

Agenda for Council

Wednesday, 20 April 2016; 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 20 April 2016 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 (with Council Tax Schedules 1, 2 and 3) of the Council meeting held on [24 February 2016](#) (page 3 – 15)
- 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	189 – 202, 203 - 219
†Overview Committee	Minutes	30 - 37
†Scrutiny Committee	Minutes	45 – 53, 54 - 59
†Housing Review Board	Minutes	64 - 77
Development Management Committee	Minutes	63 – 67, 68 - 72
Audit and Governance Committee	Minutes	40 - 49
Licensing and Enforcement Committee	Minutes	19 - 22

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

10 Adoption and implementation of the Community Infrastructure Levy (CIL) Charging Schedule (page 16 – 22)

The report seeks the necessary resolutions from Members to satisfy the CIL regulations and enable the adoption of the CIL charging schedule and associated regulation 123 list of infrastructure from September 2016. The content of these documents has been previously agreed by Members and found to be sound by the examiner at the CIL examination. An early review of the charging schedule, which is already 3 years old, is also recommended and was discussed at the examination.

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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EAST DEVON DISTRICT COUNCIL

Minutes of the Meeting of the Council held at Knowle, Sidmouth, on Wednesday, 24 February 2016

Attendance list at the end of document.

The meeting started at 6.30pm and ended at 8.40pm

***58 Honorary Alderman Barry Willoughby**

The Chairman reported with sadness that Honorary Alderman Barry Willoughby had passed away on Christmas Day. Honorary Alderman Willoughby had served on East Devon District Council as an elected Member for Exmouth Littleham Urban Ward from 1984 until his retirement from office in 2003. He had served on a number of Committees – including the Policy Committee, Housing, Exmouth Town, Tourism and Transportation and Environment and Planning – and had been elected Chairman of the Council in 1995 for 2 years. Honorary Alderman Barry Willoughby had been appointed alderman after his retirement as a councillor based on his eminent service to this Council.

The Chairman invited Members to stand in silence as a mark of their respect.

***59 Public Speaking**

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

One question had been received with notice under the terms of 'questions and statements by the public'. The Chairman asked the member of the public to read out her question to Council.

Question received with notice – Anna Roderick

You may remember that I attended the Council meeting in October to ask about EDDC's response to the Government's proposal to expand the Syrian Vulnerable Persons Scheme. I am aware that, since then, the Council has been working with other local authorities in Devon to co-ordinate a response and it is currently anticipated that approximately 25 families will be resettled across Devon under the scheme. Given the scale and urgency of the Syrian crisis it is disappointing that, as far as I'm aware, Devon has yet to actually welcome any refugees under the Syrian VPS. It is also disappointing that, given the degree of public interest and concern, the Council appears to have not communicated with the public (via its website or via social media) about progress on this issue. What reassurance can the Council give that it is committed to a proactive and urgent response to this crisis?

Councillor Andrew Moulding, Deputy Leader, responded to the question put by Anna Roderick. He advised that the District Council had made a positive response to support the Syrian Vulnerable Persons Scheme with partner authorities. To date Local Authorities in Devon had committed to support the resettlement of around 25 families within the Scheme. It was recognised that confidence and capacity to support the Scheme differed across the County and that the Council would need to match available accommodation with a wide array of support from a range of partners. It was acknowledged that progress might appear slow, however due to the complex issues, a coordinated and sustained effort was required for the

benefit of refugees to enable them to be successfully resettled into local communities.

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

Supplementary Question -

Anna Roderick welcomed that the Council wanted to play its part, appreciated that the issues were complex, and that a lot of hard work was going on behind the scenes. However, a significant number of other authorities in the country, who faced the same or similar issues, had already welcomed families under the Scheme. She urged the Council and Councillors to be proactive.

In response Councillor Andrew Moulding acknowledged the need to work closely with Devon County Council on the issues faced. He advised that the District Council was committed to supporting vulnerable people and would continue to play its part.

The Chairman thanked Anna Roderick for her question.

Eight other members of the public had indicated they wished to address the Council.

Jane Ashton, a resident of Exmouth, stated that she believed Exmouth seafront should be offering natural attractions. She referred to the series of questions and answers relating to Exmouth and the regeneration of the Queen's Drive site, and advised that the documentation on the website failed to identify who had interpreted the results of the Splash consultation. She asked for this to be clarified and confirmation that whoever had undertaken the interpretation had been unbiased.

Graham Bell stated that he wished to hand over a petition from the residents of Exmouth. The petition called for a referendum on the development of Queen's Drive, which covered a significant area of Exmouth seafront and was therefore of considerable importance to the community. The petition was the result of many residents' concerns about the lack of, and credibility of, consultations undertaken relating to the redevelopment, the results of which were not considered to be representative of local community views. He advised that 1850 people had signed the petition and were united of the view that they wished to be fully consulted.

Ron Metcalfe referred to the series of questions and answers relating to Exmouth and the regeneration of the Queen's Drive site published on the Council's website, which stated that a cinema company had undertaken market research and identified a market for a cinema complex on Queen's Drive. He advised that he had two questions - the first related to whether or not full market research had been conducted, or just preliminary investigations. If it was the latter, he failed to see how it could be claimed that there was an identified need. If full market research had been undertaken, he requested that the details be made public. The second question related to the results of the seafront survey and why the views of residents about the need for another cinema had been ignored.

Annie MacAllister asked why the series of questions and answers relating to Exmouth and the regeneration of the Queen's Drive site published on the Council's website failed to mention children's play space, particularly as young people would be using the area. She asked the Council to listen to young people.

The Chairman thanked the first four speakers for their contributions and invited the Deputy Leader to respond. The Deputy Leader's response included:

- Analysis of the consultation exercises had been undertaken by officers of the Council. He reassured that the interpretation of the results had been unbiased.
- There would be further public consultation through the planning processes.
- Reference was made to the size of the petition received against the loss of Elizabeth Hall and the success and economic benefits that the Premier Inn, which had replaced the Hall, had brought to the town.
- The cinema company had suggested that a town the size of Exmouth could support two cinemas. A cinema would provide alternative entertainment on the seafront during times of bad weather and in the evenings.
- Young people were at the forefront of the plans for Queen's Drive. A successful consultation event had been held at the Community College.

The Chairman invited the remaining speakers who all wished to speak on the West Hill Boundary Review forward in turn.

Honorary Alderman David Cox spoke against the amended parish boundary proposed for the West Hill Parish Council. He advised that there had been strong support for the original boundary, which followed the existing Town Council ward boundary for West Hill, and no evidence to support the amended boundary. Guidance issued by the Boundary Commission stated that boundaries should follow firm landscape features, which the amended boundary did not. He asked that the Council agree to put forward the original established boundary for the second stage of the Community Governance Review.

Tony Howard advised that the West Hill Parish Council Campaign Group had written to the Chief Executive rejecting the amended parish boundary. If agreed the amended boundary would reduce the Parish by 50% and he urged the Council to approve the original boundary.

Glyn Dobson advised that West Hill had been an important part of the parish of Ottery St Mary since 1974. The Town Council had been against the proposals to form a separate Parish Council, however would support them if it was the wish of the residents. He advised that the consultation responses showed that many residents did not support the original boundary, and that the amended boundary should be taken forward for the second stage of the Review.

Ian Holmes read out a newspaper article published that day on the proposals for a separate Parish Council, which referred to the figures used by the support campaign as being misleading and undermining the debate.

In response the Deputy Leader advised that issues raised would be taken into consideration when Members considered the recommendations on the West Hill Boundary Review later in the meeting.

The Chairman thanked all the speakers for their contributions.

***60 Minutes**

The minutes of the Ordinary Council meeting held on 16 December 2015 were confirmed and signed as a true record.

The minutes of the Extra Ordinary Council meeting held on 28 January 2016 were confirmed and signed as true record, subject to a correction to show the first speaker under Minute 53 (Public Speaking) referring to Membury Parish Council (not Musbury Parish Council) and removal of the reference to the speaker being clerk to the Parish Council.

***61 Declarations of interest**

Councillor Roger Giles ; Minute No. 67 (Cabinet minute 178)

Type of interest – Personal

Reason – Ottery St Mary Town Councillor and owns a property in Ottery St Mary

Councillor Ian Thomas ; Minute No. 65

Type of interest – Personal

Reason – Director, Exeter Science Park Board

Councillor Peter Faithfull ; Minute No. 67 (Cabinet minute 178)

Type of interest – Personal

Reason – Ottery St Mary Town Councillor and owns a property in Ottery St Mary

Councillor Paul Carter ; Minute No. 67 (Cabinet minute 178)

Type of interest – Personal

Reason – Ottery St Mary Town Councillor

***62 Matters of urgency**

No matters of urgency had been identified.

***63 Chairman/Leader notices/announcements**

There were none.

***64 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.

John Lacey, Environmental Health

10 years service

Neil Brown, Streetscene

30 years service

*65 **Revenue Estimates, Capital Programme and Council Tax 2016/17**

Members considered the report of the Section 151 Finance Officer and the recommendations of the Cabinet from its meeting on 10 February 2016 relating to the Revenue and Capital Estimates – the purpose of the report was to enable the Council to calculate and set the Council Tax for 2016/17.

The precepts from Devon County Council, Police and Crime Commissioner for Devon and Cornwall, Devon & Somerset Fire & Rescue Authority, and town and parish councils (preceptors) had been added to EDDC's Council Tax requirement. This Council, as billing authority, would formally set the Council Tax for the area to include all the amounts to be collected.

In the absence of the Leader, the Chairman invited the Deputy Leader of the Council, Councillor Andrew Moulding to present the Revenue Estimates and Capital Programme together with proposals for the Council Tax for 2016/17.

In presenting the budget, the Deputy Leader referred to the following:

- The proposed Council Tax Band D amount of £126.78 was an increase of £5 a year (4.1%) which was the first increase for 5 years. EDDC currently had the lowest Council Tax in Devon and was amongst the lowest in the country.
- Despite a financially challenging climate, the council continued to provide excellent value-for- money services and projects. With further reductions to the grant the Council received from Central Government for 2016/17 and beyond, there was a need for the Council to be even more business-like, efficient and self-sufficient.
- Recognition that some decisions the Council took were unpopular but there was a need to consider the best of interests of East Devon as a whole.
- The Council's Local Plan had recently been found sound and the local economy was thriving in parts of the District, particularly the 'West End'. However, the Council needed to ensure that other towns prospered too, providing jobs and day to day services as well as new homes.
- The Council needed to provide conditions for developing economic growth.
- The Council would continue to work with other local authorities to find more efficient ways of improving services provided to residents.
- As part of the health and well-being agenda the Council was making a positive difference to people's lives with facilities such as the Axe Valley Wetlands, Thelma Hulbert Gallery and support to LED in providing sport and leisure facilities.

In conclusion, the Deputy Leader thanked Officers, particularly the Strategic Lead – Finance and his team, and Councillors for their co-operation and input into the preparation of this budget

He then proposed that the Council Tax requirement for 2016/17 be set at £7,150,899 with a resulting Council Tax Band D of £126.78 and that the budget be agreed as presented in the Council papers, and moved the printed recommendations set out in Appendix A to the report.

The proposal was seconded by Councillor Ian Thomas, Portfolio Holder – Finance who supported the budget as presented and referred to the Council's achievements over the last 12 months, which included:

- Strong employment growth at the West End of the District with the Council's third strategic employment site Skypark nearing the completion of its infrastructure;
- As a shareholder of the Exeter Science Park Company, securing more than £10m of Growth Deal and Regional Growth Fund money to invest in the Science Park centre;
- Delivering the highest ever number of new affordable local homes for local people in one year totalling 388;
- Investing in a Jurassic Coast discovery centre which would open the following month;
- Winning national planning and housing awards for the Council's new town of Cranbrook,
- Working with local communities to deliver a significant number of recreational and sports facilities across the District using Section 106 funding;
- Achieving a Gold Investors in People award.

Other points raised during discussion included:

- The need for more innovative ways of cutting waste and using funds more efficiently;
- Concern that the Thelma Hulbert Gallery was still being subsidised and the need for the Council to look at improving how it used its assets;
- Support for the Council Tax increase;
- Thelma Hulbert Gallery provided a valuable service to many vulnerable groups in the district and contributed to the health and well-being agenda.
- Support for investment in small business units which would contribute to the local economy.

The proposal as printed in Appendix A to the report was put to the vote and carried.

Members were reminded that in line with legislation that came into force on 25 February 2014, The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a recorded vote would now be taken on the budget decision.

RESOLVED:

1. that it be noted that on 6 January 2016 the Cabinet (minute reference 159 refers) calculated the Council Tax Base 2016/17
 - a) for the whole Council area as 56,404 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and
 - b) for dwellings in those parts of its area to which a Parish precept relates as detailed in Schedule 1 attached.
2. that as a preliminary step, calculate that the Council Tax requirement for the Council's own purposes for 2016/17 (excluding Parish precepts) is £7,150,899

3. that the following amounts be calculated for the year 2016/17 in accordance with Sections 30 to 36 of the Act
- (a) £94,910,412 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
 - (b) £85,020,108 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
 - (c) £9,890,304 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).
 - (d) £175.35 being the amount at 3(c) above (Item R), all divided by Item T (1(a) above), calculated by the Council in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
 - (e) £2,739,405 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per the attached Schedule 1).
 - (f) £126.78 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T (1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.
 - (g) The amounts stated in column 5 of the schedule 1 attached given by adding to the amount at 3(f) above the amounts of the special item or items relating to dwellings in those parts of the Council's area specified in column 1 of Schedule 1 divided in each case by the amount at 1(a) above, calculated by the Council in accordance with Section 34(3) of the Act, as the basic amounts of its Council tax for the year for dwellings in those parts of its area set out in column 1 of Schedule 1 to which one or more special items relate.
 - (h) The amounts set out in Schedule 2 attached given by multiplying the amounts at 3(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

4. that it be noted that for the year 2016/2017 Devon County Council, Police and Crime Commissioner for Devon and Cornwall and Devon and Somerset Fire and Rescue Authority have stated the following amounts in precepts issued to the District Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Precepting Authority

Valuation Bands	Devon County Council	Police and Crime Commissioner for Devon & Cornwall	Devon & Somerset Fire & Rescue
A	£805.08	£115.23	£53.32
B	£939.26	£134.43	£62.21
C	£1,073.44	£153.64	£71.09
D	<u>£1,207.62</u>	<u>£172.84</u>	<u>£79.98</u>
E	£1,475.98	£211.25	£97.75
F	£1,744.34	£249.66	£115.53
G	£2,012.70	£288.07	£133.30
H	£2,415.24	£345.68	£159.96

5. that, having calculated the aggregate in each case of the amounts at 3 (h) and 4 above, the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the amounts set out in Schedule 3 attached as the amounts of council tax for the year 2016/2017 for each of the categories of dwellings shown in Schedule 3.
6. that the Council has determined that its relevant basic amount of Council Tax for 2016/17 is **not** excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992. As the billing authority, the Council has **not** been notified by a major precepting authority that its relevant basic amount of Council Tax for 2016/17 is excessive and therefore the billing authority is not required to hold a referendum in accordance with Section 52ZK Local Government Finance Act 1992.

Recorded vote on the budget:

All Councillors present voted in favour of the budget (47)

*66

Questions (Procedure Rules 9.2 and 9.5)

Two 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 the supplementary question the Portfolio Holder – Environment reported that the beach huts were vastly undervalued and that the rental figures that had been put forward were realistic.
- b) Question 2 – No supplementary question was asked.

*67 **Minutes of Cabinet and Committees**

RESOLVED

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

Cabinet

Minutes 142-163, 164-188

Development Management Committee

Minutes 52-56, 57-62

Audit and Governance Committee

Minutes 33-39

Standards Committee

Minutes 9-17

Licensing and Enforcement Sub Committee

Minutes 25-28, 29-30

that the under-mentioned minutes be received.

Cabinet (minutes 154, 155, 172, 173) had noted or accepted the following Overview/Scrutiny Committees' recommendations with or without amendment.

Overview Committee

Minutes 24-29

Scrutiny Committee

Minutes 41-44

Overview and Scrutiny Committees – joint meetings

Minutes 15-20, 21-26, 27-32

Housing Review Board

Minutes 49-63

Arising from consideration of the above minutes:-

a) Cabinet (minute 178 – West Hill Boundary Review)

Speaker comments on the proposed boundary (recommendation 2 – Appendix D) included:

- Proposed amended boundary would result in a parish half the size of the established Town Council ward boundary for West Hill;
- No strong evidence to support amended boundary;
- Residents should be consulted on the established boundary;
- Aspirations and views of the community should not be ignored;
- The boundary had been amended following the first round of consultation as some residents and landowners had indicated that they would not want to be included within the proposed West Hill Parish Council boundary;
- Clear support for a Parish Council being established;
- No decision was being made in respect of the boundary – there would be an opportunity to reconsider after the second stage of the review process.

The Chief Executive referred Councillors to the plan that had been circulated at the meeting, which identified the existing ward boundary and the proposed amended boundary. He explained that the areas excluded were those that did not suggest a strong community identity to the rest of West Hill. It was recognised that there was further discussion to be had and that the boundary

had been redrawn to focus the minds of residents – responses would be assessed, and based on these, a recommended boundary would be put forward.

The Deputy Leader advised that having taken into account comments raised at the meeting by both speakers and councillors he proposed an amendment to the second recommendation, which was seconded by Councillor Eileen Wragg. The amendment was put to the vote and carried.

RESOLVED:

- 1. that having regard to the relevant statutory criteria and the results of the first phase of consultation, a new Parish Council be established for the area known as 'West Hill' and that the proposal be formally published with a 3 month period for representations.**
- 2. that the boundary as recommended be consulted on but that all representations received during the 3 month period be considered before a boundary for the new Parish Council is finally determined.**
- 3. that the new Parish Council be known as 'West Hill Parish Council' with a membership of 7 councillors and no warding provisions be incorporated.**

b) Cabinet (minute 181 – East Devon Broadband)

Cllrs Cathy Gardner and Val Ranger referred to wording used within the risk log which had been circulated to Councillors regarding the bid to Broadband Delivery UK (BDUK). In response the Portfolio Holder – Corporate Service acknowledged that the wording included in the submission had been inappropriate and apologised to the Council.

c) Cabinet (minute 179 – ESCo Energy Services)

Concerns were raised that the Cabinet had not agreed to become a shareholder of ESCo until there had been further dialogue and more information was available regarding the legal and financial governance arrangements - the recommendation did not reflect this.

