic impact on the District, with a local example given of the quality of the PCSO at Ottery St Mary.

RECOMMENDED

That Cabinet recommends to Council that it conveys to the Home Secretary that the proposed cuts for the police service would severely impact on Police Community Support Officers and other front line staff must be resisted; and raise the issue with the local Members of Parliament

***30 Asset Management Forum**

The Chairman welcomed Councillor Geoff Pook, Chairman of the Asset Management Forum (AMF), for discussion on this item.

Council had agreed for this committee to consider a motion put by Councillor Ben Ingham to look at a more transparent form of operation of the AMF.

Councillor Ingham spoke about his original motion to Council and the public's perception of the Forum. He felt that the objectivity of the Forum must be clear and he felt that a move to a public Forum would be a positive step.

Councillor Pook told the committee that he had no issue with the Forum being held in public. He accepted that the administration changes to hold the meetings in public would involve some cost but he felt that the budget should not be a barrier to transparency. He reminded the committee that confidential matters, such as tender and contract details, would have to be held in private and therefore under "part B" whereby the public and press are excluded from that part of the meeting. Ward Members would be invited as appropriate if assets in their ward were being discussed.

The committee were asked to consider if the AMF should become a meeting held in public, with any reports containing commercially sensitive or confidential information considered under "Part B" when the public and press are excluded from the meeting. Past agendas and minutes had now been published online in response to a Freedom of Information request, with some confidential information redacted.

RECOMMENDED

1. Allow the Asset Management Forum, a forum appointed by Council to advise the Cabinet, to meet in public, with reports meeting exemptions being heard when public and press are excluded under "Part B";
2. Permit questions and statements from the public on agenda items of Asset Management Forum that are not considered in "Part B" as per the practice adopted by Cabinet, and the Overview and Scrutiny Committees;

3. Publish agendas and minutes of the Asset Management Forum as per the access to information procedure rules.

***31 Changes to Scrutiny practices based on best practice**

The Chairman informed the committee of excellent training recently undertaken by him alongside the Vice Chairman and the Democratic Services Officer. Following attendance of the event organised by Westminster City Council, changes to Scrutiny practice had been drafted in a report for the Committee's consideration.

The changes included:

- Written updates from Portfolio Holders with the option for the committee to select specific elements for further discussion at a future meeting;
- Sharing of forward plans of the Cabinet, Scrutiny Committee and Overview Committee to raise awareness of issues coming up;
- Encouraging Single Member Studies for an elected member to research a specific topic to feed back to the committee;
- Regular updates from Task and Finish Forums rather than only receiving a final report;
- Seeking reasons from cabinet why a recommendation is not agreed or endorsed;
- Written submission from external bodies or witnesses if they are not able to attend a meeting in person.

RESOLVED

To adopt the practices recommended as follows:

- Sharing of forward plans of the Cabinet, Scrutiny Committee and Overview Committee to raise awareness of issues for each;
- Encourage Single Member Studies for an elected member to research a specific topic to feed back to the committee that include scope and regular update;
- Receive regular updates from Task and Finish Forums prior to the final report;
- Request written submission from external bodies or witnesses if they are not able to attend a meeting of the committee in person.

RECOMMENDED

That Cabinet recommend to Council that

- a) Portfolio Holder update reports are provided to the Scrutiny Committee in writing at least once each civic year, thereby giving the committee opportunity to invite the Portfolio Holder back to respond on specific issues of interest to the Scrutiny Committee;
- b) That Cabinet provide a reason to the Scrutiny Committee for not agreeing or endorsing a Scrutiny recommendation, in order for the Scrutiny Committee to re-examine and submit revised recommendation as appropriate.
- c) That the Council's constitution be amended to reflect these changes.

***32 Matter for information – Dunkeswell and Chardstock**

Mary de Souza, as Chairman of Chardstock Parish Council, reminded the committee of the contradiction of officer recommendation in the decision to include Chardstock in the list of settlements with a Built Up Area Boundary (BUAB). She asked the committee to undertake its role of scrutiny and fully investigate the matter, as this delay only served to undermine the confidence the Parish Council had in the District Council.

David Everett, speaking as a resident of Chardstock, reminded the committee of their purpose as set out in the constitution. He felt that the issue was being “kicked into the long grass” rather than positive steps being taken to investigate how the decision came about.

Paul Spearing from Chardstock Parish Council had nothing further to add which had not already been covered by the previous two speakers.

The inclusion on the list of settlements to receive a build-up area boundary of Dunkeswell and Chardstock would be discussed at a future meeting of the committee, once the review of the process of the production of the Local Plan got underway.

Concern was voiced by Councillor Gardner in the delay in this work although she welcomed the clear intent of the committee to review the process of the production of the Local Plan.

The Chairman shared the concern of both the members of the public and the committee in how the decision had been made, but made clear that there was no intention to ignore the issue. He assured the committee that it was only due to an issue of timing that the investigation into how the decision to include Chardstock and Dunkeswell could not be undertaken at this point.

***33 Scrutiny forward plan**

Representatives from Connecting Devon and Somerset, and British Telecomm, had been secured for attendance at the next meeting of the committee for the topic of Broadband.

Councillor Gardner raised an issue relating to Mill Street Car Park, where comment was sought on a press release from Ward Members too close to the newspaper deadline. She also asked why the matter had been handled as an urgent item at Cabinet. The Chairman reminded the Committee of their recent work reviewing the Media Strategy and agreed that a report be provided on the issues outlined by Councillor Gardner at a future meeting.

The Chairman again stressed that the Committee would be reviewing the process of production of the Local Plan, of which the decision involving Chardstock and Dunkeswell's inclusion in the BUAB list would be the first priority for the committee.

Attendance list

Committee Members present:

Roger Giles (Chairman)

Alan Dent (Vice Chairman)

Dean Barrow

David Chapman

Cathy Gardner

Bill Nash

Cherry Nicholas

Val Ranger

Marianne Rixson

Other Members present:

Pauline Stott

Geoff Pook

Graham Godbeer
Tom Wright
Peter Faithfull
Dawn Manley
Ian Hall
Ben Ingham
Susie Bond
Andrew Moulding
Peter Bowden
Ian Thomas
Geoff Jung
Rob Longhurst
David Barratt
Megan Armstrong
Iain Chubb

Officers present:

Gerry Moore, Anti Social Behaviour and Community Safety Co-ordinator
Anita Williams, Principal Solicitor and Deputy Monitoring Officer
Debbie Meakin, Democratic Services Officer

Committee Members apologies:

Maddy Chapman
Alison Greenhalgh
Simon Grundy
Marcus Hartnell
Brenda Taylor

Other Members apologies:

Jill Elson
John Dyson
Steve Hall
Peter Burrows

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Scrutiny Committee held at Knowle, Sidmouth on 12 November 2015

Attendance list at end of document

The meeting started at 6.00pm and ended at 8.35pm.

***34 Public speaking**

There were no public speakers at this point of the meeting.

***35 Minute confirmation**

The minutes of the Scrutiny Committee held on the 15 October 2015 were confirmed as a true record.

***36 Declarations of Interest**

No declarations were made.

***37 Broadband update**

The Chairman welcomed Councillor Phil Twiss, Portfolio Holder for Central Services, who gave a brief update from his perspective in how the District Council could influence the delivery of Broadband to the district. He outlined:

- Continued lobbying by the District Council of Connecting Devon and Somerset
- Pushing for 100% coverage for the district
- Asking for technology to be in place as best suited for rural areas
- Ongoing dialogue with other service providers in order to be prepared with other options should Phase 2 not deliver the aim of 100% coverage.

The Chairman welcomed Phil Roberts from Somerset County Council, who worked as part of the Connecting Devon and Somerset (CDS) team; and Paul Coles, British Telecommunications (BT) South West Regional Partnerships Director. To complete the debate, the Chairman welcomed Graham Long, from Upottery Parish Council and Chairman of Broadband for Rural Devon and Somerset (B4RDS), a local group.

Devon County Council's Place Scrutiny Committee had recently debated the topic of broadband delivery, and Councillor Andrew Moulding, as Chairman of the Place Scrutiny Committee, was present to highlight the findings of the County's scrutiny work. A number of recommendations were made at County level, and that committee receives a further update at their meeting on 16 September 2015.