RESOLVED: that the Council is not currently persuaded to become a shareholder of the public sector Energy Services Company (ESCo) and would request further information in order to make a final decision.

d) Overview Committee (minute 28 – South West Trains franchise consultation)

Councillor Roger Giles urged Councillors to press the case for better rail services and respond to the South West Trains franchise consultation. Councillor Phil Twiss clarified that issues relating to rail infrastructure should be brought to the attention of Network Rail.

e) Joint Overview and Scrutiny Committees (minute 26 – Draft Revenue and Capital Budgets 2016/17)

Councillor Megan Armstrong referred to the reporting of performance management indicators for the Growth Point service plan and advised that her recollection had been that it was agreed that these would be reported annually rather than 'as required', which was vague. The Deputy Chief Executive responded that as the work of the Growth Point was project based there should be regular reporting but not specifically to a timetable.

The Chief Executive referred Councillors to recommendation 4 and advised that he would clarify whether the timeframe for reporting was included in the minor amendment.

f) Licensing and Enforcement Sub Committee

The Chairman, Councillor Steve Hall, took the opportunity to report that the Licensing and Enforcement Committee had the previous week approved a comprehensive draft Taxi Licensing Policy for consultation.

***69 Motion: financial settlements for local authorities**

The following motion was proposed by Councillor Roger Giles, seconded by Councillor Susie Bond and supported by Councillors Marianne Rixson, Val Ranger, Cathy Gardner and Peter Faithfull.

"This Council is concerned that successive governments have made financial settlements for local authorities in Devon which are disadvantageous compared with the settlements for councils elsewhere. The Council therefore agrees to seek the support of the three Members of Parliament representing East Devon in pressing government to ensure that East Devon District Council receives a fair settlement which reflects the needs of East Devon for the 2016/17 and successive financial years."

In proposing, Councillor Roger Giles paid tribute to the local MPs for securing an increased Rural Services Delivery Grant for East Devon for 2016/17, however it was not considered to be enough to reflect the needs of the District. He urged the Council to press for fairer funding. In seconding, Councillor Susie Bond hoped that the Council would join together to support the motion for the benefit of the District.

Councillor Ian Thomas proposed an amendment to the motion, which was seconded by Councillor Roger Giles.

In proposing his amendment, Councillor Thomas spoke of the efforts both Members and Officers of the Council had already devoted to highlighting the issues specific to service delivery in a rural area such as East Devon, and to try to ensure a fair settlement for the District. The Council had consistently lobbied for several years to improve its financial settlement. He advised that rural authorities, with strong representation from East Devon, worked together in a group called SPARSE, a subgroup of the Local Government Association. The SPARSE role within the LGA was to ensure that implications for rural areas of government policy were fully appreciated by policy makers. He advised that SPARSE Rural often worked with the parliamentary Rural Fair Share Group which aimed to reduce the rural penalty. A key issue was that rural residents pay more in tax, receive fewer services and, on average, earn less than those in urban areas. The solution was that in times of reducing public expenditure, it was more important to distribute available resources fairly. Sustained lobbying from the Rural Fair Share Campaign contributed toward the Rural Services Delivery Grant which already helped East Devon and Devon County Councils. This grant was now included in the Council's projected budget settlement through to 2019/2020.

The need for a fairer settlement was echoed by Councillors during discussion.

The amended proposal was put to the vote and carried and the consequential vote on the motion was unanimously in favour.

RESOLVED: that the Council is concerned that successive governments have made financial settlements for local authorities in Devon which are disadvantageous compared with the settlements for councils elsewhere. The Council therefore supports the important role being played by its own Officers and Members with SPARSE, in association with the Rural Fair Share Campaign and recognises their success in securing the payment of the Rural Services Delivery Grant to East Devon in the current funding round, and future awards to 2019/2020.

*70 **Compulsory Purchase Order – land at Branscombe**

The report to Council required confirmation of making a Compulsory Purchase Order in the parish of Branscombe. This was in respect of exchanging inalienable land in the ownership of the National Trust with land owned by the Diocese of Exeter at the request of the Parish Council, to provide an extension to the St Winifred's graveyard.

RESOLVED:

That Council having been consulted recommends to Cabinet the confirmation of the Compulsory Purchase Order as set out in the report.

Attendance list

Councillors present:

Stuart Hughes (Chairman)
Helen Parr (Vice Chairman)

Mike Allen
Megan Armstrong
Brian Bailey
David Barratt
Dean Barrow
Matthew Booth
Susie Bond
Peter Bowden
Colin Brown
Peter Burrows
Paul Carter
David Chapman
Maddy Chapman
Iain Chubb
Alan Dent
John Dyson
Jill Elson
Peter Faithfull
David Foster
Cathy Gardner
Steve Gazzard
Roger Giles
Graham Godbeer
Pat Graham
Steve Hall
Marcus Hartnell
Douglas Hull
Ben Ingham
Geoff Jung

David Key
Jim Knight
Rob Longhurst
Andrew Moulding
Bill Nash
Geoff Pook
Val Ranger
Marianne Rixson
Philip Skinner
Pauline Stott
Brenda Taylor
Ian Thomas
Phil Twiss
Mark Williamson
Eileen Wragg
Tom Wright

Honorary Aldermen:

David Cox
Christine Drew
Frances Newth
Tim Wood

Officers:

Richard Cohen, Deputy Chief Executive
Simon Davey, Strategic Lead - Finance
Andrew Ennis, Service Lead – Environmental Health and Car Parks
John Golding, Strategic Lead – Housing, Health and Environment
Henry Gordon Lennox, Strategic Lead – Legal and Democratic Services
Alison Hayward, Regeneration & Economic Development
Mark Williams, Chief Executive
Hannah Whitfield, Democratic Services Manager

Councillor apologies:

Paul Diviani
Alison Greenhalgh
Simon Grundy
Maria Hale
Ian Hall
John Humphreys
Mike Howe
Rob Longhurst
Dawn Manley
Cherry Nicholas
John O’Leary
Chris Pepper

Honorary Aldermen apologies:

Trevor Cope
Ann Liverton
Graham Liverton
Ken Potter

Report to: Council
Date of Meeting: 20 April 2016
Public Document: Yes
Exemption: None



Review date for release None

Agenda item: 10

Subject: Adoption and implementation of the Community Infrastructure Levy (CIL) Charging Schedule

Purpose of report: This report is to set out the final CIL Charging Schedule for adoption, the process which needs to be followed and the arrangements that need to be put in place before the Charging Schedule can come into effect.

Recommendation:

- 1. Members approve and adopt the East Devon CIL Charging Schedule, the Regulation 123 List of infrastructure to be funded in whole or in part by CIL and the Compliance Report which details how the adopted Charging Schedule has been amended in light of the Examiner's modifications;**
- 2. Members resolve to bring the Charging Schedule into effect from 1st September 2016;**
- 3. Members agree a budget of £30,000 to enable a review of the Charging Schedule and associated viability evidence underpinning it (which can be claimed back from future CIL receipts).**

Reason for recommendation: The Council has produced a CIL Charging Schedule and the appointed Examiner/Inspector has found it sound subject to specific modifications. In order to begin charging CIL, the Council must formally approve and adopt it and set up specific processes and arrangements to administer it. It is also important to allow a lead in time so that the development industry and public in general are aware of this significant change in the way that developer contributions and infrastructure will be dealt with on planning applications once the Charging Schedule takes effect.

At Examination, the Council committed to an early review of the Charging Schedule and associated viability evidence, due in part to the fact that much of the evidence underpinning the charges was produced in 2013 and a number of things including build costs and sales prices have changed in that time, but also to ensure the Charging Schedule takes account of the Cranbrook Plan and potential changes in Government policy regarding affordable housing and starter homes and potential changes to the CIL Regulations.

Officer:	Ed Freeman – Service Lead – Planning Strategy and Development Management, 01395 517519
Financial implications:	The financial implications are included in the report. A request is being made for a supplementary estimate of £30,000 which will be funded by the General Fund until CIL receipts are received, at which time the General Fund can be repaid. The post that has been agreed at scale 5 equates to approximately £26,000 and will be funded from S106 monitoring/admin receipts until CIL receipts are received.
Legal implications:	No legal implications are identified other than those set out in the report.
Equalities impact:	Low Impact
Risk:	Low Risk The approval and adoption of CIL is required to enable the Council to bring the Charging Schedule into effect and start charging CIL. The only alternative is to continue to secure planning obligations through the existing system of Section 106 agreements, however pooling restrictions on the use of Section 106 receipts make this increasingly difficult and over time will significantly reduce the monies that can be secured for the delivery of infrastructure to less than that which can be secured through CIL.
Links to background information:	<ul style="list-style-type: none"> • Charging Schedule proposed for adoption (includes charging zone maps) • Regulation 123 List proposed for adoption • Compliance Report
Link to Council Plan:	Encouraging communities to be outstanding, developing an outstanding economy, delivering and promoting our outstanding environment and continuously improving to be an outstanding council.

Report in full

1. Background

- 1.1 The Community Infrastructure Levy (CIL) was introduced by the Planning Act (2008) and is defined in the CIL Regulations 2010 (as amended). The Regulations allow Local Authorities to levy a charge on new development to help pay for required and identified infrastructure. These charges and the types of development on which they are levied must be set out in a Charging Schedule which is subject to Examination. The Charges have to strike an appropriate balance between the need to fund infrastructure and the viability of development in the area as a whole. Essentially, at Examination, the Examiner is looking to make sure that the proposed CIL charges will not put the development of the area as a whole (and the delivery of the Local Plan) at risk.

- 1.2 The Council resolved to submit the Draft Charging Schedule for Examination in July 2013 following two consultations leading up to that point. The first Examination Hearing Session took place in March 2014, with the Examiner requesting further information on key issues relating to the viability of development at Cranbrook. The second Hearing Session then reconvened in July 2015 alongside the reconvened Local Plan Hearing Sessions to consider that additional work and the relationship with the amended Local Plan.
- 1.3 The CIL Examiner’s report was received on 15 January 2016. The report concludes that the Draft Charging Schedule provides an appropriate basis for the collection of CIL in East Devon, subject to two modifications relating to the proposed rates at Cranbrook. The Examiner’s modifications have been applied to the Charging Schedule proposed for adoption which is appended to this report.

2. Charges proposed to be adopted and implemented

- 2.1 The appended Charging Schedule proposed for adoption sets out the charges which should be adopted by the Council and in due course implemented. It also includes the charging zone maps which show where the relevant charges will apply.
- 2.2 The table below sets out a tracked changes version of the proposed charges showing how they have changed from the latest revised Draft Charging Schedule (which was agreed by Council in March 2015 as part of the additional work required by the Examiner) to the Charging Schedule proposed for adoption (taking account of the Examiner’s modifications). New text is shown underlined, removed text is ~~crossed-out~~. Charges are per square metre

Development Type	Axminster, Cranbrook (“existing” town), Exmouth, Honiton, Ottery St Mary, Seaton and edge of Exeter allocation sites (defined by new Built-up Area Boundaries and proposed Strategic Allocations)	Allocated Cranbrook expansion areas (as defined in the New Local Plan)	Sidmouth, Coast, and Rural (the rest of East Devon)
Residential	£80	£68	£125

Development Type	Inside Town Centre Shopping Areas (as defined in the New Local Plan)	Cranbrook (as defined by the “existing town” plus allocated expansion areas)	Rest of East Devon
Retail	£0	£0	£150
All other Non Residential Uses	£0	£0	£0

- 2.3 The above changes are accompanied by relevant changes to the CIL charging zone maps to show the East Devon New Community Partners’ (EDNCPs) proposed southern expansion area as being within the £68 residential charging zone and the £0 retail charging zone.

- 2.4 These changes essentially mean that any residential development in the EDNCP's proposed southern expansion area would be charged £68 psm rather than £125 psm as previously proposed, and any retail development in that area would be charged £0 psm rather than £150 psm as previously proposed. All other proposed charges are as per the revised Draft Charging Schedule which was agreed by Council in March 2015 and consulted on in April/May 2015.
- 2.5 The appended Compliance Report meets the requirement of Section 213(3B) of the Planning Act 2008 (as amended by the Localism Act 2011) to produce a report detailing how the Draft Charging Schedule's non-compliance has been remedied through amendments made in light of the Examiner's modifications. Following on from approval and adoption of the Charging Schedule, the Council should note and agree this Compliance Report.

3. The Regulation 123 List and S106 Agreements

- 3.1 Allied to the Charging Schedule, the Council has to develop a "Regulation 123 List". This list is so-called after the relevant regulation in the CIL Regulations, it is not a priority 1, 2, 3 list. It sets out the infrastructure projects or broad types of infrastructure which the Council intends to fund via CIL. Any infrastructure contained within the Regulation 123 List cannot be secured through S106 Agreement as this would cause real or perceived "double-dipping" (ie a development paying for the same piece of infrastructure twice via CIL and S106). CIL can be spent on infrastructure that isn't contained within the Reg 123 List, however, the list indicates the intended projects/types that CIL may fund in whole or in part.
- 3.2 A revised Draft Regulation 123 List was agreed by Council in March 2015 alongside the Revised Draft Charging Schedule. As this has already been agreed by Council it is now recommended purely for adoption but is appended to this report for reference. Whilst this was not in itself examined by the Examiner, it was available to him as evidence. The Council is free to amend the Regulation 123 List whenever it likes, subject to appropriate local consultation, however, an item should not be removed from the Regulation 123 List just so it can be funded through S106. Equally, where a change to the Regulation 123 List would have a very significant impact on the viability evidence that supported Examination of the Charging Schedule, this may trigger a need for Charging Schedule review. So, minor changes to the Regulation 123 List may be possible subject to local consultation, but if the Council wanted to make a major change such as choose to deal with all strategic transport infrastructure via S106 rather than CIL, then this would affect the viability evidence underpinning the charges and as such a full review of the Charging Schedule would be necessary. There are no changes recommended to the Regulation 123 List
- 3.3 The Council submitted a Planning Obligations Statement as supporting evidence alongside the Draft Charging Schedule for Examination. That document set out the expected items that planning obligations might cover once CIL was implemented. That list is repeated below for convenience:
- "From adoption of CIL, this means that planning obligations will be limited to covering the following:
- a) On-site* Affordable Housing (designation, definition and prescription of) and/or off-site contributions;
 - b) On-site formal and informal open space (including play areas and allotments)
 - c) Public art; trees; planting; landscaping; and habitat and ecological protection, creation and enhancement (including lighting requirements and requirements arising out of Habitat Regulations Assessment (excluding those European Sites mentioned in the Regulation 123 List));
 - d) Details of the long-term management and maintenance of on-site open space facilities;

- e) Site specific roads, car parking, footways and cycle paths, footbridges, public transport stops, traffic calming, junction improvements, road improvements and other transport infrastructure excluding those identified in the Regulation 123 List;
- f) Travel planning (including measures to support and encourage modal shift);
- g) On-site renewable energy provision that primarily serves the development and/or off-site contributions (including Carbon Reduction Plans);
- h) On-site drainage, sewerage and water management requirements provision (including sustainable urban drainage) and/or off-site contributions;
- i) On-site remedial action to deal with contaminated land;
- j) Neighbourhood Centres including A1, A3, A4, and A5 land uses;
- k) Phasing of infrastructure for economic development purposes, including serviced land or buildings for B1, B2 and B8 land uses;
- l) Other infrastructure which is directly related to the development and required to make the development acceptable in planning terms and which does not appear on the Regulation 123 List;
- m) Land to enable delivery of infrastructure on-site;
- n) Site wide masterplans that agree the spatial layout and land uses of sites including the location of specific infrastructure or land uses within the development site that are essential to the delivery of a sustainable development;
- o) Land to enable the delivery of sheltered housing or extra care housing facilities;
- p) Phasing and timing of land uses and/or development on mixed use sites;
- q) On-site air quality management and monitoring, and/or off-site contributions to measures aiming for air quality enhancements;
- r) Noise and other environmental amenity and heritage asset impact reduction;
- s) Considerate construction or similar schemes to limit negative environmental impacts during the construction process;
- t) Planning obligation monitoring and administration support contributions;
- u) Overage where viability considerations deem it appropriate.

*On-site refers to anywhere within the red line on the map accompanying the planning application/Unilateral Undertaking/S106 Agreement. Off-site refers to anywhere outside of this line.”

4. Implementation and administration

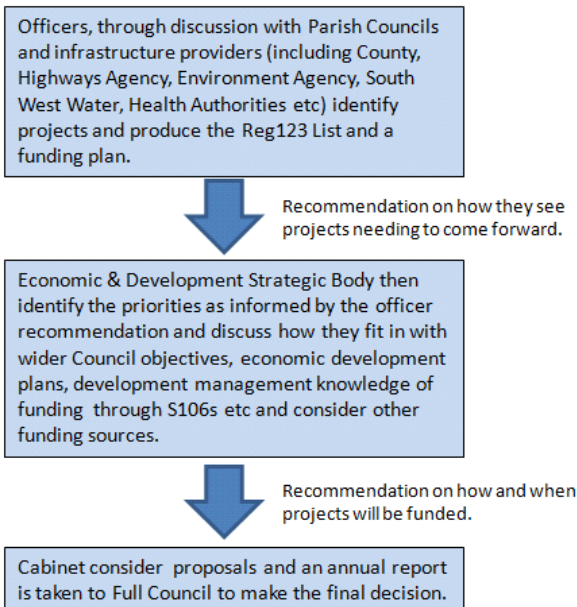
- 4.1 In order to implement CIL, a number of processes and arrangements need to be put in place, staff appointed and systems procured. This means that it is not possible to bring the Charging Schedule into effect immediately.
- 4.2 Work is already on-going on the various processes and systems to enable the implementation of CIL and the recruitment process for an officer to administer the CIL collection process. This post will be funded through a 5% portion of CIL which can be retained by the local authority to administer the charges. The latest draft of the Infrastructure and Funding Gap Assessment which was submitted to the CIL Examination alongside the revised draft Charging Schedule projected a Gross total CIL income of around £41.4 million over the remaining plan period. 5% of this would equate to around £2.07 million which could be used to help fund the administration of CIL and future reviews. Over a 15 year time frame this would equate to about £138,000 per year. Clearly, there will be a lag in terms of CIL income for the first few years due to when the levy becomes payable and phased payment plans, but the regulations allow for a rolling cap of 5% over the first three years after CIL comes into effect to help with set up costs etc. The new post will require initial outlay by the Council that will within three years be paid off and subsequently self funded.
- 4.3 It will also be necessary to amend the local validation checklist for planning applications to require the submission of the necessary information to calculate CIL charges for each development. Changes to the validation checklist have to be the subject of consultation and these changes will be brought through the Council’s new Strategic Planning Committee as part of a wider review of the list shortly. It is also envisaged that a series of training sessions for Members, officers, town and parish councils and developers will be necessary prior to

implementation of the CIL regime to ensure that all affected parties are clear regarding how the system will operate and the impacts on them.