Connecting Devon and Somerset (CDS) is a partnership of local authorities that has entered into a contract with BT for the delivery of superfast broadband procured under the national rural broadband framework commissioned by Broadband Delivery UK (BDUK) for Phase 1, to be completed by end 2016. CDS partners have provided capital investment, and secured a £32m grant from the Broadband Delivery UK (BDUK) alongside secured investment from BT giving a contract value of £94m. The technical solutions to deliver the target coverage are Fibre to the Cabinet, with a small percentage of Fibre to the Premise. Phase 2 is the second contemporaneous contract to deliver 95% by 2017 that was not awarded to BT and therefore going to open market tender.

CDS had recently issued a member briefing which outlined progress to date, including:

- Phase 1 (90% coverage) was ahead of schedule and two-thirds complete, with 217,000 premises connected. Take up of the service where the property had been connected for over a year was in excess of 30%;

- Phase 2 (95% coverage) included discussions with potential suppliers over the summer months to help shape the open market tender; and the open market review (OMR) has been launched, with a draft map of areas eligible for public funding in this phase due to be published for public consultation early in the new year.

Graham Long was keen to stress to the committee that:

- The National Audit report outlined the “advanced overage” which permits a claw back of funds from BT if the take-up rate of superfast broadband does not reach the threshold set in the contract. He wanted to check if this had been claimed;
- There was a risk that the Phase 2 contract could fail again if there was not the commitment of funds from the District Councils. He stressed that all District Councils in both Devon and Somerset needed to work together on this to bring about delivery;
- Press statement by Ed Vaizey, Minister of State for Culture, Media & Sport, and Business, Innovation & Skills on providing the final 5% coverage offered a mail out of vouchers for satellite systems. Graham stressed that satellite systems were not suitable for broadband delivery.

Questions from the committee to the invited witnesses and subsequent debate included:

- 4G mobile technology was an option for remote areas but was not a suitable technology for the speed of broadband required in the future;
- stress to the committee that there was still a second audit outstanding on the work of the CDS to be undertaken by Grant Thornton, as agreed and funded by the County Council. The first audit had been undertaken by the Devon Audit Partnership (DAP), a shared service of Devon, Plymouth and Torbay councils;
- National Audit Office report stated that delivery on Phase 1 was 6 months ahead of schedule, under budget and representing value for money;
- In response to BT profit margins, investment by BT nationally was outlined including into technologies for ultrafast broadband. Varying speeds across Europe were acknowledged but there were variances in the type of technology and the level of investment to deliver higher speeds;
- Early market engagement for Phase 2 in October 2014 attracted 26 interested parties but at that time CDS were not looking at an open market tender
- clarification on the timeframe of the open market review and tender process, as there appeared to be discrepancies between published dates in the members briefing provided by the CDS and the update report provided to the County Council. This was clarified as February 2016;
- Technology in place on the moors in Devon was working well and could be an option for some delivery in other remote areas, with good comparison costs to Fibre to the Cabinet (FTTC);
- Options for delivery were explained including the wireless technologies available. Satellite was not an option for long term delivery;
- Any customer could apply to BT as a service provider to request fibre from the cabinet to their premises directly at their own cost;
- Evaluation criteria used in open market procurement to ensure fair process to all tenders. No preference could be given by CDS as to delivery by one or by multiple providers as this would prejudice the tender process;
- Why were the CDS board members not listed in the public domain? This could not be answered as the CDS representative was not aware of where this could be obtained publically;
- Claw back value was clarified as approximately £4.9m by CDS but Graham Long disputed that figure and advised the committee that was half of what could be obtained.

RECOMMENDED

1. Connecting Devon and Somerset (CDS) be encouraged to pursue an open tender exercise for providers for Phase 2 of broadband delivery;
2. CDS be asked to investigate alternative technologies, including cable less technologies for rural areas, and remain technology neutral;
3. CDS be asked to give priority to isolated and rural communities;
4. The District Council continue to investigate additional providers once the Phase 2 tendering process is completed, as necessary.

***38 Evaluation and protection of Trees Task and Finish Forum update**

The Chairman welcomed Charlie Plowden, Service Lead for Countryside and Leisure; David Coleman, Arboricultural Officer; and John Golding, Strategic Lead Housing, Health and Environment.

The Forum was concluded in March, and reported to the committee in June, with a number of recommendations. Included in the recommendations was recognition of the systems thinking review about to be undertaken. Since the recommendations were agreed by Cabinet, the Arboricultural Team has been undergoing this lengthy process and has completed the “check” stage to identify procedures requiring modification to better meet customer demand.

Refining the processes of the team will enable work to progress on the agreed recommendations, so some of the actions requested by the Forum will not be implemented until the systems thinking review has been completed. What has been clearly identified even at “check” stage is the need for more staff resource within the team, and the draft budget will incorporate a request for resources.

The Forum recommendations would also be set out in the Service Plan for the countryside team, which the committee could monitor through its regular monitoring process.

Debate by the committee covered:

- Disappointment from the Chairman in real progress against the recommendations;
- Unrealistic expectation on timescale for delivery, in the context of lack of resources for current team;
- Enforcement of felling of protected trees needed review in order to be fully effective and act as a deterrent;
- Clear respect for the work undertaken by the team and need for Members to show support, particularly in seeking additional staff resource;
- Reminder of the sheer scale of protected trees in the District and the pressure of statutory work that has to be completed, which impacts on other work of the team including acting on the recommendations;
- Specialised field of work means that the team cannot look to using staff from the wider Countryside Team.

A learning point from this Forum for future work was for the Members to give an indication of the resources required for any recommendations they put forward, as well as a realistic timeframe for implementation, subject to agreement by Cabinet.

RESOLVED

1. That the committee recognise the hard work of the Aboricultural Team and the importance of the service;
2. The intention to embed the recommendations in the service plan is noted and the committee trusts that the recommendations will be implemented in that service plan period

RECOMMENDED

That significant resource allocation takes place to achieve the service requirements of the Aboricultural Team.

***39 Performance monitoring report for second quarter 2015/16**

The committee received the report highlighting three service objectives showing concern, and three performance indicators showing concern.

Performance relating to the number of random vehicle licence checks was expected to improve following the return to work of an employee on long-term sick leave and barring any further legislative changes by the DVLA.

The Vice Chairman requested the phrase “hoped that” to be removed from any officer comments as that could imply that the work would not be achieved.

Comments on specific indicators that could not be responded to at the meeting will be followed up and reported back to the next meeting.

The committee welcomed the improvements to the officer comments fields in terms of explaining acronyms and giving fuller explanations.

***40 Scrutiny forward plan**

The committee was informed of an additional meeting, to be held jointly with the Overview Committee, on the 9 February 2016 at 6pm. This meeting was to discuss the refuse and recycling contract prior to Cabinet’s consideration.

An item on the Mill Street press release, as requested by Councillor Gardner, was tabled for the 10 December meeting of the committee.

Attendance list

Committee Members present:

Roger Giles (Chairman)

Alan Dent (Vice Chairman)

Dean Barrow

Simon Grundy

Marcus Hartnell

Brenda Taylor

Cherry Nicholas

Val Ranger
Marianne Rixson

Other Members present:

Phil Twiss
Andrew Moulding
Peter Bowden
Pauline Stott
Jill Elson
Ben Ingham
Dawn Manley
Tom Wright
John Dyson
Peter Faithfull
Geoff Jung
Iain Chubb

Officers present:

Charlie Plowden, Service Lead for Countryside and Leisure
David Coleman, Aboricultural Officer
John Golding, Strategic Lead Housing, Health and Environment
Anita Williams, Principal Solicitor and Deputy Monitoring Officer
Debbie Meakin, Democratic Services Officer

Committee Members apologies:

David Chapman
Cathy Gardner
Alison Greenhalgh
Bill Nash
David Foster

Other Members apologies:

Susie Bond
Mike Howe

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a joint meeting of the Overview and Scrutiny Committees held at Knowle, Sidmouth on 2 December 2015

Attendance list at end of document

The meeting started at 3.00pm and ended at 4.48pm.

***9 Election of Chairman**

Councillor Roger Giles was elected Chairman of the joint meeting.