- 4.4 A new software system (Exacom) to operate CIL has already been procured as part of a revised licensing arrangement for the Council's planning database known as Uniform. The new arrangements have been negotiated by STRATA and lead to a standardisation of systems for both planning and CIL across the STRATA authorities. The result of this is that we will have licenses for Exacom at very little additional cost to those previously incurred for the Uniform system on its own.
- 4.5 The implementation of CIL will also have implications for the work of the Council's legal team as there will be significant pressure from developers to complete Section 106 agreements on developments with a resolution to grant prior to the implementation of CIL as this is likely to provide the developer with a lower infrastructure bill than they would have under CIL. There may also be a need to make changes to the Council's constitution to enable the operation of the CIL regime.
- 4.6 There is therefore a lot of work to be undertaken before the CIL regime can be implemented and so a project plan has been prepared in order to establish a timeline for implementation. This project plan is attached as an appendix to this report and lists the full actions that are required and the timeline for each action to be undertaken. This project plan leads to an implementation date of 1st September 2016. It is considered that this timeline provides sufficient time to get all of the necessary systems and processes in place whilst also giving developers and other interested groups sufficient time to be trained and be fully aware of the implications of this change.

5. Governance Arrangements

- 5.1 In September 2013, officers reported the findings of the CIL TAFF to Cabinet. The role of the CIL TAFF was to understand CIL and consider potential governance arrangements. One key outcome of the TAFF was a recommendation to set up a new committee / advisory panel to focus on the consideration of strategic planning and economic development issues and for this to be a key step in the prioritisation of infrastructure projects for funding through CIL and other sources. Members will be asked at the annual council meeting in May to consider establishing a Strategic Planning Committee which could perform this function and a number of other functions related to decision making on strategic planning matters. The other key outcome of the TAFF was a preference for an independent East Devon governance arrangement rather than a joint committee with the County Council for instance. The favoured approach was to engage with key infrastructure providers such as the County Council at an early stage, but for decision making on the prioritisation and distribution of funds to rest firmly and solely with East Devon. The diagram below helpfully sets out the recommended governance structure proposed by the TAFF. Clearly, these governance arrangements and a system for monitoring and scrutinising decisions will need to be put in place and this will take time. It is however likely to be some time before significant CIL receipts are received and decisions regarding spend need to be made and so these arrangements do not need to be in place from day 1.



6 Need for immediate review of the Charging Schedule

- 6.1 At Examination, the Council committed to an early review of the Charging Schedule. This was partly in response to concerns that the evidence underpinning the charges was produced in 2013 and is now potentially dated.
- 6.2 Commitment to an early review was also related to the Cranbrook Plan DPD and intention to identify where the additional 1,550 homes allocated by Strategy 12 of the Local Plan will be located. The review will ensure that the Charging Schedule takes account of this. Officers are also aware that the proposed CIL charges for Cranbrook would benefit from a full review to take account of the current planning applications and ongoing negotiations over infrastructure provision.
- 6.3 In addition to this, there have been changes to the CIL Regulations since the Charging Schedule was submitted that it would potentially benefit the Council to take advantage of. The CIL Regulations are also expected to be amended later this year in response to the Government's current consultation. Further to this, Government policy on affordable housing, starter homes and self-build has changed or been defined since submission for Examination, or is expected to be defined by the current Housing and Planning Bill or the outcome of current legal challenges. These changes mean that it is important that the Charging Schedule is reviewed to enable the CIL to be effective and efficient.
- 6.4 That being the case, it is intended that the Charging Schedule be adopted now and implemented in September, but immediately subject to review. It is important to note that by reviewing the Charging Schedule, the Council does not undermine the current/existing schedule, and assuming that Council approve its adoption and implementation, it would continue to take effect until it is withdrawn by the Council and the new schedule is implemented.
- 6.5 A review of the Charging Schedule will require a new viability study to be undertaken. Such a review will need to consider the impact of the Government's new starter homes initiative and future potential changes such as the introduction of affordable housing thresholds etc.
- 6.6 The intention will be to review the Charging Schedule over the remainder of 2016 (following the outcome of the current CIL Regulations consultation which should hint at potential regulation changes to come) leading to potential submission for Examination in Spring 2017. This timetable is purely indicative and subject to change.

Meeting of the Council – 20 April 2016

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EAST DEVON DISTRICT COUNCIL

Minutes of the Meeting of the Council held at Knowle, Sidmouth, on Wednesday, 24 February 2016

Attendance list at the end of document.

The meeting started at 6.30pm and ended at 8.40pm

***58 Honorary Alderman Barry Willoughby**

The Chairman reported with sadness that Honorary Alderman Barry Willoughby had passed away on Christmas Day. Honorary Alderman Willoughby had served on East Devon District Council as an elected Member for Exmouth Littleham Urban Ward from 1984 until his retirement from office in 2003. He had served on a number of Committees – including the Policy Committee, Housing, Exmouth Town, Tourism and Transportation and Environment and Planning – and had been elected Chairman of the Council in 1995 for 2 years. Honorary Alderman Barry Willoughby had been appointed alderman after his retirement as a councillor based on his eminent service to this Council.

The Chairman invited Members to stand in silence as a mark of their respect.

***59 Public Speaking**

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

One question had been received with notice under the terms of 'questions and statements by the public'. The Chairman asked the member of the public to read out her question to Council.

Question received with notice – Anna Roderick

You may remember that I attended the Council meeting in October to ask about EDDC's response to the Government's proposal to expand the Syrian Vulnerable Persons Scheme. I am aware that, since then, the Council has been working with other local authorities in Devon to co-ordinate a response and it is currently anticipated that approximately 25 families will be resettled across Devon under the scheme. Given the scale and urgency of the Syrian crisis it is disappointing that, as far as I'm aware, Devon has yet to actually welcome any refugees under the Syrian VPS. It is also disappointing that, given the degree of public interest and concern, the Council appears to have not communicated with the public (via its website or via social media) about progress on this issue. What reassurance can the Council give that it is committed to a proactive and urgent response to this crisis?

Councillor Andrew Moulding, Deputy Leader, responded to the question put by Anna Roderick. He advised that the District Council had made a positive response to support the Syrian Vulnerable Persons Scheme with partner authorities. To date Local Authorities in Devon had committed to support the resettlement of around 25 families within the Scheme. It was recognised that confidence and capacity to support the Scheme differed across the County and that the Council would need to match available accommodation with a wide array of support from a range of partners. It was acknowledged that progress might appear slow, however due to the complex issues, a coordinated and sustained effort was required for the

benefit of refugees to enable them to be successfully resettled into local communities.

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

Supplementary Question -

Anna Roderick welcomed that the Council wanted to play its part, appreciated that the issues were complex, and that a lot of hard work was going on behind the scenes. However, a significant number of other authorities in the country, who faced the same or similar issues, had already welcomed families under the Scheme. She urged the Council and Councillors to be proactive.

In response Councillor Andrew Moulding acknowledged the need to work closely with Devon County Council on the issues faced. He advised that the District Council was committed to supporting vulnerable people and would continue to play its part.

The Chairman thanked Anna Roderick for her question.

Eight other members of the public had indicated they wished to address the Council.

Jane Ashton, a resident of Exmouth, stated that she believed Exmouth seafront should be offering natural attractions. She referred to the series of questions and answers relating to Exmouth and the regeneration of the Queen's Drive site, and advised that the documentation on the website failed to identify who had interpreted the results of the Splash consultation. She asked for this to be clarified and confirmation that whoever had undertaken the interpretation had been unbiased.

Graham Bell stated that he wished to hand over a petition from the residents of Exmouth. The petition called for a referendum on the development of Queen's Drive, which covered a significant area of Exmouth seafront and was therefore of considerable importance to the community. The petition was the result of many residents' concerns about the lack of, and credibility of, consultations undertaken relating to the redevelopment, the results of which were not considered to be representative of local community views. He advised that 1850 people had signed the petition and were united of the view that they wished to be fully consulted.

Ron Metcalfe referred to the series of questions and answers relating to Exmouth and the regeneration of the Queen's Drive site published on the Council's website, which stated that a cinema company had undertaken market research and identified a market for a cinema complex on Queen's Drive. He advised that he had two questions - the first related to whether or not full market research had been conducted, or just preliminary investigations. If it was the latter, he failed to see how it could be claimed that there was an identified need. If full market research had been undertaken, he requested that the details be made public. The second question related to the results of the seafront survey and why the views of residents about the need for another cinema had been ignored.

Annie MacAllister asked why the series of questions and answers relating to Exmouth and the regeneration of the Queen's Drive site published on the Council's website failed to mention children's play space, particularly as young people would be using the area. She asked the Council to listen to young people.

The Chairman thanked the first four speakers for their contributions and invited the Deputy Leader to respond. The Deputy Leader's response included:

- Analysis of the consultation exercises had been undertaken by officers of the Council. He reassured that the interpretation of the results had been unbiased.
- There would be further public consultation through the planning processes.
- Reference was made to the size of the petition received against the loss of Elizabeth Hall and the success and economic benefits that the Premier Inn, which had replaced the Hall, had brought to the town.
- The cinema company had suggested that a town the size of Exmouth could support two cinemas. A cinema would provide alternative entertainment on the seafront during times of bad weather and in the evenings.
- Young people were at the forefront of the plans for Queen's Drive. A successful consultation event had been held at the Community College.

The Chairman invited the remaining speakers who all wished to speak on the West Hill Boundary Review forward in turn.

Honorary Alderman David Cox spoke against the amended parish boundary proposed for the West Hill Parish Council. He advised that there had been strong support for the original boundary, which followed the existing Town Council ward boundary for West Hill, and no evidence to support the amended boundary. Guidance issued by the Boundary Commission stated that boundaries should follow firm landscape features, which the amended boundary did not. He asked that the Council agree to put forward the original established boundary for the second stage of the Community Governance Review.

Tony Howard advised that the West Hill Parish Council Campaign Group had written to the Chief Executive rejecting the amended parish boundary. If agreed the amended boundary would reduce the Parish by 50% and he urged the Council to approve the original boundary.

Glyn Dobson advised that West Hill had been an important part of the parish of Ottery St Mary since 1974. The Town Council had been against the proposals to form a separate Parish Council, however would support them if it was the wish of the residents. He advised that the consultation responses showed that many residents did not support the original boundary, and that the amended boundary should be taken forward for the second stage of the Review.

Ian Holmes read out a newspaper article published that day on the proposals for a separate Parish Council, which referred to the figures used by the support campaign as being misleading and undermining the debate.

In response the Deputy Leader advised that issues raised would be taken into consideration when Members considered the recommendations on the West Hill Boundary Review later in the meeting.

The Chairman thanked all the speakers for their contributions.

***60 Minutes**

The minutes of the Ordinary Council meeting held on 16 December 2015 were confirmed and signed as a true record.

The minutes of the Extra Ordinary Council meeting held on 28 January 2016 were confirmed and signed as true record, subject to a correction to show the first speaker under Minute 53 (Public Speaking) referring to Membury Parish Council (not Musbury Parish Council) and removal of the reference to the speaker being clerk to the Parish Council.

***61 Declarations of interest**

Councillor Roger Giles ; Minute No. 67 (Cabinet minute 178)

Type of interest – Personal

Reason – Ottery St Mary Town Councillor and owns a property in Ottery St Mary

Councillor Ian Thomas ; Minute No. 65

Type of interest – Personal

Reason – Director, Exeter Science Park Board

Councillor Peter Faithfull ; Minute No. 67 (Cabinet minute 178)

Type of interest – Personal

Reason – Ottery St Mary Town Councillor and owns a property in Ottery St Mary

Councillor Paul Carter ; Minute No. 67 (Cabinet minute 178)

Type of interest – Personal

Reason – Ottery St Mary Town Councillor

***62 Matters of urgency**

No matters of urgency had been identified.

***63 Chairman/Leader notices/announcements**

There were none.

***64 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.

John Lacey, Environmental Health

10 years service

Neil Brown, Streetscene

30 years service

*65 **Revenue Estimates, Capital Programme and Council Tax 2016/17**

Members considered the report of the Section 151 Finance Officer and the recommendations of the Cabinet from its meeting on 10 February 2016 relating to the Revenue and Capital Estimates – the purpose of the report was to enable the Council to calculate and set the Council Tax for 2016/17.

The precepts from Devon County Council, Police and Crime Commissioner for Devon and Cornwall, Devon & Somerset Fire & Rescue Authority, and town and parish councils (preceptors) had been added to EDDC's Council Tax requirement. This Council, as billing authority, would formally set the Council Tax for the area to include all the amounts to be collected.

In the absence of the Leader, the Chairman invited the Deputy Leader of the Council, Councillor Andrew Moulding to present the Revenue Estimates and Capital Programme together with proposals for the Council Tax for 2016/17.

In presenting the budget, the Deputy Leader referred to the following:

- The proposed Council Tax Band D amount of £126.78 was an increase of £5 a year (4.1%) which was the first increase for 5 years. EDDC currently had the lowest Council Tax in Devon and was amongst the lowest in the country.
- Despite a financially challenging climate, the council continued to provide excellent value-for- money services and projects. With further reductions to the grant the Council received from Central Government for 2016/17 and beyond, there was a need for the Council to be even more business-like, efficient and self-sufficient.
- Recognition that some decisions the Council took were unpopular but there was a need to consider the best of interests of East Devon as a whole.
- The Council's Local Plan had recently been found sound and the local economy was thriving in parts of the District, particularly the 'West End'. However, the Council needed to ensure that other towns prospered too, providing jobs and day to day services as well as new homes.
- The Council needed to provide conditions for developing economic growth.
- The Council would continue to work with other local authorities to find more efficient ways of improving services provided to residents.
- As part of the health and well-being agenda the Council was making a positive difference to people's lives with facilities such as the Axe Valley Wetlands, Thelma Hulbert Gallery and support to LED in providing sport and leisure facilities.

In conclusion, the Deputy Leader thanked Officers, particularly the Strategic Lead – Finance and his team, and Councillors for their co-operation and input into the preparation of this budget

He then proposed that the Council Tax requirement for 2016/17 be set at £7,150,899 with a resulting Council Tax Band D of £126.78 and that the budget be agreed as presented in the Council papers, and moved the printed recommendations set out in Appendix A to the report.

The proposal was seconded by Councillor Ian Thomas, Portfolio Holder – Finance who supported the budget as presented and referred to the Council's achievements over the last 12 months, which included:

- Strong employment growth at the West End of the District with the Council's third strategic employment site Skypark nearing the completion of its infrastructure;
- As a shareholder of the Exeter Science Park Company, securing more than £10m of Growth Deal and Regional Growth Fund money to invest in the Science Park centre;
- Delivering the highest ever number of new affordable local homes for local people in one year totalling 388;
- Investing in a Jurassic Coast discovery centre which would open the following month;
- Winning national planning and housing awards for the Council's new town of Cranbrook,
- Working with local communities to deliver a significant number of recreational and sports facilities across the District using Section 106 funding;
- Achieving a Gold Investors in People award.

Other points raised during discussion included:

- The need for more innovative ways of cutting waste and using funds more efficiently;
- Concern that the Thelma Hulbert Gallery was still being subsidised and the need for the Council to look at improving how it used its assets;
- Support for the Council Tax increase;
- Thelma Hulbert Gallery provided a valuable service to many vulnerable groups in the district and contributed to the health and well-being agenda.
- Support for investment in small business units which would contribute to the local economy.

The proposal as printed in Appendix A to the report was put to the vote and carried.

Members were reminded that in line with legislation that came into force on 25 February 2014, The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a recorded vote would now be taken on the budget decision.

RESOLVED:

1. that it be noted that on 6 January 2016 the Cabinet (minute reference 159 refers) calculated the Council Tax Base 2016/17
 - a) for the whole Council area as 56,404 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and
 - b) for dwellings in those parts of its area to which a Parish precept relates as detailed in Schedule 1 attached.
2. that as a preliminary step, calculate that the Council Tax requirement for the Council's own purposes for 2016/17 (excluding Parish precepts) is £7,150,899

3. that the following amounts be calculated for the year 2016/17 in accordance with Sections 30 to 36 of the Act
- (a) £94,910,412 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
 - (b) £85,020,108 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
 - (c) £9,890,304 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).
 - (d) £175.35 being the amount at 3(c) above (Item R), all divided by Item T (1(a) above), calculated by the Council in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
 - (e) £2,739,405 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per the attached Schedule 1).
 - (f) £126.78 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T (1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.
 - (g) The amounts stated in column 5 of the schedule 1 attached given by adding to the amount at 3(f) above the amounts of the special item or items relating to dwellings in those parts of the Council's area specified in column 1 of Schedule 1 divided in each case by the amount at 1(a) above, calculated by the Council in accordance with Section 34(3) of the Act, as the basic amounts of its Council tax for the year for dwellings in those parts of its area set out in column 1 of Schedule 1 to which one or more special items relate.
 - (h) The amounts set out in Schedule 2 attached given by multiplying the amounts at 3(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

4. that it be noted that for the year 2016/2017 Devon County Council, Police and Crime Commissioner for Devon and Cornwall and Devon and Somerset Fire and Rescue Authority have stated the following amounts in precepts issued to the District Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Precepting Authority

Valuation Bands	Devon County Council	Police and Crime Commissioner for Devon & Cornwall	Devon & Somerset Fire & Rescue
A	£805.08	£115.23	£53.32
B	£939.26	£134.43	£62.21
C	£1,073.44	£153.64	£71.09
D	<u>£1,207.62</u>	<u>£172.84</u>	<u>£79.98</u>
E	£1,475.98	£211.25	£97.75
F	£1,744.34	£249.66	£115.53
G	£2,012.70	£288.07	£133.30
H	£2,415.24	£345.68	£159.96

5. that, having calculated the aggregate in each case of the amounts at 3 (h) and 4 above, the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the amounts set out in Schedule 3 attached as the amounts of council tax for the year 2016/2017 for each of the categories of dwellings shown in Schedule 3.
6. that the Council has determined that its relevant basic amount of Council Tax for 2016/17 is **not** excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992. As the billing authority, the Council has **not** been notified by a major precepting authority that its relevant basic amount of Council Tax for 2016/17 is excessive and therefore the billing authority is not required to hold a referendum in accordance with Section 52ZK Local Government Finance Act 1992.