The Chairman welcomed Councillors to the joint meeting and reminded the Overview and the Scrutiny Committee Members that voting on any proposed recommendations would be conducted separately for each committee.

***10 Appointment of Vice Chairman**

Councillor Peter Bowden was appointed Vice Chairman of the joint Committee.

***11 Public speaking**

There were no public speakers.

***12 Declarations of Interest**

Cllr Jill Elson – Min no. 14

Personal interest

Reason: Chairman of Exmouth Community College

Cllr Graham Godbeer - Min no. 14

Personal interest

Reason: Chairman of AONB.

Cllr Roger Giles – Minute no. 14

Personal interest

Reason: Opposition to bed closures in the district

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***13 Exclusion of the public**

RESOLVED:

that the classification given to the documents to be submitted to the Cabinet be confirmed; there were no items which officers recommended should be dealt with in Part B.

***14 The Devolution debate for the Heart of the South West**

Leaders of the various authorities in the geographical area known as the Heart of the South West have been debating a possible devolution bid to Government. The area covered includes Devon County Council, Somerset County Council, Plymouth City Council and Torbay Council. Administration of the draft bid is being undertaken by officers at Somerset County Council.

Members had already seen the published Statement of Intent, published in September 2015. Newsletters have also been published by the HotSW Devolution Programme Management Office.

The Chief Executive updated the committees on the progress to date in producing a draft bid. Themes had emerged on the following areas:

- Productivity and economic growth: specifically on devolving powers over skills, apprenticeships and business support; alongside greater control over the public sector property portfolio
- Health, social care and wellbeing: focus on reducing ill-health and the reliance on health and social care service; as well as support to deliver integration of health and social care
- Improved connectivity and resilience: better coordination of infrastructure and local growth; more housing and economic infrastructure; improved delivery of flood and coastal defence
- Governance: expanding the current arrangements to create a place based board, supported by a Chief Executives Group; alongside “passporting” of powers down using existing formal decision-making structures where possible.

He also took the committees through the “Golden Opportunities”: Marine; Nuclear; and Environmental Futures.

The committee were asked to consider what factors they felt they should advise their Leader to keep in mind, as part of the process of signing up to the proposed bid on behalf of the Council. The County councils and Plymouth had set Timescales, with the draft bid expected by Monday 7 December. It was expected that this draft bid could be circulated to Members, as a confidential document at that stage, for consideration before the matter came to Council for decision on delegation.

The Chief Executive was thanked by a number of members for his clear presentation and clarity of responses to questions. The committees debated:

- Concern on the involvement with the NHS and CCGs showing a 5-year forward plan. Comparison was made between Greater Manchester’s devolved powers of “an invitation to develop a plan for integrating health and social care across the area” to Cornwall’s “greater ability to work with local health organisations to help integrate health and social care”.
- It was too early to define cost savings that devolution may bring
- Any devolution had to be fiscally neutral, so the process would not bring in any new money. Instead it would look at a more efficient use of existing money through better coordination and shared outcomes that will deliver savings that can be invested back into budgets
- Likely at present that the draft bid will not include governance arrangement of an elected mayor, but a place based board or combined authority – this was not to be confused with regional government
- Enterprise zones are a separate issue from devolution, which may marry up but can operate independently
- In answer to a question, newsletters are produced after each meeting of the Leaders and the meetings are held in private
- Was there money available to undertake any devolved powers when more budget cuts were expected over coming years
- Neighbourhood plans would continue as a separate initiative, but towns and parishes may wish to consider the wider picture in developing those plans where ambition is present for developing growth
- Clear objectives taken from the Council Plan must be in place before any negotiation could successfully take place – described as “red lines”
- Transparency could be improved with a group of members monitoring the work of the Leader and Chief Executive in undertaking delegated powers if in place – for

example, making use of Portfolio Holders and members with specific skill sets to aid the Leader

- Need to see the draft bid before any decision made on delegation
- Look to include rural proofing to the draft bid to protect and recognise importance of rural areas

The Overview and Scrutiny Committees voted separately on the proposals and each Committee supported the recommendations:

RECOMMENDED

1. That clear objectives are set in preparation for negotiation if the bid proves successful in reaching Government discussion
2. That an oversight group be set up of Portfolio Holders and appropriate members to follow the process of the bid
3. That the work and the process to date be noted
4. that the Leader be given delegated authority to sign the proposed Devolution Bid on behalf of East Devon District Council subject to ratification of Council on 16 December 2015
5. That an element of rural proofing is put forward for inclusion in the draft bid

Attendance list

Overview Committee members present:

Peter Bowden
Graham Godbeer
Mike Allen
Ian Hall
Rob Longhurst
Peter Faithfull
Matt Booth
John Humphreys
Christopher Pepper

Scrutiny Committee members present:

Roger Giles
Alan Dent
David Chapman
Cherry Nicholas
Brenda Taylor
Marianne Rixson
Dean Barrow
Alison Greenhalgh
Bill Nash

Other Members present:

Jill Elson
Tom Wright
John Dyson
Geoff Jung
Ben Ingham
Susie Bond

Dawn Manley
Megan Armstrong
Iain Chubb
Geoff Pook
Ian Thomas
Steve Hall
Andrew Moulding
Phil Twiss
Paul Carter
David Barratt
Paul Diviani

Officers present:

Henry Gordon Lennox, Strategic Lead Legal Licensing & Democratic Services and Monitoring Officer
Simon Davey, Strategic Lead Finance
Mark Williams, Chief Executive
Debbie Meakin, Democratic Services Officer
Ian Baker, South West Audit Partnership

Committee Members apologies:

Overview

Maria Hale

Scrutiny

Cathy Gardner
Simon Grundy
Maddy Chapman
Val Ranger

Other Member apologies:

Steve Gazzard
Mike Howe
Pauline Stott
Mark Williamson
Phil Skinner

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Housing Review Board held at Knowle, Sidmouth on 5 November 2015

Attendance list at end of document

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

***34 Public Speaking**

Councillor Pauline Stott, Chairman of the Board welcomed all those present and invited everyone to introduce themselves.

Mike Berridge reported that the Annual Tenants Conference had gone very well. He thought that it had been the best one so far and that the 'speed dating' was brilliant. He thanked all those involved with the organisation of the Annual Tenants Conference.

Harry Roberts raised the timings of the Housing Review Board meetings. He felt that there had been inadequate consultation prior to changing the start time of the meetings. The Strategic Lead, Housing, Health and Environment advised that the start time of 2:30pm would be trialled until the end of the civic year, when it would be reviewed and all members consulted.

Eric Howard questioned the apparent change of policy with regard to tenants responsibility for repairs/replacing items such as side gates. The Property and Asset Manager advised him that she would look into the particular case outside of the meeting.

Councillor Pauline Stott remarked on the excellent housing tour which had taken place in September. Those who attended had found it very interesting and informative.

***35 Minutes**

The minutes of the Housing Review Board meeting held on 10 September 2015 were confirmed and signed as a true record, subject to Julie Bingham and Christine Drew being added to the list of those present.

***36 Declarations of Interest**

Angela Bea: Personal Interest - Housing tenant

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

Joyce Ebborn: Personal Interest - Housing tenant

Cllr Ian Hall: Personal Interest – Family member lives in a Council owned property and uses Home Safeguard

Cllr Knight: Personal interest – Family member lives in a Council owned property. He is also a Devon County Council Councillor and a member of the Fire Authority.

Harry Roberts – Housing tenant.

***37 Matters of urgency**

There were no matters of urgency identified.

***38 Forward Plan**

The Strategic Lead, Housing, Health and Environment presented the forward plan and advised Members that the forward plan would act as a reminder of agenda items to come forward to future meetings. Members were reminded that they could add further issues to the next forward plan by informing him or the Democratic Services Officer. The Strategic Lead, Housing, Health and Environment advised the Board that the budget and service plan for 2016/17 would be presented to them at the January meeting. There would also be an

update on the progress of the recommendations of the Garage Management and the Car Parking Task and Finish Forums at a future meeting.

RESOLVED: that the forward plan be noted.