Recorded vote on the budget:

All Councillors present voted in favour of the budget (47)

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

Two 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 the supplementary question the Portfolio Holder – Environment reported that the beach huts were vastly undervalued and that the rental figures that had been put forward were realistic.
- b) Question 2 – No supplementary question was asked.

*67 **Minutes of Cabinet and Committees**

RESOLVED

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

Cabinet

Minutes 142-163, 164-188

Development Management Committee

Minutes 52-56, 57-62

Audit and Governance Committee

Minutes 33-39

Standards Committee

Minutes 9-17

Licensing and Enforcement Sub Committee

Minutes 25-28, 29-30

that the under-mentioned minutes be received.

Cabinet (minutes 154, 155, 172, 173) had noted or accepted the following Overview/Scrutiny Committees' recommendations with or without amendment.

Overview Committee

Minutes 24-29

Scrutiny Committee

Minutes 41-44

Overview and Scrutiny Committees – joint meetings

Minutes 15-20, 21-26, 27-32

Housing Review Board

Minutes 49-63

Arising from consideration of the above minutes:-

a) Cabinet (minute 178 – West Hill Boundary Review)

Speaker comments on the proposed boundary (recommendation 2 – Appendix D) included:

- Proposed amended boundary would result in a parish half the size of the established Town Council ward boundary for West Hill;
- No strong evidence to support amended boundary;
- Residents should be consulted on the established boundary;
- Aspirations and views of the community should not be ignored;
- The boundary had been amended following the first round of consultation as some residents and landowners had indicated that they would not want to be included within the proposed West Hill Parish Council boundary;
- Clear support for a Parish Council being established;
- No decision was being made in respect of the boundary – there would be an opportunity to reconsider after the second stage of the review process.

The Chief Executive referred Councillors to the plan that had been circulated at the meeting, which identified the existing ward boundary and the proposed amended boundary. He explained that the areas excluded were those that did not suggest a strong community identity to the rest of West Hill. It was recognised that there was further discussion to be had and that the boundary had been redrawn to focus the minds of residents – responses would be assessed, and based on these, a recommended boundary would be put forward.

The Deputy Leader advised that having taken into account comments raised at the meeting by both speakers and councillors he proposed an amendment to the second recommendation, which was seconded by Councillor Eileen Wragg. The amendment was put to the vote and carried.

RESOLVED:

- 1. that having regard to the relevant statutory criteria and the results of the first phase of consultation, a new Parish Council be established for the area known as 'West Hill' and that the proposal be formally published with a 3 month period for representations.**
- 2. that the boundary as recommended be consulted on but that all representations received during the 3 month period be considered before a boundary for the new Parish Council is finally determined.**
- 3. that the new Parish Council be known as 'West Hill Parish Council' with a membership of 7 councillors and no warding provisions be incorporated.**

b) Cabinet (minute 181 – East Devon Broadband)

Cllrs Cathy Gardner and Val Ranger referred to wording used within the risk log which had been circulated to Councillors regarding the bid to Broadband Delivery UK (BDUK). In response the Portfolio Holder – Corporate Service acknowledged that the wording included in the submission had been inappropriate and apologised to the Council.

c) Cabinet (minute 179 – ESCo Energy Services)

Concerns were raised that the Cabinet had not agreed to become a shareholder of ESCo until there had been further dialogue and more information was available regarding the legal and financial governance arrangements - the recommendation did not reflect this.

RESOLVED: that the Council is not currently persuaded to become a shareholder of the public sector Energy Services Company (ESCo) and would request further information in order to make a final decision.

d) Overview Committee (minute 28 – South West Trains franchise consultation)

Councillor Roger Giles urged Councillors to press the case for better rail services and respond to the South West Trains franchise consultation. Councillor Phil Twiss clarified that issues relating to rail infrastructure should be brought to the attention of Network Rail.

e) Joint Overview and Scrutiny Committees (minute 26 – Draft Revenue and Capital Budgets 2016/17)

Councillor Megan Armstrong referred to the reporting of performance management indicators for the Growth Point service plan and advised that her recollection had been that it was agreed that these would be reported annually rather than 'as required', which was vague. The Deputy Chief Executive responded that as the work of the Growth Point was project based there should be regular reporting but not specifically to a timetable.

The Chief Executive referred Councillors to recommendation 4 and advised that he would clarify whether the timeframe for reporting was included in the minor amendment.

f) Licensing and Enforcement Sub Committee

The Chairman, Councillor Steve Hall, took the opportunity to report that the Licensing and Enforcement Committee had the previous week approved a comprehensive draft Taxi Licensing Policy for consultation.

***69 Motion: financial settlements for local authorities**

The following motion was proposed by Councillor Roger Giles, seconded by Councillor Susie Bond and supported by Councillors Marianne Rixson, Val Ranger, Cathy Gardner and Peter Faithfull.

"This Council is concerned that successive governments have made financial settlements for local authorities in Devon which are disadvantageous compared with the settlements for councils elsewhere. The Council therefore agrees to seek the support of the three Members of Parliament representing East Devon in pressing government to ensure that East Devon District Council receives a fair settlement which reflects the needs of East Devon for the 2016/17 and successive financial years."

In proposing, Councillor Roger Giles paid tribute to the local MPs for securing an increased Rural Services Delivery Grant for East Devon for 2016/17, however it was not considered to be enough to reflect the needs of the District. He urged the Council to press for fairer funding. In seconding, Councillor Susie Bond hoped that the Council would join together to support the motion for the benefit of the District.

Councillor Ian Thomas proposed an amendment to the motion, which was seconded by Councillor Roger Giles.

In proposing his amendment, Councillor Thomas spoke of the efforts both Members and Officers of the Council had already devoted to highlighting the issues specific to service delivery in a rural area such as East Devon, and to try to ensure a fair settlement for the District. The Council had consistently lobbied for several years to improve its financial settlement. He advised that rural authorities, with strong representation from East Devon, worked together in a group called SPARSE, a subgroup of the Local Government Association. The SPARSE role within the LGA was to ensure that implications for rural areas of government policy were fully appreciated by policy makers. He advised that SPARSE Rural often worked with the parliamentary Rural Fair Share Group which aimed to reduce the rural penalty. A key issue was that rural residents pay more in tax, receive fewer services and, on average, earn less than those in urban areas. The solution was that in times of reducing public expenditure, it was more important to distribute

available resources fairly. Sustained lobbying from the Rural Fair Share Campaign contributed toward the Rural Services Delivery Grant which already helped East Devon and Devon County Councils. This grant was now included in the Council's projected budget settlement through to 2019/2020.

The need for a fairer settlement was echoed by Councillors during discussion.

The amended proposal was put to the vote and carried and the consequential vote on the motion was unanimously in favour.

RESOLVED: that the Council is concerned that successive governments have made financial settlements for local authorities in Devon which are disadvantageous compared with the settlements for councils elsewhere. The Council therefore supports the important role being played by its own Officers and Members with SPARSE, in association with the Rural Fair Share Campaign and recognises their success in securing the payment of the Rural Services Delivery Grant to East Devon in the current funding round, and future awards to 2019/2020.

*70 **Compulsory Purchase Order – land at Branscombe**

The report to Council required confirmation of making a Compulsory Purchase Order in the parish of Branscombe. This was in respect of exchanging inalienable land in the ownership of the National Trust with land owned by the Diocese of Exeter at the request of the Parish Council, to provide an extension to the St Winifred's graveyard.

RESOLVED:

That Council having been consulted recommends to Cabinet the confirmation of the Compulsory Purchase Order as set out in the report.

Attendance list

Councillors present:

Stuart Hughes (Chairman)
Helen Parr (Vice Chairman)

Mike Allen
Megan Armstrong
Brian Bailey
David Barratt
Dean Barrow
Matthew Booth
Susie Bond
Peter Bowden
Colin Brown
Peter Burrows
Paul Carter
David Chapman
Maddy Chapman
Iain Chubb
Alan Dent
John Dyson
Jill Elson

Peter Faithfull
David Foster
Cathy Gardner
Steve Gazzard
Roger Giles
Graham Godbeer
Pat Graham
Steve Hall
Marcus Hartnell
Douglas Hull
Ben Ingham
Geoff Jung
David Key
Jim Knight
Rob Longhurst
Andrew Moulding
Bill Nash
Geoff Pook
Val Ranger
Marianne Rixson
Philip Skinner
Pauline Stott
Brenda Taylor
Ian Thomas
Phil Twiss
Mark Williamson
Eileen Wragg
Tom Wright

Honorary Aldermen:

David Cox
Christine Drew
Frances Newth
Tim Wood

Officers:

Richard Cohen, Deputy Chief Executive
Simon Davey, Strategic Lead - Finance
Andrew Ennis, Service Lead – Environmental Health and Car Parks
John Golding, Strategic Lead – Housing, Health and Environment
Henry Gordon Lennox, Strategic Lead – Legal and Democratic Services
Alison Hayward, Regeneration & Economic Development
Mark Williams, Chief Executive
Hannah Whitfield, Democratic Services Manager

Councillor apologies:

Paul Diviani
Alison Greenhalgh
Simon Grundy
Maria Hale
Ian Hall
John Humphreys
Mike Howe
Rob Longhurst
Dawn Manley
Cherry Nicholas
John O'Leary
Chris Pepper

Honorary Aldermen apologies:

Trevor Cope
Ann Liverton
Graham Liverton
Ken Potter

Chairman

Date

EAST DEVON DISTRICT COUNCIL
Minutes of the meeting of Cabinet held
at Knowle, Sidmouth on 9 March 2016

Attendance list at end of document

The meeting started at 5.30pm and ended at 6.03pm

***189 Public Speaking**

Ed Moffatt from the Diocese of Exeter spoke on agenda item 12 - Cranbrook Place of Worship Land. Mr Moffatt had been working on the creation of a church community for Cranbrook for the past 13 years. In that time the Church primary school had been established with a strong local identity. There was an aspiration for a church building in Cranbrook. A sharing agreement had been drawn up with Churches Together in Devon and Cornerstone Church. The three funding partners were the Diocese of Exeter representing the Church of England in Devon, the Plymouth and Exeter District of the Methodist Church and the South West Synod of the United Reform Church. Cornerstone Church was aware of the onus to be dedicated to the service of the whole community of Cranbrook. The Diocese of Exeter was aware of the legal agreement and was happy to take this forward with the Council in due course. Answering a question from the Chairman Mr Moffatt confirmed that following a recruitment and interview process; which included participation from local community groups, there was now a new minister who would start the post shortly as well as living in Cranbrook itself.

***190 Minutes**

The minutes of the Cabinet meeting held on 10 February 2016 were confirmed and signed as a true record. Following an amendment from Council to minute **179 ESCo Energy Services**, the recommendation now reads,

‘that the Council is not currently persuaded to become a shareholder of the public sector Energy Services Company (ESCo) and would request further information in order to make a final decision.’

***191 Declarations**

Councillor Iain Chubb – Minute 13
Interest: Personal
Reason: Is a private landlord

Councillor Bill Nash – Minute 13
Interest: Personal
Reason: Is a private landlord

***192 Matters referred to the Cabinet**

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

***193 Exclusion of the public**

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

*194 **Forward Plan**

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

*195 **Notes of the New Homes Bonus Panel held on 25 January 2016**

Members received the action notes of the New Homes Bonus Panel held on 25 January 2016. Members were asked to note the concerns at the recent changes to criteria with regard to the use of Parishes Together Fund monies for ditching and drainage works and potentially verge and hedge cutting.

RESOLVED:

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

*196 **Minutes of the Overview Committee held on 26 January 2016**

Members received and noted of the Minutes of the Overview Committee held on 26 January 2016.

RESOLVED (1) that the following be noted:

Minute 27 - Enterprise Zone update

1. the outcome of the Enterprise Zone application submitted by the Heart of the South West Local Enterprise Partnership confirmed as part of the Government's Autumn statement,
2. the additional work that will be needed to be undertaken to develop a detailed business case and defined geography before the Zone can become operational.

Minute 28 - South West Trains franchise consultation

Minute 29 - Overview forward plan

That the forward plan include:

- 9 February 2016 – additional meeting on the Refuse and Recycling contract award.
- 22 March 2016 – Sustainability. Update on Flood Risk Management and Shoreline Management Plan, Update on Economic Development and Draft Annual Report.
- First meeting after 1 May 2016 – EDDC policy on providing Affordable/Starter Homes

*197 **Minutes of the Scrutiny Committee held on 18 February 2016**

Members received and noted Minutes of the Scrutiny Committee held on 18 February 2016.

RESOLVED (1) that the following be noted:

Minute 50 – Portfolio Holder up-date – Sustainable Homes and Communities

1. the report
2. the housing team be congratulated on its significant achievements;
3. the Committee express its concerns at the failure of the Housing Minister to recognise and address the housing problems faced by EDDC as a result of the imposed reduction in housing rent.

Minute 52 - Quarterly monitoring of performance, 3rd quarter 2015/16 Oct – Dec 2015

1. the provision of Broadband and the importance of engaging with communities be included in the Scrutiny forward plan,
2. the new policy relating to motor homes to welcome day visitors to East Devon's towns be circulated to the Committee for their information,
3. the Strategic Lead – Organisational Development and Transformation be invited to a future meeting of the Committee with comparative data from other authorities to outline the current position relating to working days lost due to sickness absence and actions being taken,
4. the Development Manager be asked to advise on the number of temporary staff now within the service (whether this has increased or decreased) and future plans to improve performance in respect of determining planning applications,
5. officers take care in preparing the wording of the questionnaire in respect of a potential increase in street trading as this was already causing local concern,
6. officers provide the Committee with an update on the Management Plans for Seaton, Sidmouth, Exmouth and Budleigh beaches,
7. Seaton Jurassic – the Committee to monitor visitor numbers against projections,
8. Planning on-line – to invite the Economy Practice Manager to a future meeting of the Committee to address concerns raised about the service currently provided, issues around the search facility and plans to only provide town and parish councils with on-line documents on which to submit their comments.

Minute 53 – Scrutiny Forward Plan

Items were agreed for inclusion:

17 March 2016

Beach Hut update

Chardstock and Dunkeswell Strategy 27 decision debate

14 April 2016

Draft Scrutiny annual report.

Broadband provision. Consider inviting Councillor Ian Thomas (former Portfolio Holder relevant for Broadband) and Phil Twiss (current Portfolio Holder relevant for Broadband).
How we consult and engage with the public – implementation of policy

Future meetings

- Portfolio Holder updates as required
- Review of the production process of the Local Plan.
- Exmouth Sea Scouts hut – update on progress.
- Review of EDDC website – including search engine, comparison with other authorities, and how this reflects the image of the Council.
- Planning on-line – to invite the Economy Practice Manager to a future meeting of the Committee to address concerns raised about the service currently provided, issues around the search facility and plans to only provide town and parish councils with on-line documents on which to submit their comments.
- The Strategic Lead – Organisational Development and Transformation be invited to a future meeting of the Committee with comparative data from other authorities to outline the current position relating to working days lost due to sickness absence and actions being taken,
- Seaton Jurassic – the Committee to monitor visitor numbers against projections,

- Police 101 service – the new Police Crime Commissioner to be invited (after May elections). To include what is expected from the service, and how it needs to be improved to gain the support and faith of the public providing information and needing help.

RESOLVED (2) that the following recommendations be agreed:

Minute 51 - Scope for Dunkeswell and Chardstock Built-up Area Boundary (BUAB)

Subject to,

1. the background paper timeline including the date of the public hearing when the Inspector heard the contributions from Chardstock and Councillor Ben Ingham,
2. the consultees be increased to include the former Dunkeswell ward member, Bob Buxton, Councillor Andrew Moulding (who addressed Council on the issue).

198 Programme of meetings 2016/17

The Cabinet considered the proposed timetable of meetings for the next Council year.

RECOMMENDED:

that the draft meetings timetable be referred for approval to the annual meeting of the Council.

RESOLVED:

that the 2016 Annual Council meeting be held on Wednesday 18 May.

REASON:

To meet the legal requirement to hold an annual meeting and also such other meetings as necessary for the conduct of the Council's business in accordance with its constitution.

***199 Cranbrook Place of Worship Land**

Darren Summerfield, New Community Projects Officer presented the report. The Section 106 Legal Agreement for Cranbrook made provision for Place of Worship Land. The site was an area of 0.2 hectares adjacent to St Martin's Primary School and fronting Younghayes Road; located within the first phase of the town. Following its laying out the New Community Partners were required to transfer the land to the District Council. The Diocese of Exeter and Cornerstone Church had requested that following the transfer of the land to the Council that it be transferred to the Diocese. The Place of Worship Land was in the process of being prepared in accordance with the agreed specification and the purpose of the report was to consider the options for its future management and ownership.

Cornerstone Church and Churches Together in Devon's vision had set out that in the short term the church intended to develop the approved spiritual garden as a community facility. It stated that the approved scheme was developed in conjunction with the community and that project received support from people across the community, including those of different faiths and those who consider themselves without faith. The spiritual garden was intended to be an open space that was accessible to all so to provide a location for reflection, spirituality and occasions for community gathering. It would include a central covered area and this could be used for a range of activities such as christenings, wedding blessings, storytelling, musical performances, BBQs and picnics. In addition, including areas of green space and wild flowers, it was envisaged that the site could include space for temporary community vegetable gardens where various community groups could take responsibility for using the space.

RESOLVED:

1. On receipt of the Cranbrook Place of Worship Land from the New Community Partners that the land was transferred to the Diocese of Exeter acting on behalf of Churches Together in Devon.
2. Delegate the agreement of the details of the transfer of the Place of Worship Land to the Deputy Chief Executive to include the details contained at Paragraph 6.3 of the report.

REASON:

To support the delivery of a temporary spiritual garden at Cranbrook and to allow the Diocese of Exeter and Cornerstone Church to lead any future project to develop a permanent place of worship building on the site.

*200 **The Smoke and Carbon Monoxide Alarm (England) Regulations 2015**

John Golding, Strategic Lead Housing, Health and Environment presented the report. From the 1 October 2015 private sector landlords were required to ensure that at least one smoke alarm was installed on every storey of their rented property, and that a carbon monoxide alarm was installed in any room which contains a solid fuel burning appliance. They were also required to ensure that such alarms were in proper working order at the start of each new tenancy. These requirements were enforced by the Local Housing Authority.

It was a requirement of the Local Housing Authority to have a statement of principles which act as guidance and sets out how they will enforce the regulations. The statement also set out the approach to determine the amounts that could be appropriate penalties for breaches of the regulation.

The government required local authorities to be open and transparent regarding the civil penalty and to publish the statement of principles which they would follow when determining the amount of penalty charge. These principles and the fine levels were comparable with the Devon Local Authorities and other local authorities across the UK.

Discussion included the following:

- Many properties; specially in Exmouth, were not registered as Houses in Multiple Occupation (HMO) and amongst other issues could create fire hazards
- The burden was on the landlord to understand the rules of HMO when these were quite complex in law

RESOLVED:

That Cabinet note the new regulations and the statement of principles and fine levels be agreed

REASON:

The regulations require that the council agrees a statement of principles and fine levels.

***201 Compulsory Purchase Order: exchanging inalienable land in the ownership of the National Trust with land owned by the Diocese of Exeter at the request of the Parish Council of Branscombe, to provide an extension to the St Winifred's graveyard**

The churchyard of St Winifred's, Branscombe had two burial plots remaining before the graveyard was full. The St Winifred's Parochial Church Council in consultation with Branscombe Parish Council had been exploring the possible options for a number of years to seek an alternative burial site. The Parish Council and the Parochial Church Council requested that East Devon should assist and acquire the land by Compulsory Purchase Order (CPO) in 2013.

This had been achieved by compulsorily purchasing an inalienable parcel of land from the National Trust and swapping it with land provided by the Diocese of Exeter.

The legal process had now concluded and the Council received confirmation from the National Planning Casework Unit on 14 January 2016 that it could confirm the CPO.

RESOLVED:

That Cabinet as recommended by Council, agreed the confirmation of the Compulsory Purchase Order

REASON:

To progress the matter so that the two parcels of land can be conveyed between the National Trust and the Diocese of Exeter.

***202 Monthly Performance reports – January 2016**

The report set out performance information for January 2016. This allowed Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

There were two indicators that were showing excellent performance:

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

There were no performance indicators showing as concern.

RESOLVED:

that the progress and proposed improvement action for performance measures for January 2016 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:

Andrew Moulding Deputy Leader/Strategic Development and Partnership

Portfolio Holders:

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

Cabinet Members without Portfolio

Geoff Pook
Eileen Wragg

Cabinet apologies:

Paul Diviani Leader

Non-Cabinet apologies:

Paul Carter
David Chapman
Maddy Chapman
Alan Dent
Graham Godbeer
Alison Greenhalgh
Dawn Manley
Cherry Nicholas
John O'Leary
Mark Williamson

Also present:

Councillors:

Brian Bailey
David Barratt
Peter Bowden
John Dyson
Peter Faithfull
Roger Giles
Simon Grundy
Ian Hall
Steve Hall
Mike Howe
Geoff Jung
Bill Nash
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

Darren Summerfield, New Community Projects Officer

Amanda Coombes, Democratic Services Officer

Chairman Date.....

EAST DEVON DISTRICT COUNCIL
Minutes of the meeting of Cabinet held
at Knowle, Sidmouth on 6 April 2016

Attendance list at end of document

The meeting started at 5.30pm and ended at 7.59pm

***203 Public Speaking**

Jeremy Woodward spoke on agenda item 11 – Relocation and Transformation update. Mr Woodward questioned the costs involved with relocation, whether the expenditure was still going to be cost-neutral and value for money for the residents of East Devon. In response, the Deputy Chief Executive confirmed the selling price for the Knowle by Pegasus Life was in line with Professional Standards (the 'Red Book') which contained mandatory rules, best practice guidance and related commentary for undertaking asset valuations. The Deputy Chief Executive advised the budget for relocation remained the same.

Nick Freer on behalf of East Devon New Community Partners (EDNCp) spoke on agenda item 16 – Whimble Neighbourhood Plan Designation. Mr Freer stated the EDNCp's firm view that Option B of those presented to members was the only appropriate basis upon which to choose a Neighbourhood Plan Area for Whimble for reasons set out in the report. Additional reasons included:

- the advice in the NPPG that qualifying bodies should plan positively to support local development, shaping and directing development in their areas that is outside the strategic elements of the Local Plan
- consistency of decision making with the approach in Broadclyst and Clyst Honiton Neighbourhood Plans
- to avoid residents of Cranbrook having a Plan which they have not produced
- avoiding ineffective use of resources given the progression of the strategic expansion of Cranbrook through the Local Plan and Cranbrook DPD/Masterplan.

The Whimble Neighbourhood Plan Area should exclude the Cranbrook eastern expansion allocation. In addition, EDNCp requested that the two fields between the Local Plan allocation and railway line should also be excluded from the Neighbourhood Plan Area. They were the only fields here, which were not Green Wedge, were part of the present expansion application, and inextricably linked to the planning of the allocated land – including, a possible location for a second station. Their role and future should be determined on a consistent and comprehensive basis as part of the Cranbrook DPD/Masterplan rather than in a separate Neighbourhood Plan exercise.

Richard Betts on behalf of Whimble Parish Council and Neighbourhood Plan Group spoke on agenda item 16 – Whimble Neighbourhood Plan Designation. Mr Betts supported Option A and confirmed part of this process was not to disenfranchise local communities. He was concerned of the delays on production of the Cranbrook Masterplan as this created a risk to Whimble and Cranbrook. Whimble was not the enemy of Cranbrook, both were diverse in area and should therefore work together to embrace this diversity.

Kevin Blakely Chairman of Cranbrook Town Council spoke on agenda item 16 – Whimble Neighbourhood Plan Designation. Mr Blakely stated Cranbrook Town Council objected to the Whimble Neighbourhood Plan area. He mentioned the development of strategic sites and the difference in nature and character of the two communities. He

called for a consistent approach and urged the Council for a smaller Neighbourhood Plan area.

Councillor Graham Godbeer wished to pass on his grateful thanks from the people of Seaton and East Devon, for the visionary facility of the recently opened Seaton Jurassic.

***204 Minutes**

The minutes of the Cabinet meeting held on 9 March 2016 were confirmed and signed as a true record.

***205 Declarations**

Councillor Pauline Stott – Minute 212

Interest: Personal

Reason: Daughter owns a beach hut

***206 Matters of urgency**

The [minutes](#) of the Overview Committee held on 22 March 2016 were tabled. The minutes had not been included on the agenda due to the timing of the meeting. However, the Leader agreed that they should be dealt with as a matter of urgency in order for Cabinet to be informed about the Committee's consideration of local flood management, business engagement and the Local Government Boundary Committee for England Electoral Review Programme.

RESOLVED (1) that the following be noted:

Minute 33 – Local Flood Risk Management Strategy and Coastal Protection

The Committee had noted and supported the report and the following:

- 1a. The loss of lengthsman had been keenly felt.
- b. The Environment Agency had been far more proactive leading to vital and successful small works, such as that at Lypstone
- c. The issue of non sustainable development not meeting thresholds that require improved protection;
- d. The need for a flood resistance action plan is recognised and must be better supported.

Minute 34 - Local Government Boundary Committee for England Electoral Review Programme 2015 - 2019 – the Review timetable

Stage	Date
Council size meeting	20 September 2016
Warding patterns consultation	27 September – 5 December 2016
Draft recommendations published	7 February 2017
Draft recommendations consultation	7 February – 3 April 2017
Final recommendations published	6 June 2017
Order laid	July 2017
Implementation	Elections 2019

Minute 35 (1) - Business engagement update - the updates on progress made within the report by the Economic Development Manager.

Minute 36 - Draft Annual Report

the annual report of the Overview Committee – to be included within the agenda for the annual meeting of Council.

RESOLVED (2) that the following decisions be supported

Minute 34 - Local Government Boundary Committee for England Electoral Review Programme 2015 - 2019

1. that the Committee consider an updated copy of the draft submission to the Boundary Committee when further investigation has been undertaken regarding the electorate projection figures.
2. that the draft submission include an option based on a smaller number of councillors reflecting changes elsewhere.

Minute 35 (2) - Business engagement update

that Councillor Mike Allen be invited to present his report entitled 'East Devon Economic Development Policy in Rural Areas' to a meeting of the Joint Economy and Regeneration Think Tank on 21 April;

Minute 37 - Overview forward plan

that the forward plan include:

28 June 2016 – Policy review on provision of affordable homes and Local Government Boundary Committee for England Electoral Review.

11 January 2017 – Draft budgets and service plans 2017/18.

***207 Matters referred to the Cabinet**

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

***208 Exclusion of the public**

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

***209 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 May 2016 to 31 August 2016.

***210 Minutes of the Housing Review Board held on 10 March 2016**

Members received and noted the minutes of the Housing Review Board held on 10 March 2016.

RESOLVED (1) that the following be noted:

Minute 68 – Forward Plan update

Minute 71 (1) Tenant Scrutiny Panel recommendations that were already being achieved and those that have been incorporated into the resident involvement work plans.

Minute 72 – Annual report to the Housing Review Board

Minute 74 – Home Safeguard annual report 2014/15

Minute 76 - Selling off the stock – information papers

Minute 77 - Estate Management Service Review Group report

RESOLVED (2) that the following recommendations be agreed:

Minute 69 – Rent setting for 2016/17 – that the increase in rents in respect of supported accommodation be approved as per the Government’s announcement.

Minute 70 – Gas servicing contract

1. that an extension until 1 October 2016 to the existing gas servicing contract be approved;
2. that proposals to tender the contract jointly with Mid Devon District Council in line with European procurement regulations be approved;
3. that the use of Fusion 21 and their procurement framework for the boiler upgrade programme be approved.

Minute 71 – Response to Tenant Scrutiny Panel on tenant participation

2. that the Housing Project and Information and Analysis Officers be engaged to measure the social and monetary value created by resident involvement , and to show how involvement has influenced and benefitted the business as well as tenants generally;
3. that the OpenHousing management system be used to gather tenant profiling information into the future;
4. that the tenant representative write a short report for inclusion on the next housing Review Board agenda on tenant participation and representation.

Minute 73 - New void performance calculation

that the new void calculation be adopted.

Minute 75 - Strategy and options for spending Right to Buy receipts

1. that the proposed options for spending right to Buy receipts to secure additional suitable affordable housing in the district, be approved;
2. that delegated authority be given to the Portfolio Holder Sustainable Homes and Communities, Chair of the Housing Review Board and the Strategic Lead – Housing, Health and Environment to approve a programme of individual property purchases to meet the short term Right to Buy spending deadline.

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

Minute 72 – Annual report to the Housing Review Board

that the remit of the Housing Review Board be updated when the Constitution is updated at the Annual Meeting of the Council.

***211 Minutes of the STRATA Joint Scrutiny held on 17 March 2016**

Members received and noted of minutes of the STRATA Joint Scrutiny held on 17 March 2016

RESOLVED (1) that the following be noted:

Minute 7 – Question from members regarding computer equipment

Minute 8 - Strata Budget Monitoring Quarter 3 2015/16

Minute 9 - Strata Budget 2016/17

The three Councils had agreed a total revenue budget transfer for 2016/17 of £5,900,990 including the £15,000 for support services and all existing staffing, supplies and services.

Minute 10 - Strata Implementation Progress March 2016

Minute 11- Strata Board Work Plan

Minute 12 - Performance Management of the Chief Operating Officer and that a ‘two tier’ approach would be used.

Minute 15 - Staff Engagement Survey - noting the actions approved by the Board.

Minute 16 - Security Status Overview – noting the actions approved by the Board.

RESOLVED (2) that the following be approved

Minute 11(2) Strata Board Work Plan – the Committee’s request for the Teignbridge Strata Director to report to the next Scrutiny Committee meeting on mechanisms for increasing the transparency of Board business.

Minute 13 - Family Friendly Policies – the Strata Joint Scrutiny Committee supported the action of the Board in agreeing the policies, in principle, so that they could be discussed and agreed with Unison at the next Staff Joint Forum.

***212 Minutes of the Scrutiny Committee held on 17 March 2016**

Members received and noted Minutes of the Scrutiny Committee held on 17 March 2016.

RESOLVED (1) that the following be noted:

Minute 59 – Scrutiny Forward Plan

RESOLVED (2) that the following recommendations be noted:

Minute 57 - Beach hut update

1. the number of people on individual waiting lists for beach huts and beach hut sites as at 10 March 2016 be published;
2. that good practice is to include any recommendations from committees who have considered the matter prior to a Cabinet decision, in the report to Cabinet;
3. that there must be early involvement of relevant Ward Members and Parish or Town Councils in issues concerning them, particularly with regard to what may be contentious issues;
4. that officers explore any potential to expand on beach hut provision where demand is high, bearing in mind the usual constraints of environmental factors and planning considerations.

Minute 58 - Scope for Dunkeswell and Chardstock Built-up Area Boundary (BUAB)

1. in similar cases where there is an argument against officer advice, the onus is on councillors to produce evidence to support their motion;
2. the Chairmen and Vice Chairman be offered training and support to help ensure robust decision making which is based on evidence occurs at meetings;
3. the Chairmen seek to ensure the committee or council are aware of who public speakers are, and if represent a body or organisation, before that individual addresses the meeting.

RESOLVED (3) that the following decision be noted:

Minute 57 Beach hut update

That the Committee receive a further explanation of the breakdown of associated service charges for beach huts and beach hut sites.

***213 Relocation and Transformation update**

The Deputy Chief Executive advised on progress of the relocation plans. Now that the Council had moved from options consideration and was focused on the agreed twin site approach, the project was moving quickly. With the signing of a conditional contract with Pegasus Life and the commissioning of the design team, relocation had progressed significantly. Staff were keen to see progress and this had become a more engaged process, as the design team moved through the phases of design from concept to

detailed design. The Council was working to the Royal Institute of British Architecture approved design code process to manage the project.

Officer and Executive Groups met monthly and there were regular meetings with the Design Team. SMT was also engaged on matters such as ICT, document management, team locations, operational issues, facilities and other corporate direction. The consultation process with residents had further informed the service provision around the move to the twin sites.

The Deputy Chief Executive and officers would continue to work with tenants to minimise uncertainties and come up with a fair arrangement around new leases and licence agreements.

Discussions included the following:

- Where had the sale of the Knowle been advertised?
The Deputy Chief Executive confirmed the agent Savills had advertised through journals, their development sector contacts as well as local newspapers.
- Was the £7m received for the Knowle value for money for East Devon residents?
- Was there an overage clause in the contract to claim back money from excessive profits from the developers?

The Deputy Chief Executive confirmed that the capital receipt offered for the Knowle was in line with the professional 'Red Book' valuation of the site. He confirmed that there was an overage clause within the Council's conditional contract with the developer.

- The need for actual measurements to be included in the plans for Exmouth Town Hall and Heathpark rather than 2D images.
- A missed opportunity not to have a franchised cafe at Heathpark
- Issues of the size of meeting rooms at Exmouth Town Hall
- Exmouth Town Council needed flexibility when booking the Chamber
- Other organisations based at Exmouth Town Hall were finding relocating to temporary premises an issue.
- New ICT was being implemented over the next few months to pave the way for the move from the Knowle.

The Deputy Chief Executive reassured members that he and officers were in close contact with Exmouth Town Council and town hall tenants, in order to address the detail of new leases, space arrangements and other matters relating to the impact of refurbishment and future use of the building.

Councillor Eileen Wragg congratulated all officers involved for their considerable work in this project.

RESOLVED:

Knowle Site

1. that it be noted that Pegasus Life Ltd, following public consultation exercises, will be submitting its application for development of the Knowle site. The projected likely date of consideration of the application is July 2016.
2. that Sidmouth Town Council's positive response to the Deputy Chief Executive's formal proposal to transfer the remaining Knowle Park to Town Council ownership, together with a commuted sum and negotiations continue, be noted

Honiton Heathpark

3. that preparations underway by the design team to submit a planning application for new build Council offices at Heathpark, with a view to Planning Committee consideration in September 2016, be noted
4. that the new HQ design moving from concept to detailed design of space allocations for desks, meeting spaces, storage, reception area, Chamber, member area, services and external works, be noted
5. that construction planned to commence in November 2016 for a period of up to 12 months, followed by Client Fit Out Works with occupation of the new HQ targeted for February 2018, be noted
6. that the Deputy Chief Executive again meeting with businesses and staff at the East Devon Business Centre to discuss and advise on project progress, be noted

Exmouth Town Hall

7. that the Deputy Chief Executive and design team meeting with tenants of Exmouth Town Hall to discuss their needs, concerns and expectations regarding the refurbishment of the building and its impact on their operations including any disruption or temporary displacement, be noted
8. that the Council's issue of Section 25 notices to end the tenancies of Town Hall tenants to be followed by negotiation of new tenancies, be noted
9. that refurbishment planned to commence in Autumn 2016 and last between 8-10 months, followed by Client Fit Out Works, be noted.

Other

10. that the use of £47,040 of transformation funds for the additional scope required within the Electronic Document Management System be approved
11. that the Council's appointment of Interserve to provide the Pre Construction Advisory role through a two stage competitive tender process based upon the CFSW Framework, be noted. As part of the second stage tender process, Interserve will be asked to provide their firm fixed price tender for the Project Works later this Year. If in the event the received tender is not acceptable a further tendering process will be carried out.
12. that the ongoing detailed engagement with staff and tenants regarding space allocation, twin site facilities, team locations, internal design, fit out and operational requirements, be noted.
13. that further presentations and discussion with Members on new offices design and layout will be arranged as the project moves forward
14. that SMT's decision to locate Housing Services in the main office headquarters as well as availability of other front facing provision (Benefits, Environmental Health, Planning) on the basis of the findings of the Service Delivery and Office Relocation Survey with residents (attached at Appendix 3), be noted
15. that the successful recruitment of a Relocation Facilities Manager post to prepare and oversee the physical relocation of staff and resources, be noted.

REASON:

To advise Cabinet on project progress and seek agreement to take forward the previous commitment of Council to deliver relocation from Knowle to Honiton and Exmouth offices.

***214 Devolution update**

The Chief Executive updated members on progress of the Devolution Prospectus.

Discussions included the following:

- this was the path for improvement and gaining better services
- for business growth and to attract new businesses connectivity was essential
- simplified processes; brings decision making back to local level
- would add an extra layer of council work and bureaucracy
- dissatisfied with the present social and economical situation, this was a chance to make things better for the people of East Devon
- major regional issues could be influenced e.g. transport and health, solving problems
- Plymouth and Exeter were large cities – would rural areas get the same choices?
- allowed for the exploring of issues and was a definite way forward for the District.

RESOLVED:

that the update report be noted and that Cabinet and the Audit & Governance Committee be provided with details (when available) of the proposed briefing meetings.

REASON:

This was an ongoing process. It was proposed to hold briefing sessions for members of the 19 local authorities and nominations were sought.