***39 Tenant Scrutiny Panel report – customer recruitment and involvement**

The Chairman welcomed Roger Pell and Sylvia Martin, from the Tenant Scrutiny Panel (TSP), to the meeting. Roger Pell, Chairman of the TSP presented the TSP report on customer recruitment and involvement, undertaken to promote new thinking in order to re-energise tenant/customer involvement. The presentation included who the TSP were, what they did and why they chose to scrutinise East Devon's approach to tenant involvement. It also included considerations on what worked well and what did not work so well.

Although the TSP were independent of the council, they liaised with officers and tenants to gain information. The main findings were that:

- a small number of the same tenants were involved in 17 different groups (many getting involved because of a grievance). This reduced the pool of information and ideas available and the apparent lack of formal links or feedback between the groups resulting in stagnation, producing little in the way of results (with a few exceptions).
- there was a disappointing response to the anonymous housing staff survey. The TSP felt that staff attitude could appear as 'you're just a tenant, you're lucky to have a home'. By considering and referring to tenants as customers, the culture should change to one of increased mutual respect.

The TSP made five main recommendations, each with a number of sub recommendations. These were:

1. Make sure that effective tenant involvement (with a customer-centric approach) is an expected part of everyone's job.
2. Make sure tenant involvement priorities are linked to the organisation's vision and objectives.
3. Make customers central to decision making processes.
4. Review the existing structure to ensure groups' effectiveness, including no duplication of members/activities.
5. Develop an annual programme of ongoing activities to promote positive recruitment.

The main conclusion of the TSP was that they were pleased to find there were positive practices to balance their recommendations. They found the tenant involvement process to be stagnant in places, with a poor attitude and approach whilst growing in others, with a much improved customer-centric attitude and approach. The TSP hoped that the recommendations would ensure that the positive examples the TSP found could be spread to the rest of the organisation.

The Tenant & Communities Section Leader thanked the TSP for the report and recommendations. She felt that it would be useful for officers to analyse the report and bring a response to the report back to a future Board meeting. The Strategic Lead – Housing, Health & Environment thanked the TSP for a helpful, thought provoking report and suggested that a review of current practices prompted by the TSP report could be built into the service plan. On behalf of the Board the Chairman thanked the TSP for all of their work.

RECOMMENDED: that officers review the Tenant Scrutiny Panel report and recommendations on customer recruitment and involvement and respond in a report at a future Housing Review Board meeting.

***40 Rent reduction policy**

The Strategic Lead – Housing, Health & Environment’s report updated the Board on the government rent reduction and the ministerial response to the Council’s concerns about the impact of the policy on its finances. The Strategic Lead – Housing, Health & Environment explained the damaging effect of a 1% rent reduction on the Housing Revenue Account (HRA) Business Plan. The effect was particularly dramatic as the HRA Business Plan had presumed rent increases, so in real terms the reduction of rental income was far greater than 1%.

The Strategic Lead – Housing, Health & Environment, the Portfolio Holder – Sustainable Homes and Communities, a representative from Mid Devon District Council and the two local MPs had met with the Housing and Planning Minister at Westminster on 15 October 2015. Despite lobbying hard for change it was apparent from this meeting that the Housing and Planning Minister would not reconsider the proposed 1% rent reduction.

The report concluded that the Council’s lobbying would not affect the implementation of the policy and advised that it needed to concentrate on reviewing the HRA Business Plan and ensuring future expenditure was aligned with reduced income expectations. Options of how to plan future income against expenditure would be brought to a future Board meeting.

The Portfolio Holder – Sustainable Homes and Communities outlined her extensive efforts to lobby against the changes. She went on to thank tenants for the excellent rent collection record, which allowed the Council a degree of flexibility when reviewing the HRA Business Plan.

The Chairman thanked the Strategic Lead – Housing, Health & Environment for his report.

RECOMMENDED: that the position with regard to the rent reduction proposals be considered and a review of the Housing Revenue Account Business Plan be initiated.

***41 Moving rents to target rents**

The Strategic Lead – Housing, Health & Environment presented the Rental Manager’s report which proposed moving rent levels to the formula/target rent, for new tenants, at change of tenancy. By moving rents at tenancy changes to formula/target levels for new tenants it would lessen the severity of the 1%, four year rent reduction, without affecting current tenants.

RECOMMENDED: that rents be moved at a tenancy change to formula/target rent level for new tenants commencing 30 November 2015.

***42 ‘Pay to stay’ consultation for social housing tenants**

The Landlord Services Manager explained the Government’s pay to stay consultation and asked for the Board’s response on the proposals. It was the Government’s view that tenants in social housing should not always benefit automatically from subsidised rents. The principle was that higher earners, earning over £30,000 per annum (per household) should pay market rents and that the extra income generated by local authorities should be returned to the Exchequer. Housing Associations, under the proposals, would keep the extra income generated to fund their development programmes.

Concern was raised over how this would work in practice, and that it would be complex and expensive for social landlords to administer. At present the income of tenants was not generally known. The report suggested that if housing associations could keep the money generated, then local authorities should be able to do the same. The extra income raised should be retained locally so that it can be reinvested for the benefit of local tenants.

The Portfolio Holder – Sustainable Homes and Communities advised that she would be making the two local MPs aware of this consultation and they would be included in the response.

RECOMMENDED: that the Board's comments and concerns be included in the Council's response to the Government's consultation on pay to stay.

***43 Consultation update on changes to variation of tenancy agreement**

The Strategic Lead – Housing, Health & Environment reported on the outcome of the consultation and that in conjunction with the Portfolio Holder – Sustainable Homes and Communities he had approved proposed changes to the revised draft tenancy agreement. The two changes made to the draft tenancy agreement were:

1. An additional clause is added to Section 4.4 Living in your home which reads:
4.4.5 If you live in sheltered housing where a personal alarm has been installed, you must not remove, disconnect or interfere with the equipment in any way. We will recharge you for any costs involved in repairing or replacing damaged equipment. Removing, disconnecting or interfering with the equipment will mean that the alarm cannot be used in an emergency and so may put your life, or the life of others, in danger.
2. In Clause 7.1.5 we change the abandonment time from 28 days to three months so the clause now reads:
We will remove and store any items left in the premises after the termination date for three months. We will notify you of this at your last known address. If the items are not collected within three months we will dispose of them. You will be liable for our reasonable costs of storage and disposal.

During November all tenants would be sent the final notice of variation letter which would draw attention to the two changes and a copy of the final tenancy agreement. The new tenancy agreement would become effective from 1 January 2016.

RESOLVED: that the outcome of the consultation and further changes made to the tenancy agreement be noted.

***44 Provision of free and independent financial advice service for tenants**

The Rental Manager's report set out why the Council should continue to provide a free, independent, confidential, and impartial debt advice service that delivered a fair outcome for both debtors and creditors. The Landlord Services Manager explained the history with the current contract and the need to procure a new financial advice service. The Board agreed in principle to providing a free and independent financial advice service to its tenants and that the Council should look at the best way of doing this.

RECOMMENDED: that the Council enter into a new contract for the provision of a free and independent financial advice service for tenants.

***45 Completion of asbestos management surveys in housing stock**

The Property and Asset Manager's report outlined the progress that had been made in relation to the management of asbestos within the housing stock. Since November 2014 the Council had had a designated Asbestos Maintenance Surveyor and an asbestos control procedure and management plan for housing. This policy was currently being reviewed and the Property and Asset Manager hoped to report this to the next Board meeting.

Asbestos management surveys provided up to date information on the housing stock. These were carried out as early as possible when properties became void. However there was a large amount of management surveys outstanding (because only a proportion of the stock becomes vacant) and contractors were increasingly requesting more coverage from management surveys. It was intended to place all of the remaining properties that did not have an asbestos management survey in a two-year programme of works.

RECOMMENDED:

1. that the progress in relation to the management of asbestos in council properties be noted
2. that a two year programme of works to ensure asbestos management surveys are carried out across the council housing stock be approved
3. that £100,000 be set aside in the 2016/17 and 2017/18 budgets for the completion of asbestos management surveys, with the Strategic Lead – Housing, Health & Environment and the Portfolio Holder – Sustainable Homes and Communities being given delegated authority to approve additional funding if required to ensure this work is completed.

***46 Handy person trial review**

The Board received a report from the Property and Asset Manager on the success of the first two months of the trial handy person scheme. The report also set out reasons for potentially extending the trial. The trial scheme was currently open to all tenants in sheltered accommodation, all tenants over 70 years of age or with a disability, and all tenants on the individual garden maintenance scheme. The trial was being run in two areas, with a contractor employed in each area. The east area of the district currently had further capacity and the Property and Asset Manager suggested opening up the service to a wider area.

The pilot scheme was being carefully monitored with tenant feedback and how it was helping people to stay in their homes, as well as being evaluated for financial viability.

RECOMMENDED: that the handy person scheme's success be noted and that the trial be extended to a wider area, at the discretion of the Property and Asset Manager.

***47 The tenant's journey – a longitudinal study proposal**

Consideration was given to the report of the Information and Analysis Officer. This outlined a new and improved research approach for collecting information on tenant experiences and expectations of their homes and the services the housing service provided. The Council had the opportunity to work in partnership with the University of Birmingham on an innovative research project exploring the impact its housing had on the lives of its tenants. The longitudinal study would provide the housing service with practical insights into the services it provided. It would also be an original and important contribution to the current policy and national research debate.

RECOMMENDED: that the STAR survey be replaced with a longitudinal study to enable better collection of tenant satisfaction and performance data.

***48 Housing and Planning Bill briefing**

The Strategic Lead - Housing, Health and Environment's report alerted the HRB to the publication of the Housing and Planning Bill, and provided reference to initial briefings on the content of the Bill. He would be keeping the Board updated in the future.

RECOMMENDED: that the Strategic Lead – Housing, Health & Environment and the Portfolio Holder – Sustainable Homes and Communities meet with Planning to discuss the Bill and its implications and report back to the next meeting of the Housing Review Board.

RESOLVED: that the main contents of the Housing and Planning Bill be noted.

Attendance list

Present:

Cllr Pauline Stott (Chairman)
Cllr Megan Armstrong
Cllr Ian Hall
Cllr Jim Knight

Co-opted tenant members:

Pat Rous (Vice Chairman)
Angela Bea
Mike Berridge
Joyce Ebborn
Harry Roberts

Independent community representatives:

Julie Bingham
Christine Drew

Officers:

Sue Bewes, Landlord Services Manager
Natalie Brown, Information & Analysis Officer
Amy Gilbert, Property and Asset Manager
John Golding, Strategic Lead - Housing, Health and Environment
Andrew Mitchell, Housing Needs & Strategy Manager
Jane Reading, Tenant & Communities Section Leader
Kerry Spittle – Right to Buy Officer
Alethea Thompson, Democratic Services Officer
Mandy White, Accountant

Also present:

Cllr Jill Elson, Portfolio Holder – Sustainable Homes and Communities
Cllr David Barratt
Cllr Helen Parr
Eric Howard - tenant
Victor Kemp – tenant
Sylvia Martin - Tenant Scrutiny Panel
Roger Pell – Tenant Scrutiny Panel
John Powley - tenant
Annette Wheeden - tenant
Jenny Vernon - consultant

Apologies:

Cllr Douglas Hull

Cllr Steve Gazzard

Giles Salter - Solicitor

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 3 November 2015

Attendance list at end of document

The meeting started at 10am and ended at 3.05pm (the Committee adjourned for lunch at 12.15pm and reconvened at 1.30pm).

***44 Minutes**

The minutes of the Development Management Committee meeting held on 6 October 2015 were confirmed and signed as a true record.

***45 Declarations of interest**

Cllr Mark Williamson; 15/0753/MOUT, 15/2053/FUL, 15/1897/FUL; Personal interest; Exmouth Town Councillor.

Cllr Ian Hall; 15/0645/MFUL; Personal interest; Signed a petition against the development before May district elections but now comes to debate with a clear and open mind.

Cllr David Barratt; 14/2994/FUL; Personal interest; Sidmouth Town Councillor.

Cllr Peter Burrows; 15/1609/FUL; Personal interest; Attended public consultation event.

Cllr Colin Brown; 15/1746/OUT; Personal interest; Acquaintance of the applicant.

Cllr Graham Godbeer; 15/1609/FUL; Personal interest; Vice Chairman of East Devon AONB Partnership.

Cllr Andrew Moulding 15/1830/VAR; Personal interest; President of sports centre adjacent to site.

In the interests of transparency, Cllr Susie Bond declared that she had been contacted in advance of the meeting regarding application 15/0753/MOUT.

***46 Planning appeal statistics**

The Committee received and noted the Development Manager's report setting out appeals recently lodged and two appeal decisions notified - one had been allowed and one had been dismissed.

***47 Consultation on the proposed criteria for defining Built-up Area Boundaries feedback**

The Committee considered the Planning Policy Manager's report, which provided a summary of the feedback received during a consultation on proposed criteria for defining Built-up Area Boundaries (BUABs). The Committee was advised that 169 consultation responses had been received (69 of these were in the form of a 'standard' letter from Clyst St Mary residents). The report sought agreement from the Committee for further work on defining BUABs to be put on hold until the Council had received the Local Plan Inspector's report, which was due before the end of the year.

Cllrs David Everett and Mike Dadds, of Chardstock Parish Council, spoke; their comments referred to:

- Unsound, undemocratic and unfair consultation.
- Chardstock needed to be regarded as unsustainable until the Local Plan Inspector had made his decision.
- Chardstock was not sustainable against all the relevant criteria.
- The criteria for determining whether a settlement was sustainable or otherwise needed to be applied consistently and objectively across East Devon.
- Supporting evidence and good asset management was needed.
- There was a danger that small settlements would be overdeveloped with inadequate infrastructure in place.
- There was an identified need for only 2 affordable homes in Chardstock – indicating minimal local need for new homes.
- Chardstock currently had a viable community – this could be threatened by significant new development.
- Additional housing did not necessarily mean more families coming to the area.

Comments made during discussion on the report included:

- Chardstock was at the mercy of developers and needed protection.
- The two significant business parks – Greendale and Hill Barton were mentioned in the Local Plan but needed to be cross-referenced for clarity. It needed to be clear that the development boundary around the business parks would limit further extension. (The Planning Policy Manager responded by suggesting that there seemed to be some terminology confusion. The development boundary seemed to be read as the built-up area boundary. The Planning Policy Manager confirmed that he would clarify this with the Inspector. All of East Devon was covered by the Local Plan including the business parks. These were in open countryside and so had clear constraints. The 'purple line' in the Plan bordered areas of business use to resist alternative uses, particularly residential.)
- The Inspector had identified 27 items for debate and ratification but these did not include sustainability issues relating to Chardstock or Dunkeswell. (The Planning Policy Manager advised that the Inspector had been informed about the challenge to the draft Plan in this respect and now had sufficient information on which to make a decision.)
- In response to a request for clarification in respect of Sidbury, The Planning Policy Manager advised that Sidbury had been included within the Local Plan as a settlement with a boundary, the proposed Neighbourhood Plan could have policies in addition to those agreed by the district council.

RESOLVED:

1. that the responses received during the recent consultation on proposed criteria for defining Built-up Area Boundaries as part of the East Devon Villages Plan be noted;
2. that further work on defining Built-up Area Boundaries be put on hold until publication of the Local Plan Inspector's report at which time the issue will be reconsidered.

***48 Devon Mineral Plan pre-submission consultation**

The Committee considered the Planning Policy Manager's report summarising Devon County Council's Devon Minerals Plan, particularly highlighting issues of significance in East Devon, and setting out a proposed formal response to the pre-submission consultation on the Plan.

The new Minerals Plan would replace the Plan adopted in 2004 and, when adopted, would provide the planning policy framework for minerals development until 2033. The Plan was being published for consultation in advance of being submitted to the Secretary of State for Communities and Local Government and was the Council's opportunity to comment with scope to present evidence at oral examination hearings. Key issues for East Devon were the extent of the minerals safeguarding area and the proposed development of sand and gravel at Straitgate Farm due to concerns about the impact on landscape and heritage assets.

Reference was also made to the Blackhill Quarry and the need to protect this area into the future.

RESOLVED:

that the Council submit formal comments to the Devon Mineral Plan pre-submission consultation, expressing concerns about the proposals for Staitgate Farm on the basis of potential impacts on landscape, flood risk and water table, Exeter Airport and the setting of heritage assets, and questioning the effectiveness of the Plan should the proposed development at Straitgate Farm be found to be unacceptable.