***215 Cranbrook Community Questionnaire results**

The Community and Engagement Officer and New Community Projects Officer presented to Members the results of the Cranbrook Community Questionnaire 2015, which was undertaken jointly between Organisational Development at EDDC and the Cranbrook Community Development Worker at EDVSA. This was the third annual questionnaire.

RESOLVED:

that the results of the Cranbrook Community Questionnaire 2015 be noted.

REASON:

The consultation has been designed to help inform decisions regarding Cranbrook. The first Cranbrook Community Questionnaire was carried out in 2013 and provided vital feedback to help evaluate and plan.

***216 Cranbrook: Healthy New Towns programme**

To advise that Cranbrook was one of ten developments selected nationally by NHS England for the Healthy New Towns programme.

RESOLVED:

that the inclusion of Cranbrook in the Healthy New Towns programme be noted

REASON:

So that Members were informed of the programme and respond to queries accordingly.

***217 Monthly Performance reports – February 2016**

The report set out performance information for February 2016. This allowed Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

There were three indicators that are showing excellent performance:

1. Percentage of planning appeal decisions where the planning inspector has disagreed with the Council's decision
2. Days taken to process Housing Benefit/Council Tax Benefit new claims and change events
3. Creditor Days - % of invoices paid in 10 working days

There were no performance indicators showing as concern. The absence indicator that had been showing concern had shown improvement over the last two months.

RESOLVED:

that the progress and proposed improvement action for performance measures for February 2016 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.

***218 Whimble Neighbourhood Area Designation**

The report defined and designated the Neighbourhood Area for the parish of Whimble. The report did not recommend a specific area for designation; it highlighted three potential options with relevant issues.

The Service Lead, Planning Strategy and Development Management stated the issue was whether the Eastern Cranbrook Expansion Area should be part of the Whimble Neighbourhood Plan area or not. There would be wider implications for CIL, (Community Infrastructure Levy) - where the monies collected from this would go, as well as which community would have overall control of the area. He confirmed that everyone involved was keen to work together to deliver Cranbrook wherever the boundary was drawn however there was a danger that policies brought forward by Whimble may not be relevant to Cranbrook Expansion Area.

Councillor Peter Bowden, Ward Member for Whimble stated there was concern within Whimble Parish over this matter. He confirmed this was not a matter of control but the future development of a large area of East Devon. Whimble Parish Council had already stated they did not wish to keep any funding that would come from CIL that was intended for Cranbrook. This was about the ability to meet the housing need with many voices helping to shape the future of both areas.

Discussions included the following:

- concern for Whimble; where does Cranbrook stop? Keep to the natural boundary
- from a practical point of view any new development should be in Cranbrook.
- Whimble's voice would be drowned out
- Cranbrook's Expansion Area was encroaching into another parish's area. There was a need to protect Whimble Parish Council; they were there first.
- this was about allocating a Neighbourhood Plan Area

RESOLVED:

1. that the advice contained in the report to designate an appropriate Neighbourhood Area for the Whimble Neighbourhood Plan be noted.
2. that Cabinet identified Option B for the chosen Neighbourhood Area and that these reasons are formally recorded in the decision documentation.

REASON:

To enable Whimble Parish Council to prepare a neighbourhood plan under the auspices of the Localism Act 2011 and the Neighbourhood Planning Regulations 2012.

***219 Empty homes enforcement project – Mountfield and The Wing, Musbury**

Mountfield and The Wing were listed residential properties which had been empty for a considerable period and were now seriously dilapidated. The owner had shown no interest in maintaining the properties or the grounds around the properties. The Private Sector Housing team had received significant numbers of complaints about the state of these properties from the Parish Council, District Councillors and neighbours.

RESOLVED:

that the Enforced Sale procedure be instigated for the properties Mountfield and the Wing, Musbury and associated land, in order to secure repayment of debts. The properties and land would be offered for sale by auction.

REASON:

This was the most appropriate course of action to deal with these two long-term empty properties. If the enforced sale procedure was unsuccessful for any reason officers would revisit the other enforcement options set out in the report, and report back to Cabinet.

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
Philip Skinner	Portfolio Holder Economy
Phil Twiss	Corporate Services
Ian Thomas	Portfolio Holder Finance

Cabinet Members without Portfolio

Geoff Pook
Eileen Wragg

Non-Cabinet apologies:

David Barratt
David Chapman
Maddy Chapman
Ian Hall
Steve Hall
Marcus Hartnell
Brenda Taylor

Also present (for some or all of the meeting)

Councillors:

Megan Armstrong
Brian Bailey
Matt Booth
Peter Bowden
Colin Brown
Peter Burrows
Paul Carter
Alan Dent
John Dyson
Peter Faithfull
Cathy Gardner
Steve Gazzard
Roger Giles
Graham Godbeer
Simon Grundy
John Humphreys
Geoff Jung
Ben Ingham
Rob Longhurst
Dawn Manley
Cherry Nicholas
John O'Leary
Marianne Rixson
Pauline Stott
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
Karen Jenkins, Strategic Lead - Organisational Development and Transformation
Ed Freeman, Service Lead - Planning Strategy and Development Management
Jamie Buckley, Community and Engagement Officer
Steve Pratten, Relocation Manager
Darren Summerfield, New Community Projects Officer
Amanda Coombes, Democratic Services Officer

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Overview Committee held at Knowle, Sidmouth on 22 March 2016

Attendance list at end of document

The meeting started at 6.00pm and ended at 9.30pm.

***30 Chairman's introduction**

The Chairman welcomed the Committee members to the meeting

***31 Public speaking**

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

***32 Minute confirmation**

The minutes of the Overview Committee held on the 26 January 2016, were confirmed as a true record

***33 Local Flood Risk Management Strategy and Coastal Protection**

Members received an update on the implementation of the Devon Local Flood Risk Management Strategy from Martin Hutchings, Flood and Coastal Risk Manager, Devon County Council, and information on coastal protection locally from David Turner, Engineering Projects Manager.

Members noted that East Devon was the designated Coastal Protection authority under the 1949 Coastal Protection Act and had the powers to protect land against coastal erosion and to control third party activities on the coast. East Devon had no duty under the Act to protect against coastal erosion and flooding

Martin Hutchings reported that there was major progress being reported with flood defence schemes at Axminster and Uplyme. The District Council was also working on a flood defence scheme at Feniton, The DCC Action plan for 2016/17 was being finalised and for East Devon, there were a number of schemes being developed and progressed, as listed below:

- Axminster Millbrook Phase 2.
- Uplyme Flood Improvements.
- Ottery St Mary flood improvements works and land management initiatives.
- Old Feniton – surface water investigations in partnership with SWW.
- Sidmouth Surface Water Improvements – Design.
- East Budleigh minor flood improvements.
- Lympstone flood improvement.
- Exmouth surface water optioneering.
- Whimble, subject to scheme viability.

During discussions, the following points and questions were raised:

- How successful had flood barriers been? They were satisfactory in the short term for water deflection but not good for dealing with standing water as they could allow seepage;
- importance of not building in flood risk areas
- What was the relationship between landowners and farmers and water run off? DCC were looking at the type of crops that would better absorb water and also looking at encouraging farmers to allow their fields to flood;

- How have budget cuts impacted on flood management at DCC? The budget for flood protection work had not been affected;
- A buffer strip around fields was proven to slow down run off;
- Both DCC and the Environment Agency adhered closely to the EU water directive;
- How has the reduction in lengthsmen impacted on flooding issues? The management of ditches was the responsibility of landowners. There was the need to put pressure of landowners and farmers to maintain ditches;
- EDDC accessed DEFRA funding through the Environment Agency for SMP schemes;
- The coastal erosion issues at Pennintgon Point, Sidmouth (and subsequent flood risk to the eastern part of Sidmouth) were acknowledged and interim remedial works were being looked at;
- Possibility of dredging the River Exe to reduce the possibility of flooding in Exmouth and importance of Pole Sands as natural flood prevention barrier.

Martin Hutchings and David Tuner were thanked for their reports.

RESOLVED

1. that the following comments be noted and supported:
 - a. the loss of lengthsmen had been keenly felt.
 - b. The Environment Agency had been far more proactive leading to vital and successful small works, such as that at Lympstone
 - c. The issue of non sustainable development not meeting thresholds that require improved protection;
 - d. The need for a flood resistance action plan is recognised and must be better supported.
2. that the report be noted.

***34 Local Government Boundary Committee for England Electoral Review Programme 2015 - 2019**

The Committee received a report from Mark Williams, Chief Executive, asking the Committee to consider the proposed draft submission to the LBGCE recommending minimal change to the current number of councillors representing the District Council. He explained that further work was needed on the electorate projection figures but wanted to hear members' views on the draft submission at this stage.

Members noted the survey of Councillors' hours per week spent on East Devon District Councillor business that was reported to Cabinet on 17 November 2015. It was noted that this survey was undertaken very early in the life of the new Council and that there was possible scope for a refreshing the survey of Councillors to provide a more current and accurate picture of the hours Councillors (particularly those Councillors newly elected in May 2015) spent on EDDC work.

Members considered the ratio of electors to Councillors in wards; current and projected and the rationale behind some of the figures presented. Although based on the newly adopted Local Plan they also needed to take account of other projection figures. The Chief Executive also referred to latest electoral registration date and confirmed that the table would need to be further assessed.

During discussions, the following further points and questions were also raised:

- Issues around the figures for Ottery St Mary Rural and Town and whether the boundary for both wards had been correctly considered ;
- Need to increase the number of Councillors in some wards to reflect increases in population (particularly in Cranbrook) and also change ward boundaries in rural areas;
- Expectation from the Boundary Commission that Councillors would be expected to represent 10% more electors in future.

RESOLVED

that the Committee consider an updated copy of the draft submission to the Boundary Committee when further investigation has been undertaken regarding the electorate projection figures.

***35 Business engagement update**

Consideration was given to the report of Rob Murray, Economic Development Manager, which updated his presentation to the Committee in September 2015, where it was shown that early progress was being made to meet the objectives of the proposed Business Task & Finish Forum. This report updated on further progress in line with the agreed Overview recommendations. It highlighted tangible business benefits of the Council's improved engagement as well as what further growth and development would follow from improved investment.

During consideration of the item, Councillor Mike Allen presented a report entitled 'East Devon Economic Development Policy in Rural Areas' which gave a number of recommendations for the development of businesses in rural areas. Due to the detailed nature of the report, it was not considered appropriate for the report to be considered at the meeting but Councillor Andrew Moulding, Strategic Development & Regeneration Portfolio Holder suggested that it be considered by a Joint Economy and Regeneration Think Tank meeting on 21 April with Councillor Allen being invited to present to this meeting.

During discussions, the following further points and questions were raised:

- EDDC was now engaging with business far more effectively and with complete transparency;
- Desire to see improvements to the Economic Development role in East Devon, including the appointment of an additional member of staff;
- Acknowledgement of the excellent work undertaken by the Economic Development Manager so far;
- Limited capacity with the Economic Development service to carry out a number of the proposals presented to the meeting;
- The rural economy issue was important for East Devon;
- The Budget Working Party would be asked to consider a recommendation for additional member of staff for the Economic Development Service.

- RESOLVED**
1. that Councillor Mike Allen be invited to present his report entitled 'East Devon Economic Development Policy in Rural Areas' to a meeting of the Joint Economy and Regeneration Think Tank on 21 April;
 2. that the updates on progress made within the report by the Economic Development Manager be noted.

***36 Draft Annual Report**

Members were asked to note the annual report of the Overview Committee which highlighted the achievements and detailed the work undertaken by the Committee over the last year. The report would be referred to the annual meeting of the Council in May.

The Strategic Lead, Housing, Health and Environment thanked the Democratic Services Officer, Debbie Meakin, for her report and commented that it was a good discipline for the Board to annually review the work it had undertaken.

RESOLVED: that the annual report of the Overview Committee be noted and included within the agenda for the annual meeting of Council.

***37 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:

28 June 2016 – Policy review on provision of affordable homes and Local Government Boundary Committee for England Electoral Review.

11 January 2017 – Draft budgets and service plans 2017/18.

Attendance list

Councillors Present:

Peter Bowden (Chairman)

Graham Godbeer (Vice Chairman)

Mike Allen

Matthew Booth

Peter Faithfull

Rob Longhurst

Councillors Also Present:

Megan Armstrong

David Barratt

John Dyson

Geoff Jung

Dawn Manley

Andrew Moulding

Marianne Rickson

Tom Wright

Officers

Anita Williams, Principal Solicitor
Mark Williams, Chief Executive
Alison Hayward, Regeneration Manager
Rob Murray, Economic Development Manager
Chris Lane, Democratic Services Officer
David Turner, Engineering Projects Manager
Martin Hutchings, DCC

Councillor Apologies:

Jill Elson
Pat Graham
Maria Hale
Ian Hall
Phil Twiss
Christopher Pepper

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 18 February 2016

Attendance list at end of document

The meeting started at 6pm and ended at 7.55pm.

***45 Public speaking**

Bob Spencer, who would be standing in the Police Crime Commissioner elections in May spoke of the inadequacy of the 101 service provided. He said that the system was failing year on year. Although there was a reduction in calls using 101, answering times had not improved. The issue had been reviewed by the Police Crime Panel (of which Bob Spencer and Councillor Tom Wright were members) over the last three years. Increased funding had not resolved the underlying failure of the service.

In response, the Chairman said that challenging spend of public money was a key role of the Scrutiny Committee and referred to a report from Councillor Tom Wright which drew attention to the Police Crime Panel's concerns regarding the 101 service – it had been discussed at the Committee's October meeting. The Committee would be asked to consider whether to add this issue to its forward plan and invite the Police Crime Commissioner or representative to address the Committee.

Councillor Tom Wright supported the comments made by Mr Spencer. He advised that the Forum had provided anecdotal evidence to support its concerns. A Member of the Committee said that when the Police Crime Commissioner had attended a recent meeting in Exmouth, where he had acknowledged the problem which he said would be addressed.

Condolences

The Chairman extended sincere condolences to Cherry Nicholas and Paul Diviani on their recent loss.

***46 Minutes**

The minutes of the Scrutiny Committee held on the 10 December 2015 were confirmed as a true record.

***47 Declarations of Interest**

There were no declarations of interest.

***48 Exclusion of the public**

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

***49 Matters called in**

There were no decisions made by Cabinet called in by Members for scrutiny in accordance with the Overview Procedure Rules.

***50 Portfolio Holder up-date – Sustainable Homes and Communities**

The Chairman welcomed Councillor Jill Elson to the meeting and thanked her for the full and comprehensive report on her portfolio which had been included with the agenda papers. He said that the service had much to be proud of and invited Councillor Elson to address the Committee in respect of any issues that she would like to underline or add.

Councillor Elson emphasised that the achievements of the service were a team effort. The Councillor team included Pauline Stott (Chairman of the Housing Review Board), Maria Hale (Youth Champion) and David Foster (Health and Wellbeing Champion).

Councillor Elson gave a recent example of how the Councillor team had supported the Shout Event at the Beehive, which had been organised by the Community Development team. She listed other proactive activities and services, which benefited the diverse community.

During discussion and questioning, the following was raised:

- The Housing Officers who provided support in the community were dedicated staff with the skills to deal with people in difficult circumstances.
- The impact of the 1% Government imposed reduction in Council rent was explained and actions taken (lobbying the Housing Minister and securing the support of the local MPs) were outlined. The resultant loss to the Council's Business Plan meant that the Council was unable to add as many houses to its stock as it would like. The actions taken had achieved some amendment in respect of supported housing but the rent reduction remained for other Council housing tenants and those of housing associations. The campaign to influence the Government position continued.
- The average price of property in the area was too high for many to afford. Although affordable houses were being built and the Help to Buy Scheme in Cranbrook was effective, there was still a need for social housing. Sufficient permissions had been given to developers to meet housing need in the area, but they appeared to be pacing development to keep prices up for their own commercial reasons. The definition of affordable housing was a debate that often surfaced and was different across the country. A real difficulty was that the banks were asking for a high deposit, which was often outside the reach of people trying to get onto the housing ladder.
- Members acknowledged the pressure on developers for their contribution to the community infrastructure, which reduced the viability of their development.
- New housing – including in Cranbrook and Colyton – had a high insulation specification, which significantly reduced running costs.
- The report referred to the reduction in the waiting list for housing which was now below 2,900. This was monitored by the Housing Review Board.
- The Council also worked well with private landlords – the Council's Private Sector housing team was proactive in helping to make sure that accommodation was of an acceptable standard.
- There was a growing trend of converting bed and breakfast, and similar accommodation to houses in multiple-occupation. Planning permission was required for 6 individual units or more – such properties would then require inspection by the housing team to ensure that standards were maintained. The Council was in the process of converting a property to 6 individual units for people between 21 and 55 years. The work had included a high level of insulation. Each unit has en-suite facilities with a shared kitchen, laundry and lounge. This was the standard that the Council wanted all properties in multiple-occupation to achieve.
- Rough sleeping – the Council was working closely with Exeter where the problem was more acute. Councillor Elson referred to the excellent Night Stop service and efforts made to help rough sleepers.

The Strategic Lead - Housing and Environment said that although discussion had focused on housing problems, the service was highly regarded by other authorities who acknowledged the Council's housing delivery rate and its proactive work in preventing

homelessness. The increase in affordable homes had reduced the numbers on the housing waiting list. 99.8% of Council rent was collected and the tenant satisfaction record was over 90%

RESOLVED:

1. that the report be noted;
2. that the housing team be congratulated on its significant achievements;
3. that the Committee express its concerns at the failure of the Housing Minister to recognise and address the housing problems faced by EDDC as a result of the imposed reduction in housing rent.

***51 Scope for Dunkeswell and Chardstock Built-up Area Boundary (BUAB)**

Representatives of Chardstock Parish Council had previously asked members to undertake a review of the decision to include Chardstock and Dunkeswell in the list of settlements (within the Local Plan) with a BUAB. The Committee had agreed that this review would take place when the Local Plan had been adopted. The matter was now brought back for the Committee to consider the scope of the proposed review.

The Chairman and Principal Solicitor reminded Members that the review was about the process and not the decision itself or the content of the Local Plan. A draft scope had been included within the agenda papers, together with relevant support details as background, for consideration by the Committee.

Councillor Dean Barrow, Vice Chairman of the Audit and Governance Committee advised that SWAP (internal audit – South West Audit Partnership) was to undertake a 20-day review of the Local Plan process – its report would include lessons learnt. He wondered if the Scrutiny Committee’s review of the decision process in respect of Dunkeswell and Chardstock would be a duplication and suggested the Committee delay the review until the SWAP report was made available. However, the Committee felt that they were committed to undertaking the review without further delay. The scope of the review would help to ensure that mistakes were not repeated in the future; this was an important role of the Scrutiny Committee.