***49 Gypsy and Traveller DPD consultation feedback and methodology for site selection**

The Planning Policy Manager presented the Senior Planning Officer's report outlining the consultation feedback received on the potential future content of the Gypsy and Traveller Development Plan Document (DPD) and methodology to be used for site selection.

The timetable for the Gypsy and Traveller Plan process was set out in the Local Development Scheme and was highlighted in the Committee report. Members noted that the initial evidence gathering stage had commenced, with receipt of the needs assessment, the annual caravan count statistics and a review of responses received in respect of gypsies and traveller policy work on the Local Plan to date. Before work on preparing the draft Gypsy and Traveller Plan could commence the Council was required to formally consult potential interested parties in respect of the matters and issues regarded as being appropriate for inclusion; this had been carried out. 29 comments had been received on the initial 'scoping consultation' and covered a wide range of matters as summarised in the report.

The next stage in the Plan process was to identify possible site options for gypsy and traveller occupation through a 'call for sites'. This would be promoted widely to landowners, parish councils, those involved in the development industry, general public, organisations and through press releases. The landowners of sites put forward during the consultation period would also be invited to confirm the availability of their site for gypsy and traveller use. Direct contact would also be made with the gypsy and traveller community in East Devon to look at possible options for the expansion of existing sites. A draft methodology had been prepared to ensure that the site selection process was fair and transparent. When a range of alternative site options was available, a draft Plan, incorporating sites which

performed well against the site assessment criteria, could be produced followed with a further round of consultation.

Cllr Kevin Blakey, Chairman, Cranbrook Town Council, spoke with concern about recent communication from the Council setting out the need for 37 permanent pitches over the district but that the majority would be in the east, a number of which had been displaced by the development of the Growth Point. Councillor Blakey advised that identification of the sites was needed for the Local Plan Inspector but that insufficient time had been given to undertaking this work. Cranbrook Town Council objected to the proposed revision which was seen as being disproportionate (81% site allocation) and would have a social and economic impact on the community. He also added that gypsy and traveller required different provisions within their sites and should not necessarily be considered together.

In response to a question about gypsy and traveller housing provision, the Planning Policy Manager advised that gypsies and travellers were a defined ethnic group and that some families wanted to live in a settled home. This need would be met through general housing stock – all homes including affordable homes and those within the private sector. Applications for affordable homes would be assessed against objective criteria.

RESOLVED:

1. that the feedback received on the scoping of the potential content of the Gypsy and Traveller Development Plan Document be noted;
2. that the commencement of a 'call for sites' be approved;
3. that the draft methodology for site selection be consulted upon and be carried concurrently with the 'call for sites'.

***50 Local Plan update**

The Service Lead – Strategic Planning and Development Management updated the Committee. The consultation on the main modifications within the draft Plan had commenced on 16 October and would run until 30 November – all comments were welcomed.

The Service Lead – Strategic Planning and Development Management also responded to a number of questions raised:

- Policy E8 in respect of succession planning within agricultural holdings to help sustain family farms had been dropped from the draft Plan at the Inspector's suggestion. This was assumed to be because there was duplication between this policy and H4 – new dwellings to meet rural needs.
- Sites for development which had already been given planning permission were not included within the Plan - these had already been acknowledged as contributing to the future growth of a settlement. New applications submitted would be considered against the agreed Plan based on their own merits.
- The draft Plan included a table of all sites of residential development throughout the district – including recent builds, those under construction and those proposed.
- Officers were confident that the Council now had a five-year land supply and awaited the Inspector's feedback on this – weight could not be given to this until confirmation from the Inspector had been given.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 8 – 2015/2016.

Attendance list

Present:

Committee Members

Councillors:

Cllr David Key (Chairman)

Mike Howe (Vice Chairman)

Mike Allen

David Barratt

Susie Bond

Colin Brown

Peter Burrows

Paul Carter (until 11.30 am)

Alan Dent

Simon Grundy

Ben Ingham

Chris Pepper (afternoon only)

Mark Williamson

Officers

Matt Dickins, Planning Policy Manager

Ed Freeman, Service Lead – Planning Strategy and Development Management

Claire Rodway, Senior Planning Officer

Chris Rose, Development Manager (left the Council Chamber during consideration of application 15/1965/OUT)

Shirley Shaw, Planning Barrister

Gavin Spiller, Principal Planning Officer

Graham Thompson, Planning Officer (Policy)

Diana Vernon, Democratic Services Manager (morning)

Hannah Whitfield, Democratic Services Officer (afternoon)

Also present

Councillors:

Peter Bowden

Iain Chubb

Paul Diviani

Roger Giles

Graham Godbeer

Ian Hall

John Humphreys

Geoff Jung

Andrew Moulding

Helen Parr

Tom Wright

Apologies:
Committee Members
Councillors:
Matt Coppel
Steve Gazzard
Alison Greenhalgh

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Audit & Governance Committee held in the Council Chamber at Knowle, Sidmouth on 19 November 2015

Attendance list at end of document

The meeting started at 2.30pm and ended at 3:10pm

***25 Chairman's welcome**

The Chairman welcomed everyone to the meeting.

***26 Public Speaking**

There was no public speaking.

***27 Minutes**

The minutes of the Audit and Governance Committee meeting held on 24 September 2015 were confirmed and signed as a true record.

Councillors Nash on behalf of himself and Councillor Gazzard wished for the following statement be added to Minute 19: *'Councillors Nash and Gazzard abstained on the grounds that they had not had time to study the Final Statement of accounts.'*

***28 Declarations**

None

***29 Annual audit letter**

Barrie Morris from 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,

- the accounts were produced to a high standard
- all requests for additional information were dealt with promptly by the finance team
- an action plan had been agreed to with the Council based on their findings from the audit work

Grant Thornton issued an unqualified opinion on the Council's 2014/15 financial statements on 24 September 2015, meeting the deadline set by the Department for Communities and Local Government (DCLG). Their opinion confirmed that the financial statements gave a true and fair view of the Council's financial position and of the income and expenditure recorded by the Council.

Grant Thornton issued an unqualified VfM (Value for Money) conclusion for 2014/15 on 24 September 2015. On the basis of this work, and having regard to the guidance on the specified criteria published by the Audit Commission, they were satisfied that, in all significant respects, the Council put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ending 31 March 2015. There were two significant recommendations in the report:

1. The Council has a rolling programme in place for property plant and equipment revaluations which ensure that all assets are revalued within a five year period, but all assets in the same class are not

revalued in the same year.

2. When the Council consolidated the figures for Strata into its own financial statements, it applied the statutory override to its share of Strata's pensions liabilities; this amounted to £1.22 million. Grant Thornton's view was that was not appropriate, as Strata was a separate corporate body from the Council.

Barrie confirmed that he had met with KPMG to complete the hand-over and gave a perspective of current issues.

RESOLVED:

that the Annual Audit Letter from Grant Thornton be noted

***30 Risk management review: half-year review**

The Management Information Officer presented the report to members. Risk information for the 2015/16 financial year until end September 2015 was supplied to allow the Committee to monitor the risk status of Strategic and Operational Risks. This followed the year end full review of risks by responsible officers for 2015/16.

The EDDC's Risk Management Policy required all risks identified by the council to be reviewed bi-annually. There were currently 12 Strategic and 104 Operational Risks, each when first identified were considered high or medium level risks which required some form of mitigation through control actions. For this first full review for 2015/16 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 currently scored as high:

- Failure of correct procedures and practices causing challenges to decisions - Impact: Serious, Likelihood: Very likely, Good scope for improvement.
An aggrieved party had recently been given leave by the High Court to pursue a judicial review against a decision of the Council to grant permission for a dwelling on land adjoining their property. The case revolved around whether Members of Development Management Committee in making the decision were consistent in their approach with prior decisions on the same site for a similar form of development. Members of DMC had been briefed on this case and these issues would be picked up through future Members training sessions.

RESOLVED:

that the current status of risks following the full risk review undertaken in September/October 2015 be noted.