RESOLVED:

that the proposed review scope be agreed subject to:

- the background paper timeline including the date of the public hearing when the Inspector heard the contributions from Chardstock and Councillor Ben Ingham,
- the consultees be increased to include the former Dunkeswell ward member, Bob Buxton, Councillor Andrew Moulding (who addressed Council on the issue).

***52 Quarterly monitoring of performance – 3rd quarter 2015/16 Oct – Dec 2015**

The Committee considered the quarterly report, highlighting the following:

- a. Number of households living in temporary accommodation – the Council had access to sufficient levels of temporary accommodation that could be used in an emergency.
- b. Broadband provision needed to comply with the Council’s Community Engagement Policy. Discussions at previous meetings had emphasised the importance of recognising the needs of isolated and rural communities and of partnership working.
- c. The Asset Management Forum was currently looking at how workshop unit provision could be increased.
- d. Regeneration in priority towns had not been progressed due to team resources being used on other key projects. What was being done to address this problem? The

Vice Chairman advised that Cabinet, at its February meeting, had supported the recommendation of the Overview Committee to appoint a Research and Funding Officer in the Regeneration and Economic Development team. This recommendation would be determined by Council at its meeting on 24 February 2016 when the annual budget was agreed.

- e. Thelma Hulbert Gallery – Leisure East Devon had decided not to proceed with the Trust proposal. Cabinet had considered a presentation and report on the Gallery at its last meeting. This reflected the new approach which was to increase the commercial viability of the Gallery.
- f. New policy relating to motor homes – a copy of this policy would be forwarded to Committee members for information.
- g. Working days lost due to sickness absence – marked as concern. The Committee asked for comparative data from other authorities to be made available at a future meeting and that the Strategic Lead – Organisational Development and Transformation be invited to the meeting to present the data and answer any questions.
- h. Number of random vehicle licence checks – marked as concern. Councillor Brian Bailey, a member of the Licensing and Enforcement Committee and a hackney carriage licence holder, advised that the delays in vehicle checks were due to changes in DVLA processes and were therefore not within the control of the licensing team. The performance would continue to be monitored.
- i. Percentage of other planning applications determined within 8 weeks – marked as concern although the trend was one of improvement. The problem could be failure in the applicant not negotiating with, or seeking advice, from planning officers. It was suggested that the target for larger applications could be extended to 12 weeks. Now that the Local Plan had been adopted, it should help to accelerate the process but would need time to ‘bed in’. The Development Manager to be asked about temporary staff within his service – had this increased or reduced and what were the future staffing plans.
- j. In-cab solution for the refuse and recycling fleet – achieved – Councillor Tom Wright confirmed that this portable solution was transferrable to the new contractor.
- k. Resolve penetrating dampness issues – housing – marked as concern. The Portfolio Holder - Sustainable Homes and Communities advised that most of the programme of works had been carried out but some major works were still outstanding and being progressed. The 2015/16 winter had been particularly wet resulting in problems of damp and condensation.
- l. To produce town centre and high street resilience strategies – a consultation would be carried out in the Spring in respect of a potential increase in street trading. The wording on the questionnaire needed to be well considered to avoid creating local antagonism.
- m. Undertake fire risk assessments in flats – concern. The Chairman of Housing Review Board explained that the problem was being addressed. Inspectors of the Fire Service had been unable to access some properties due to a proliferation of pot plants and mobility scooters. This problem was being addressed and monitored. The Committee felt that the officer explanation could have been clearer about the problem and the action being taken.
- n. Beach Management Plans – need a progress report.
- o. Seaton Jurassic – to be opened in Spring 2016. Need to monitor visitor numbers against projections.
- p. On-line planning. The public need good quality documents and easy access. What improvements were being made to the on-line planning service (including the search facility)? The Committee understood that town and parish councils were to be given an on-line only service – was this change to be trialled initially and, if so, when was

this going to happen?

RESOLVED:

1. that the provision of Broadband and the importance of engaging with communities be included in the Scrutiny forward plan,
2. that the new policy relating to motor homes to welcome day visitors to East Devon's towns be circulated to the Committee for their information,
3. that the Strategic Lead – Organisational Development and Transformation be invited to a future meeting of the Committee with comparative data from other authorities to outline the current position relating to working days lost due to sickness absence and actions being taken,
4. that the Development Manager be asked to advise on the number of temporary staff now within the service (whether this has increased or decreased) and future plans to improve performance in respect of determining planning applications,
5. that officers take care in preparing the wording of the questionnaire in respect of a potential increase in street trading as this was already causing local concern,
6. that officers provide the Committee with an update on the Management Plans for Seaton, Sidmouth, Exmouth and Budleigh beaches,
7. Seaton Jurassic – the Committee to monitor visitor numbers against projections,
8. Planning on-line – to invite the Economy Practice Manager to a future meeting of the Committee to address concerns raised about the service currently provided, issues around the search facility and plans to only provide town and parish councils with on-line documents on which to submit their comments.

***53 Scrutiny Forward Plan**

The proposed forward plan for Scrutiny was considered – the Overview forward plan had also been included with the agenda papers, for information.

Items were agreed for inclusion:

17 March 2016

Beach Hut update

Chardstock and Dunkeswell Strategy 27 decision debate

14 April 2016

Draft Scrutiny annual report.

Broadband provision. Consider inviting Councillor Ian Thomas (former Portfolio Holder relevant for Broadband) and Phil Twiss (current Portfolio Holder relevant for Broadband).

How we consult and engage with the public – implementation of policy

Future meetings

- Portfolio Holder updates as required
- Review of the production process of the Local Plan.
- Exmouth Sea Scouts hut – update on progress.
- Review of EDDC website – including search engine, comparison with other authorities, and how this reflects the image of the Council.
- Planning on-line – to invite the Economy Practice Manager to a future meeting of the Committee to address concerns raised about the service currently provided, issues around the search facility and plans to only provide town and parish councils with on-line documents on which to submit their comments.
- The Strategic Lead – Organisational Development and Transformation be invited to a future meeting of the Committee with comparative data from other authorities to outline the current position relating to working days lost due to sickness absence and

- actions being taken,
- Seaton Jurassic – the Committee to monitor visitor numbers against projections,
 - Police 101 service – the new Police Crime Commissioner to be invited (after May elections). To include what is expected from the service, and how it needs to be improved to gain the support and faith of the public providing information and needing help.

Attendance list

Scrutiny Members present:

Roger Giles
Alan Dent
Dean Barrow
David Chapman
Maddy Chapman
Cathy Gardner
Alison Greenhalgh
Simon Grundy
Bill Nash
Val Ranger
Marianne Rixson
Brenda Taylor

Other Members present:

Megan Armstrong
Brian Bailey
David Barratt
Jill Elson
Peter Faithfull
Ben Ingham
Geoff Jung
Pauline Stott
Tom Wright

Officers present:

Anita Williams, Principal Solicitor and Deputy Monitoring Officer
John Golding, Strategic Lead Housing and Environment
Diana Vernon, Democratic Services Manager

Scrutiny Member apologies:

Marcus Hartnell
Cherry Nicholas

Other Member apologies:

Graham Godbeer

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 17 March 2016

Attendance list at end of document

The meeting started at 6pm and ended at 8.08pm.

***54 Public speaking**

There were no public speakers at the meeting.

***55 Minutes**

The minutes of the Scrutiny Committee held on the 18 February 2016 were confirmed as a true record. An update report on the queries raised on the quarterly monitoring report had been circulated to members.

***56 Declarations of Interest**

Councillor Geoff Pook – Personal interest – beach hut tenant.

***57 Beach hut update**

The committee received an update report showing progress since the decisions by the Cabinet on 7 October 2015. The standard hire charges had been increased for 2016/17 with the aim to work towards market rates in future years. Existing tenants had received an explanation letter setting out the results of the consultation exercise and the current situation with long waiting lists for some areas.

The Chairman of Asset Management Forum, Councillor Geoff Pook, addressed the committee on the background to and the present actions on the rental level of the huts and sites owned by the council. He agreed that the issue was emotive but directly impacted a small percentage of the population of the district; whereas realising a better return on assets helped towards a stronger overall budget that benefitted the whole district.

The issues discussed with officers by both Ward Members and the committee included:

- Provision of beach huts and sites was a discretionary service;
- Testing the market by auction was discounted by members;
- Research had covered six other coastal authorities and a wide range of asset ranging from site only through to luxury permanent buildings;
- Some members challenged the speed in trying to reach market rates over a two year period and felt that a more graduated increase in rent over a longer period would have been better received by tenants. Members were reminded that Cabinet had directed the service to move towards market rates in the medium term which had to fit in the longer term aim of asset transfer negotiation with town and parish councils;
- The decision on raising rent to estimated market value over a two year period was made in collaboration with the Portfolio Holder. Some members challenged if this level of detail should have been consulted with local ward members before the decision was taken;
- Level of uptake for renewal of rents would be monitored and if it was found that the huts or sites were not being rented by either existing tenants or by those on the waiting list, the charge would be reviewed;
- Discussions on asset transfer and management of beach huts had started with town councils through a meeting with the relevant clerks. This would be progressed

further and there were still negotiations to work on with the practicalities of how the sites may be run in the future;

- Concern by some members over the legal complexities of a shared asset between the district and a town council;
- Members required a better explanation of the associated service charges relating to beach huts, in particular with the NNDR element;
- Members would welcome the numbers on individual waiting lists to be published;
- Should more beach huts be made available in areas of high demand where space and constraints permit?

The Chairman voiced concern over how the recommendations of the committee on the 17 September were handled at the meeting of the Cabinet on 7 October 2015, at which he was present. The committee debated a recommendation for Cabinet to help ensure that future recommendations of the committee were received and dealt with efficiently at Cabinet.

The Portfolio Holder for Environment reminded the committee of the value of the beautiful coastline the District enjoyed and that members should therefore not undervalue the assets that it held.

RECOMMENDED:

1. that the number of people on individual waiting lists for beach huts and beach hut sites as at 10 March 2016 be published;
2. the Scrutiny Committee expresses concern that its recommendations regarding beach huts, arrived at following detailed consideration at its meeting in September 2015, were not explicit in the officer report to the subsequent Cabinet meeting. Scrutiny Committee therefore recommends that good practice is to include any recommendations from committees who have considered the matter prior to a Cabinet decision, in the report to Cabinet;
3. the Scrutiny Committee reiterates its view that there must be early involvement of relevant Ward Members and Parish or Town Councils in issues concerning them, particularly with regard to what may be contentious issues;
4. that officers explore any potential to expand on beach hut provision where demand is high, bearing in mind the usual constraints of environmental factors and planning considerations.

RESOLVED:

That the committee receive a further explanation of the breakdown of associated service charges for beach huts and beach hut sites

***58 Scope for Dunkeswell and Chardstock Built-up Area Boundary (BUAB)**

Representatives of Chardstock Parish Council had previously asked members to undertake a review of the decision to include Chardstock and Dunkeswell in the list of settlements (within the Local Plan) with a BUAB. The Committee had agreed that this review would take place when the Local Plan had been adopted. The matter had been scoped by the committee at their last meeting on the 18 February and the committee now had the opportunity to debate lessons to be learned from the previous decision.

The committee had received a written submission from Councillor Andrew Moulding, who had given his apologies for the meeting, which covered his involvement including at Council on 26 March 2015 where the proposal to include Chardstock in the BUAB list was carried on vote.

Former councillor Bob Buxton had also submitted a letter for the committee to consider which outlined his involvement and his understanding that in 2014 there was support for the building of a free school in Dunkeswell.

Councillor David Everett from Chardstock Parish Council addressed the committee about the impact on the parish in the interim period between the decision by the Council to include that settlement in the BUAB and the Planning Inspector's decision. In that period, members had disagreed with officer recommendation on a planning application for five houses in the parish that the parish could not sustain. He advised that, had the parish council been aware that their status would be discussed at full Council, they would have attended to speak to the Council under public speaking to put their view.

The Service Lead Planning Strategy and Development Management reminded the committee that the Development Management Committee and subsequently Council at a special meeting were being asked to comment on amendments to the Local Plan before its submission to the Inspector, and these amendments followed on from further work on sustainability. After the decision by Council, the Local Plan was subject to further consultation, including with town and parish councils, with their responses being sent to the Planning Inspector for his consideration alongside the amendments to the plan. In respect of Dunkeswell, the evidence did not show that a school was imminent to the settlement; even if a school was in prospect, it would not have changed the position because until the school was built, there was no certainty of delivery.

The Vice Chairman spoke of the work of the Development Management Committee and how the perception by members of what was sustainable had changed over time. There was now in place clear criteria to assess sustainability. He felt that as members, they had been persuaded by speakers and made an emotive decision rather than on the evidence provided to them and the officer advice given.

During debate members agreed that decisions should be made based on evidence but had differing views on what action could be taken to ensure that robust decisions were taken without interfering with the sovereign right of elected councillors to make a decision.

RECOMMENDED:

1. the Scrutiny Committee expressed concern with how Development Management Committee (on 23 March 2015) and Council (at extraordinary meeting on 26 March 2015) agreed to designate Chardstock and Dunkeswell in Strategy 27 of the Local Plan, contrary to long standing officer advice. The committee recommends that in similar cases where there is an argument against officer advice, the onus is on councillors to produce evidence to support their motion;
2. that Chairmen and Vice Chairman be offered training and support to help ensure robust decision making which is based on evidence occurs at meetings;
3. that Chairmen seek to ensure the committee or council are aware of who public speakers are, and if they represent a body or organisation, before that individual addresses the meeting.

***59 Scrutiny Forward Plan**

The proposed forward plan for Scrutiny was considered. Portfolio Holder for Economy, Councillor Skinner, had confirmed he would attend the next meeting of the committee.

Scoping work was still to be undertaken on the topics listed on the forward plan, with reports coming back to the committee at future meetings. This included on the council website, where work had already begun on a paper and the Vice Chairman had already

been in discussion with officers on an approach. Members were asked to report any difficulties they had in locating information on the website so that action could be taken where necessary.

Cost implications for towns and parishes in responding as consultee on planning applications was requested for inclusion into the report of the Economy Practice Manager.

Members also requested that the final accounts of the Parliamentary Election be pursued with the Chief Executive for the committee to consider.

Attendance list

Scrutiny Members present:

Roger Giles
Alan Dent
Dean Barrow
David Chapman
Maddy Chapman
Cathy Gardner
Alison Greenhalgh
Simon Grundy
Cherry Nicholas
Val Ranger
Marianne Rixson
Brenda Taylor

Other Members present:

Iain Chubb
Geoff Pook
Megan Armstrong
Colin Brown
Pauline Stott
Tom Wright

Officers present:

Richard Cohen, Deputy Chief Executive
Henry Gordon Lennox, Strategic Lead Legal, Licensing and Democratic Services; and Monitoring Officer
Ed Freeman, Service Lead Planning Strategy and Development Management
Donna Best, Principal Estates Surveyor
Debbie Meakin, Democratic Services Officer

Scrutiny Member apologies:

Marcus Hartnell
Bill Nash

Other Member apologies:

Ian Thomas
Andrew Moulding
Geoff Jung
Councillor Tim Clewer from Dunkeswell Parish Council

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Housing Review Board held at Knowle, Sidmouth on 10 March 2016

Attendance list at end of document

The meeting started at 2.30pm and ended at 4.20pm.

***64 Public Speaking**

Councillor Ian Hall reported that a loan shark awareness estate walkabout had recently taken place in Millwey Rise, Axminster. He urged that loan shark awareness be kept in the spotlight and the Chairman suggested that an article be placed in the Housing Matters magazine.

RECOMMENDED: that an article be placed in Housing Matters to raise awareness of loan sharks.

***65 Minutes**

The minutes of the Housing Review Board meeting held on 14 January 2016 were confirmed and signed as a true record.

***66 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

Sylvia Martin: Personal interest – housing tenant.

Cllr Jim Knight: Personal interest – family member lives in a Council owned property and another family member is a housing association tenant.

Pat Rous: Personal interest - housing tenant.

***67 Matters of urgency**

There were no matters of urgency identified.

***68 Forward plan**

The Strategic Lead, Housing, Health and Environment presented the forward plan and advised Members that the forward plan acted 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 either himself or the Democratic Services Officer.

The Chairman advised the Board that the first meeting of the Housing Revenue Account Business Plan Task and Finish Forum would take place on 17 June. The Housing and Planning Bill would have been considered by the House of Commons and the impact of the Bill could be better assessed.

The following additions were made during and after the meeting:

- Statement of intention for unused land at Millwey Rise and Foxhill, Axminster.
- Update report on the effectiveness of work carried out to combat damp penetration in Council properties.
- Update report to raise tenants' awareness of ways of preventing condensation in their homes.

RESOLVED: that the forward plan be noted and updated.

***69 Rent setting for 2016/17**

The Rental Manager's report provided the Housing Review Board with details of the Government's announcement to give a year-long exception for supported accommodation from the 1% rent reduction in the social rented sector, to reduce the threat to the viability of supported living.

The report explained the financial details and implications of how the exception would impact the supported tenants in sheltered housing. The Strategic Lead – Housing, Health and Environment outlined to the Board the anticipated income into the Housing Revenue Account using the formula previously used for rent increases if a 0.9% increase was implemented. The Board were reminded that the introduction and increase in support charges would be phased. This allowed for an excellent service to be provided to sheltered housing tenants.

RECOMMENDED: that the increase in rents in respect of supported accommodation be approved as per the Government's announcement.

***70 Gas servicing contract**

The Property and Asset Manager's report requested approval to extend the existing gas servicing contract for a further six months, until 1 October 2016. Officers and tenants were generally happy with the performance and service provision of the current contractor. The current contract term was from 1 October 2010 for a four year period, with the option to extend by up to two years on an annual basis. Officers were currently in discussion with Mid Devon District Council to progress a partnering arrangement with regard to tendering both authorities' gas servicing contracts at the same time.

The results of the tender exercise would be presented at a future Board meeting, ready for commencement of the new contract in October 2016.

Officers had been advised that boiler replacement work should fall under a separate contract agreement and officers had successfully engaged with Fusion 21, a social enterprise company who specialised in large-scale procurement for the public sector. As a local authority the Council could access the existing frameworks that had already been set up and benefit from excellent prices due to the size of the buying power available through Fusion 21.