***31 KPMG: New Auditor Introduction**

Darren Gilbert introduced himself and Tara Westcott as the new external auditors from KPMG. He stated they were delighted to be working with EDDC and that the company had a good local and regional foundation.

RESOLVED:

that the update from KPMG be noted.

***32 Audit and Governance Forward Plan**

Members noted the contents of the Committee Forward Plan for 2015/16. Jo George from SWAP informed members that the consultants audit report would be reported back at the January meeting. Discussion included:

- looking into the cost of consultants and benchmarking costs compared with other authorities
- The worth of consultants reports
- A consideration of value for money compared with retaining in-house resource
- Where there particular areas of the Council more prone to using consultants

Items to be considered at the January Committee included:

- Internal Audit Activity – Quarter 3 2014/15
- Audit Committee update
- Certification Report

The Chairman requested the issue of devolution be brought to the January meeting as the Committee were particular interested in the Governance issues and an update on Enterprise Zones be presented to the committee at an appropriate stage.

RESOLVED:

that the Forward Plan be noted.

Attendance list

Present:

Councillors

Mark Williamson (Chairman)

John Dyson

Steve Hall

Ben Ingham

Bill Nash

Ian Thomas, Portfolio Holder Finance

Geoff Jung

Peter Faithfull

Apologies:

Dean Barrow (Vice Chairman)

Steve Gazzard

John Humphreys

Officers:

Simon Davey, Strategic Lead – Finance

Steve Pratten, Relocation Manager

Beth Levi, Management Information Officer

Amanda Coombes, Democratic Services Officer

Barrie Morris, Director, Grant Thornton

Jo George, Assistant Director, SWAP

Darren Gilbert, Director, KPMG
Tara Westcott, Senior Manager, KPMG

Chairman Date.....

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Licensing & Enforcement
Committee held at Knowle, Sidmouth on Wednesday, 18
November 2015

Attendance list at the end of the document

The meeting started at 9.30am and ended at 10.30 am

***13 Minutes**

The minutes of the meeting of the Licensing & Enforcement Committee held on 26 August 2015, were confirmed and signed as a true record.

***14 Declarations of interest**

Councillor Brian Bailey

Minute 15 and 16

Disclosable Pecuniary Interest – hackney carriage licence holder

Councillor John O’Leary

Minute 15, 16 and 17

Disclosable Pecuniary Interest – personal licence holder

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

The Licensing Manager presented his report - the following issues were highlighted and discussed.

1. Licensing Act 2003

Appendix A to the report set out the number of applications received, licences issued, notices given and the number of hearings held since the last update report was referred to the Committee.

The report included examples of work undertaken by the service in compliance with the Licensing Act 2003. These included a review of high-risk premises within East Devon, routine checks of Sidmouth Folk Week and Beautiful Days, to ensure that they complied with the Licensing Act, chairing a de-briefing session for Beautiful Days, attendance at a licensed premises following noise complaints and provision of advice.

2. Gambling Act 2005

Appendix B to the report set out the number of applications received, licences issued and notices given since the last update report was referred to the Committee.

As a result of the programme of visits to licensing premises and other premises where gaming was permitted, only a few Gambling Act offences had been detected. The Licensing Manager gave examples of proactive work carried out by the service.

He expanded on the issue of the three applications received in 2014 for Club Gaming Machine permits for “staff social clubs” located at Tesco Stores in Honiton, Seaton and Axminster. If granted the permits would have allowed up to three gaming machines of either category B.C or D to be sited in each of the staff canteen

rooms at the stores. A meeting of the sub committee had refused this application and subsequently the applicant had appealed to magistrate's court and lost. The Gambling Commission had been supportive of the Council's stand and had recently written to the instigator of these applications confirming the GC's support for the Council's stance. It is also understood that other councils in Devon have reviewed their stance and had indicated that when the opportunity arose they would be reviewing the permits they have issued to staff canteens.

3. Taxis

Appendix C to the report set out the number of applications received and licences issued since the last update report to the Committee.

Members noted that it was planned to bring a report on the new draft taxi licensing policy, including age of taxi vehicles initial registration to the next meeting of the Committee on 17 February 2016. The Licensing Manager also advised that he was in contact with the DVSA to reduce the length of time it was taking for new applicants for hackney carriage licences to be tested. Alternative tests to the DVSA were also being looked at.

The minutes of the biannual meeting with members of the taxi trade was attached as Appendix F to the report.

4. General Licensing

Appendix D to the report set out the statistics relating to animal, skin piercing, scrap metal dealer licensing, and registrations since the last update report to Committee.

Appendix E to the report set out statistics relating to street trading since the last update report to Committee.

The Licensing Manager outlined the results of the Sidmouth Folk Week 2015. All the seafront pitches had been sold and licensing officers worked long hours to ensure all stall holders behaved and arrangements went to plan.

The vast majority of the feedback from the general public in relation to the street trading area had been positive. However, there were adverse comments received about the use of the Esplanade for stalls and over amplified music on the seafront, The amplification of music on the seafront is not permitted and next year licensing officers will liaise with the Environmental Health noise nuisance team to ensure there was no repeat performance.

5. Consultations

The taxi liaison meeting had been held on Thursday 29 October 2015 attended by the Chairman and Vice Chairman.

The Folk Week debrief meeting had been held on 4 November and had involved the majority of responsible authorities associated with the event, including the police. This was a very constructive meeting with many positive comments being made. There were some issues raised that would be addressed between the parties involved during the planning stage for next year's event, this would include debate on the proliferation of hair braiders in between stalls on the Esplanade and also adverse comments about the increase in amplified music.

6. Member Training

Following the committee meeting on Wednesday 26 August 2015 a training session had been held on the taxi legislation. Members noted that following this meeting there was a training session offered on the Gambling Act 2005.

RESOLVED: that the report be noted.

***16 Licensing Act 2003 – to seek approval to adopt a new Licensing Policy.**

The report gave an update on the results of the public consultation to the proposed new licensing policy.

Members noted that the Council was legally required to review its licensing policy in respect of all licensing applications (sale of alcohol, provision of regulated entertainment and the provision of late night refreshment) at least every five years – and therefore an amended policy had to be adopted by 7 January 2016.

RESOLVED:

1. that the results of the public consultation undertaken on the Council's draft Licensing policy relating to the Licensing Act 2003, be noted;
2. that Council at its meeting on 16 December be recommended:
 - a. To nominate in writing the Area Child Protection Committee and Local Safeguarding Children Board (Devon County Council) as the body competent to advise the authority about the protection of children from harm issues as required by the Licensing Act 2003, Section 13 (4)(f).
 - b. To adopt the East Devon Licensing Act 2003 Policy, as attached at Appendix D to the report, for the period 7 January 2016 to 6 January 2021.

17 Gambling Act 2005 – Tri-annual Review of the council's Gambling Policy and Policy Adoption

The Licensing Manager presented a report, which updated the Committee on the tri-annual review of the Council's Gambling Act 2005 Licensing Policy and the results of the consultation process and invited the committee to recommend that the Council adopts the amended licensing policy, as required by the Gambling Act 2005, at its meeting on 16 December 2015.

Members noted that under the Gambling Act 2005, it was the responsibility of the Council to develop and publish a Statement of Gambling Policy. The published policy then provided the framework for all decisions on applications relating to the Gambling Act 2005 and the way the authority carries out its functions in relation to the legislation. The Council adopted the current policy on 31 January 2013 and a fresh policy had to be adopted by 31 January 2016.

The main proposed changes from the current policy were listed in the report. Some of which had been requested by the Gambling Commission – which is responsible for the issue of personal and operators' licences. Licensing authorities were responsible for issuing premises licences but they would refer to the Gambling Commission's useful guidance.

One significant change was in respect of geographic profiles, which involved gathering and presenting information about the East Devon area and any particular areas of concern within the locality.

Other key changes included the requirement for applicants and licence holders to policies, procedures and control measures to mitigate those risks, through introduction of Local risk Assessments. The policy would address the current trend of an increase in unregulated lotteries and raffles, which were the responsibility of the licensing authority, and private club gaming and club machine permits following the outcome of the Tesco's 'members' club decision in 2014.

RESOLVED:

that the results of the public consultation undertaken on the Council's draft Licensing Policy relating to the Gambling Act 2005 be noted.

RECOMMENDED:

that Council at its meeting on 16 December be recommended:

- a. To nominate in writing the Area Child Protection Committee and Local Safeguarding Children Board (Devon County Council) as the body competent to advise the authority about the protection of children from harm issues as required by the Gambling Act 2005, Section 157(h).
- b. To adopt, for the period 30 January to 31 January 2019, the East Devon Gambling Act Licensing Policy as attached to the report at Appendix G.

***18 Retirement of John Tippin – Licensing Manager**

The Chairman reported on the retirement of John Tippin, Licensing Manager in January and members wished to thank him for his service to the Council and the Licensing Service in particular and wish him and long and happy retirement.

Attendance list

Councillors present

Jim Knight (Vice Chairman in the Chair)
Megan Armstrong
Brian Bailey
Matthew Booth
Colin Brown
Maddy Chapman
John Dyson
Pat Graham
Alison Greenhalgh
Geoff Jung
Cherry Nicholas
John O'Leary

Officers present

John Tippin, Licensing Manager
Neil McDonald, Licensing Officer
Steve Saunders, Licensing Officer
Chris Lane, Democratic Services Officer

Apologies:
Councillors:

Dean Barrow
Steve Hall (Chairman)

Officers:
Giles Salter, Solicitor

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Licensing &
Enforcement Sub-Committee held at Knowle, Sidmouth on
Wednesday, 14 October 2015

Attendance list at the end of the document

Please note that there was no recording of this meeting as it was held in the Committee Room where no recording facilities are available.

The meeting started at 9.30 am and ended at 11.00 am

***21 Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 23 September 2015, were confirmed and signed as a true record.

***22 Declarations of interest**

Councillor John O’Leary

Minute 8, 9 and 10

Disclosable Pecuniary Interest – personal licence holder

***23 Application for the grant of a premises licence to allow the sale of alcohol on and off the premises at The Place, 15 The Strand, Exmouth**

The Sub Committee gave consideration to an application for the grant of a Premises Licence to allow the sale of alcohol on and off the premises at The Place, 15 The Strand, Exmouth.

The Sub Committee carefully considered the application for the licensable activities and the 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 the town 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 safety, public nuisance, protection of children from harm. 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 were likely to be if the application was granted.

At the hearing the applicant was represented by Ms Tammy Dyer who stated that she was speaking on behalf of the applicant Mr Takvoryan, as his landlord. She was a co-director of a family business which included a property portfolio, and a number of licensed premises.

She noted that there were issues with the licensing of the outside area with the applicant's ability to control the small area, however CCTV was available to the applicant to ensure that this area was well managed. This was a small premises that provided food and the application was to allow the sale of alcohol on the premises.

Mr Takvoryan has lived in the town for 5 years and has acquired a good knowledge of the town of Exmouth. He stated that he ran large nightclubs in Bulgaria, but now that he was living in England he wishes to run a small premises, supported by his daughter, that sold food and alcohol.

At the time of the application there is no qualified Designated Premises Supervisor.

Mr Takvoryan is about to take his personal licence qualification on 15/10/15 and his daughter was also taking the qualification in November. If Mr Takvoryan failed to obtain his personal licence so he could qualify as DPS, then his daughter would also be considered to assume the role of DPS.

He was confident that the premises would be well run and that he would adhere to the conditions placed on the licence. He was awaiting a pavement licence from Devon County Council but this was not required for the premises licence to be granted following the hearing. He wished to place more chairs and tables in the outside area.

The interested parties' case on paper was from Exmouth Town Council represented by Cllr Bill Nash, that firstly in relation to the prevention of crime and disorder, outside seating area was too small within the pavement area, close to the war memorial. Late night drinking could not be controlled in such a small area.

Regarding public safety, the proposed DPS had no experience of local clients who abuse alcohol. There were also issues with English not being his first language and that licensing to midnight was too late.

Regarding the prevention of public nuisance, the cafe was too small to be turned into a public house with the sole purpose of alcohol sales from 8.00 pm. Overcrowding inside and outside in the confined area may become a public nuisance.

Regarding the protection of children from harm, the small area inside the premises may be a harmful environment for children. In addition the DPS would be unable to control outside drinkers. There were also possible issues of underage drinking.

At the hearing they added that the outside seating area was too small and that there were concerns that the clientel would spill out into the highway.

In such a small premises if and when it was full it would be difficult to exercise the appropriate control from a safety perspective.

There could also be issues of public nuisance and the potential for a small café to be turned into a pub with noise issues for residents in the flats above and in the vicinity of The Strand.

Cllr Nash referred to issues with a premise in the vicinity and issues of early morning consumption of alcohol. There are also concerns as to access in the highway if there is an increase in the number of tables and chairs outside.

Exmouth Town Council wanted to support small business and it was hoped that Mr Takvoryan would be a success but there was a request for a compromise of an initial trial period of 3 months so that the opening hours were restricted from 12.00 (midday) to 10.00 pm.

Ms Dyer responded that this was impractical for the business. The applicant wanted the premises to be open in line with other similar businesses in The Strand.

The Sub Committee carefully considered the operating schedule put forward by the applicant and the likely impact of the application. In relation to the evidence heard regarding the history of the premises, it was considered that the establishment would be well managed and controlled.

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

The Sub Committee was also pleased with the condition that excluded persons under the age of 18 after 9.00 am from the premises. This was seen as a positive approach from preventing harm to children.

At the present time there was no real evidence that the operation the applicant now proposed to run would cause the unacceptable impact the Town Council suggested and in taking this view the Sub Committee considered the letter from the Police Licensing Officer set out within the papers.

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.

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

RESOLVED 1.

that a grant of a +Premises Licence be made as follows:

- a) The extent of the areas within which the various activities will be permitted is as indicated by the legends on the applicants plan.
- b) Permitted hours for the various licensable activities will as set out in Appendix A.
- c) The conditions will now be as shown in Appendix E.
- d) Amended Condition 15 to read "Challenge 25 policy"
- e) In conditions 1, 2, 6 & 7 "us" refers to the Licensing Authority.
- f) The mandatory conditions of section 19 of the Licensing Act will be imposed

2. the designated Premises Supervisor will be: To Be Confirmed. The premises cannot operate until the Licensing Authority has been notified who has been nominated.

***24 Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary**

The Sub Committee gave consideration to an application for the grant of a premises licence where an agreed position had been reached and all parties had agreed that a hearing was unnecessary. The Chairman and Vice Chairman considered equality impacts when making their decision.

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

RESOLVED

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

Schedule:

Type of application:

Application for the grant of a premises licence

Name of premises and address:

Hawkchurch Resort & Spa, Wareham Road, Hawkchurch, Axminster, EX13 5UL.

Agreed position reached by the parties:

Following mediation the applicant and the Devon and Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.

The application be approved as submitted subject to the following amendments and conditions:

1. Submit extra plans to clarify the licensed area in the bar and reception area.
2. Reduce the proposed hours for live music on New Year's Eve to end at 00:30 hrs.
3. Reduce the proposed opening hours on Fridays, Saturdays and New Years Eve to end at 00:30hrs.
4. Staff training will be conducted to ensure all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol. Records of such training will be kept and provided to the Licensing Authority or Police upon request.
5. CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police.
6. CCTV images must be retained for a minimum of 14 days and to be produced on the request of the Police or a Licensing Officer of East Devon District Council.
7. The CCTV system must be operational at all times whilst the premises are trading. If the system is faulty or not working then the Police and East Devon Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book.
8. A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors. All signs must comply with the requirements of the Data Protection Act 2002.
9. An incident book must be maintained within which full details of all occurrences of disorder, challenges and refused alcohol sales at the premises must be recorded. The incident book must be kept on the premises at all times and must be made available for inspection by officers of both the Licensing Authority and the police.
10. A challenge 25 policy will be operated where the only acceptable forms of ID will be photo driving licence, passport, government approved PASS card or military ID with photo and date of birth.

Attendance list

Councillors present:

Steve Hall (Chairman)
Dean Barrow
John O'Leary

Apologies (non Sub Committee members):

Councillor Maddy Chapman

Officers present:

Giles Salter, Solicitor

Neil McDonald, Licensing

Chris Lane, Democratic Services

Chairman Date