RECOMMENDED:

1. that an extension until 1 October 2016 to the existing gas servicing contract be approved.
2. that proposals to tender the contract jointly with Mid Devon District Council in line with European procurement regulations be approved.
3. that the use of Fusion 21 and their procurement framework for the boiler upgrade programme be approved.

***71 Response to Tenant Scrutiny Panel on tenant participation**

The Landlord Services Manager's report responded to recommendations of the Tenant Scrutiny Panel (TSP) report, which was presented to the Housing Review Board on 5 November 2015, in relation to their review of customer recruitment and involvement. She clarified some points and inaccuracies within the original TSP report. The response set out the recommendations that had already been achieved, those recommendations that were relatively straightforward and had now been added to the work plan, and those that needed

further discussion by the Board so that it could be decided whether or not the recommendation should be acted upon.

It was noted that the TSP worked independently and produced an independent report with an effective scrutiny function. Officers gave advice and support as and when it was requested.

The TSP recommendations that had financial implications and required further Board discussion were:

- Make sure tenant involvement priorities are linked to the organisation's vision and objectives (TSP recommendation 2).
- Make sure the customer involvement budget meets the needs of the collective annual customer involvement work plan (TSP recommendation 2.8).
- Develop a way to measure the value for money created (or not) by customer involvement to show how involvement has influenced and benefitted the business as well as tenants generally. Report on this annually to HRB and tenants in the annual report (TSP recommendation 2.10).
- Make customers central to decision making processes (TSP recommendation 3).
- Support customers to be able to 'challenge' East Devon as effectively as 'critical friends'. Support staff to understand this is about improving services and is not personal (TSP recommendation 3.8).
- Finding out which communication methods customers prefer to use – and use these to communicate with them (TSP recommendation 3.16).
- Employ another full time customer involvement person to support the current role which gets bogged down in administrating to the groups. In this way, one can focus on promoting and developing effective customer involvement, whilst the other can focus on admin (TSP recommendation 3.17).

The Board discussed the recruitment of another tenant participation officer and noted the limited finances available to fund an additional post. The budget for 2016/17 had just been set and did not include money for this. The Strategic Lead, Housing, Health and Environment reported that Housing Service Management Team would be considering a number of requests for additional staff, but there was limited scope for new posts, and there was a need to consider priorities from a service management point of view. A decision on any additional investment in staff would be brought to a future Board meeting.

Tenant representative Angela Bea informed the Board that she had recently attended two training events on tenant participation and communication from Councils to tenants. She believed that local representation should start from the bottom up and representation should be based on area rather than subject matter. The Chairman suggested that Angela write a short report for the next meeting of the Housing Review Board on tenant participation and representation.

RECOMMENDED:

1. that the Tenant Scrutiny Panel recommendations that were already being achieved and those that have been incorporated into the resident involvement work plans be noted.
2. that the Housing Project and Information and Analysis Officers be engaged to measure the social and monetary value created by resident involvement, and to show how involvement has influenced and benefitted the business as well as tenants generally.
3. that the OpenHousing management system be used to gather tenant profiling information into the future.

4. that the tenant representative write a short report for inclusion on the next Housing Review Board agenda on tenant participation and representation.

***72 Annual report of the Housing Review Board**

Members were asked to note the annual report of the Housing Review Board which highlighted the achievements and detailed the work undertaken by the Board over the last year.

The Strategic Lead, Housing, Health and Environment thanked the Democratic Services Officer for her report and commented that it was a good discipline for the Board to annually review the work it had undertaken. Cllr Hull also thanked the Democratic Services Officer for producing such a readable and easy to understand report.

It was noted that the remit of the Board was out of date as some of the tenant groups had changed. This would be updated when changes to the Constitution were made at the annual meeting of the Council on 18 May 2016.

RECOMMENDED: that the remit of the Housing Review Board be updated when the Constitution is updated at the Annual Council meeting.

RESOLVED: that the annual report of the Housing Review Board be noted.

***73 New void performance calculation**

The Information and Analysis Officer's report outlined the changes made to how the performance indicator 'average re let times' was calculated. This now reflected HouseMark's calculation and was more in line with Systems Thinking, being a more accurate end to end measure ensuring a more comparable and meaningful statistic was being produced. The report compared performance using the old and the new calculation to provide an understanding of the difference the new calculation would have on void performance. Using the new calculation, the re let times increased by approximately five days. The teams involved in the void process were using this as an opportunity to scrutinise their work and establish how re let times might be improved.

RECOMMENDED: that the new void calculation be adopted.

***74 Home Safeguard annual report 2014/15**

The Board received the Home Safeguard annual report which highlighted the key achievements of the service during the year. Home Safeguard was a key part of the housing service for tenants in sheltered housing and had a significant private sector customer base. It provided a 24/7 community alarm based on a telephony system with telecare and telehealth capabilities.

The Board agreed that Home Safeguard was a wonderful service. It had high performance and was highly valued by its customers.

RESOLVED: that the Home Safeguard annual report 2014/15 be noted.

***75 Strategy and options for spending Right to Buy receipts**

The Housing Development and Enabling Officer's report set out a strategy for spending Right to Buy (RTB) receipts to ensure the Council continued to deliver affordable homes in the district. Failure to spend receipts on time would result in them being returned to Government with interest.

Since the RTB discount was increased the Council had seen an increase in the numbers of RTB sales. Consequently this had generated a significant amount of RTB receipts. To enable the Council to spend the receipts it must find 70% of the total costs of a project, the remaining 30% would come from RTB receipts. The RTB guidance notes from the Department of Communities and Local Government stated that there were two ways a council could spend the receipts on the provision of affordable housing:

- use the money itself as a direct provider whereby the council finds 70% of the cost of provision, or
- transfer the receipt over to another registered provider, with that other provider putting the remaining 70% funding into the provision.

Options for spending RTB receipts were:

- The Council could decide not to spend the RTB receipts.
- The Council could spend all the RTB receipts on new council homes/land.
- To use Commuted Sums from planning gain in lieu of on-site affordable housing with RTB receipts.
- Create a RTB grant funding pool for registered providers to bid for.
- A hybrid approach.

Officers were working hard to identify funding streams to spend the money on time and at the correct amount in the areas required. The Housing Development and Enabling Officer requested that delegated authority be given to allow for a faster turnaround, reduce bureaucracy and hit deadlines.

The report recommended that in the short term, with a deadline of September 2016 to spend the next tranche of RTB receipts, that the RTB receipts be combined with commuted sum monies and that homes be bought on the open market. This option would not require any HRA funding/subsidy. It was recommended that in the long term, beyond 2017, a hybrid approach be adopted.

The Portfolio Holder – Sustainable Homes and Communities advised the Board that she had asked the Overview Committee to look at an affordable homes policy, in light of the Housing and Planning Bill.

On behalf of the Board, the Chairman thanked the Housing Development and Enabling Officer for his report and the officers for their hard work.

RECOMMENDED:

1. that the proposed options for spending Right to Buy receipts to secure additional suitable affordable housing in the district be approved.
2. that delegated authority be given to the Portfolio Holder Sustainable Homes and Communities, Chair of the Housing Review Board and the Strategic Lead – Housing, Health and Environment to approve a programme of individual property purchases to meet the short term Right to Buy spending deadline.

***76 Selling off the stock**

The Strategic Lead – Housing, Health and Environment presented to the Board two publications; a policy fact sheet on the disposal of vacant high value social housing, from the Department for Communities and Local Government; and 'selling off the stock' an interim analysis of the proposals for sales on council houses in high-value areas to finance a new right to buy for housing association tenants, by the Chartered Institute of Housing.

The details had not been made public as to what constituted high value stock, but the Housing Revenue Account (HRA) Business Plan TaFF would consider this as part of their review. Assumptions would need to be built into the HRA Business Plan. The Strategic Lead, Housing, Health and Environment urged caution regarding any future spending plans until the 'high value' payment formula was published and the implications could be assessed.

The Portfolio Holder – Sustainable Homes and Communities reported that she had been in contact with and was lobbying MPs and members of the House of Lords on many aspects of the Housing and Planning Bill and the Welfare Reform Bill. It was noted the notion of 'Pay to Stay' had been dropped by the Government for the time being.

RESOLVED: that the information papers included in the agenda be noted.

***77 Estate Management Service Review Group report**

The Board was presented with a report from the tenant lead (Pat Rous) of the Estate Management Service Review Group, which highlighted the many ways the group had been involved in a variety of issues. The group was first set up in 2008 and comprised a mix of tenants and staff. Over the last 12 months the group had reviewed its purpose and how it worked and agreed that it needed to change its focus. Some of the areas covered by the review group included animal awareness, noise nuisance and energy. Fire safety was a regular agenda item. Grounds maintenance and garden maintenance were also being considered and there would be closer working with the Repairs Service Review Group. Recruitment of new members continued to be a struggle.

On behalf of the Board, the Chairman thanked Pat for her report, which contained very useful information.

RESOLVED: that the report be noted.

Attendance list

Present:

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

Co-opted tenant members:

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

Independent community representative:

Christine Drew

Officers:

Bev Anderson, Tenant Participation Assistant
Sue Bewes, Landlord Services Manager
Natalie Brown, Information & Analysis Officer

Amy Gilbert, Property and Asset Manager
John Golding, Strategic Lead - Housing, Health and Environment
Darren Hicks, Housing Officer - Estate Management
Paul Lowe, Housing Enabling Officer
Andrew Mitchell, Housing Needs & Strategy Manager
Jane Reading, Tenant & Communities Section Leader
Giles Salter, Solicitor
Alethea Thompson, Democratic Services Officer
Melissa Wall, Housing Projects Officer
Mandy White, Accountant

Also present:

Cllr Jill Elson, Portfolio Holder – Sustainable Homes and Communities
Cllr David Barratt
Sylvia Martin - Tenant Scrutiny Panel
Peter Sullivan

Apologies:

Julie Bingham – independent community representative
Harry Roberts - tenant
Cllr Steve Gazzard

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 16 February 2016

Attendance list at end of document

The meeting started at 10.30am and ended at 3.45pm (the Committee adjourned at 12pm and reconvened at 2pm).

***63 Minutes**

The minutes of the Development Management Committee meeting held on 19 January 2016 were confirmed and signed as a true record.

***64 Declarations of interest**

Cllr Steve Gazzard; 15/0753/MOUT, 15/1818/MFUL, 15/2079/FUL, 15/2463/FUL, 15/2627/COU; Personal interest; Exmouth Town Councillor

Cllr Alison Greenhalgh; 15/0753/MOUT, 15/1818/MFUL, 15/2079/FUL, 15/2463/FUL, 15/2627/COU; Personal interest; Exmouth Town Councillor

Cllr Mark Williamson; 15/0753/MOUT, 15/1818/MFUL, 15/2079/FUL, 15/2463/FUL, 15/2627/COU; Personal interest; Exmouth Town Councillor

Cllr Paul Carter; 15/2753/VAR, Personal interest; Ottery St Mary Town Councillor

Cllr Paul Carter; 15/1936/FUL, 15/1950/FUL, Pecuniary Interest; Related to the applicant (Cllr Carter left the room while the applications were considered)

Cllr Susie Bond; 15/1786/FUL; Personal interest; acquaintance of the agent.

Cllr David Barratt; 15/1786/FUL, Personal Interest; Applicant known to the Councillor (Cllr Barratt did not take part in the debate)

***65 Planning appeal statistics**

The Committee received and noted the Development Manager's report setting out appeals recently lodged and nine appeal decisions notified – six had been dismissed and three had been allowed. There was a backlog of appeals in light of the newly adopted local plan; the Council was working with the Planning Inspectorate to get through these.

***66 Review of public speaking arrangements**

The Committee considered the Strategic Lead - Legal, Licensing & Democratic Services' report to review the public speaking arrangements introduced to Development Management Committee in October 2014. It was introduced to try to address the length of Development Management Committee meetings and the waiting time experienced by representatives wishing to speak on an item.

RESOLVED: that the Development Management Committee agree the recommendation from the Standards Committee that the success of the trial be acknowledged and that the public speaking arrangements be continued unchanged for a further year (to see whether the new Local Plan adoption had an effect on the number of applications referred to the Committee) but with a view to permanent adoption thereafter if the arrangements continue to be fit for purpose

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 11
– 2015/2016.

Attendance list

Present:

Committee Members

Councillors:

Cllr David Key (Chairman)
Mike Howe (Vice Chairman)
Mike Allen (PM only)
David Barratt
Susie Bond (PM only)
Colin Brown
Peter Burrows
Paul Carter
Alan Dent
Steve Gazzard
Alison Greenhalgh
Simon Grundy
Ben Ingham (PM only)
Chris Pepper (PM only)
Mark Williamson

Officers

Ed Freeman, Service Lead – Strategic Planning and Development Management (AM only)
Henry Gordon Lennox, Strategic Lead, Legal, Licensing and Democratic Services (PM only)
Chris Rose, Development Manager
Shirley Shaw, Planning Barrister
Amanda Coombes, Democratic Services Officer

Also present

Councillors:

David Chapman
Maddy Chapman
Peter Faithfull
Geoff Jung
Andrew Moulding
Pauline Stott

Apologies:

Committee members:
Councillor Matt Coppel

Non-committee members

Councillors:
Peter Bowden
Brenda Taylor
Cherry Nicholas
Jill Elson
Brian Bailey

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 8 March 2016

Attendance list at end of document

The meeting started at 10.00am and ended at 5.07pm (the Committee adjourned at 12.25 pm and reconvened at 2pm).

***68 Minutes**

The minutes of the Development Management Committee meeting held on 16 February 2016 were confirmed and signed as a true record.

***69 Declarations of interest**

Cllr Steve Gazzard; 15/1490/OUT, 15/2487/MRES, 15/2493/FUL, 15/2648/MFUL, 16/0144/FUL; Personal interest; Exmouth Town Councillor

Cllr Steve Williamson; 15/1490/OUT, 15/2487/MRES, 15/2493/FUL, 15/2648/MFUL, 16/0144/FUL; Personal interest; Exmouth Town Councillor

Cllr Paul Carter; 15/2059/MRES; Ottery St Mary Town Councillor

In the interests of transparency, Cllr Mike Howe declared that he had been in communication with the applicant for application 15/2756/FUL. Cllrs Steve Gazzard, Mark Williamson and David Key declared that they had received a large amount of correspondence in advance of the meeting regarding applications 15/2487/MRES and 15/2493/FUL.

***70 Planning appeal statistics**

The Committee received and noted the Development Manager's report setting out appeals recently lodged and ten appeal decisions notified – eight had been dismissed, one had been allowed and one had been withdrawn.

***71 East Devon Villages Plan**

The Committee considered the Planning Policy Manager's report which outlined the feedback received during the consultation on criteria for defining Built-up Area Boundaries (BUABs) and setting out the scope and the next steps to progress the Plan to publication stage, and a recommended criteria to guide the definition of BUABs. The Plan was currently scheduled to be submitted to the Planning Inspectorate in early 2017.

Work on the Villages Plan had commenced in 2012 and following adoption of the Local Plan, work on the Plan could now be progressed. The Villages Plan would define BUABs around a number of the larger East Devon villages and the town of Colyton. The Plan would also include inset maps for Greendale and Hill Barton Business Parks, however it was noted that they would not have BUABs and in planning policy terms would fall within the open countryside.

Members noted that as the Plan proceeded, careful consideration would need to be given to any overlapping issues with any neighbourhood plans in production.

The first round of consultation would be on proposed options for BUABs for the settlements listed in Strategy 27 of the adopted Local Plan. The Villages Plan boundary around Lympstone, where there is a Made Neighbourhood Plan, would be expected to be the same as that shown in the Neighbourhood Plan unless an alternative was requested by the Parish Council/the Neighbourhood Plan group.

Points raised during discussion included:

- The need to support rural communities;
- Guidance in the NPPF outlined that there should be no blanket policies preventing development, unless it could be avoided. In response, Members were advised that the Local Plan was in accordance with the NPPF having been found sound by the Planning Inspectorate.
- Neighbourhood Plans would allow Parishes to bring forward small-scale appropriate development. Neighbourhood Plans would need to comply with the adopted Local Plan.
- The need for communication and engagement with villages during the Plan Process – this was particularly important for those parishes that were undertaking Neighbourhood Plans. In response, Members were advised that the intention was to work closely with those Parishes establishing Neighbourhood Plans.
- Parishes undertaking Neighbourhood Plans should be supported and encouraged.
- The methodology was considered to be overly complicated and complex and should be reviewed by Overview before work on the Plan progressed further.
- Ward Members should be consulted on proposed BUABs.
- The methodology had already been consulted upon and only very minor changes were proposed as a result, therefore the Plan should be progressed without delay.

RESOLVED: that a decision on the item be deferred to allow the matter to be considered by Overview Committee.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 12 – 2015/2016.

Attendance list

Present:

Committee Members

Councillors:

David Key (Chairman)

Mike Howe (Vice Chairman)

Mike Allen

David Barratt

Colin Brown (AM only)

Paul Carter

Matt Coppell

Steve Gazzard

Simon Grundy

Ben Ingham

Chris Pepper (left before consideration of 15/1490/OUT & 16/0144/FUL)

Mark Williamson

Officers

Richard Cohen, Deputy Chief Executive (PM only)
Matt Dickins, Planning Policy Manager (AM only)
Ed Freeman, Service Lead – Strategic Planning and Development Management
Henry Gordon Lennox, Strategic Lead, Legal, Licensing and Democratic Services (PM only)
Alison Hayward, Senior Manager - Regeneration & Economic Development
Linda Perry, Regeneration Officer (PM only)
Linda Renshaw, Senior Planning Officer (AM only)
Chris Rose, Development Manager
Shirley Shaw, Planning Barrister
Hannah Whitfield, Democratic Services Officer

Also present

Councillors:

Megan Armstrong
Peter Bowden
Brian Bailey
Maddy Chapman
Roger Giles
Peter Faithfull
John Humphreys
Jim Knight
Andrew Moulding
Bill Nash
Cherry Nicholas
Pauline Stott
Tom Wright

Apologies:

Committee members:

Councillors

Susie Bond
Peter Burrows
Alan Dent
Alison Greenhalgh

Non-committee members

Councillors:

Steve Hall
Rob Longerhurst
Eileen Wragg

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Audit & Governance Committee held in the Council Chamber at Knowle, Sidmouth on 3 March 2016

Attendance list at end of document

The meeting started at 2.29pm and ended at 3.12pm

***40 Chairman's welcome**

The Chairman welcomed everyone to the meeting.

***41 Public Speaking**

There was no public speaking.

***42 Minutes**

The minutes of the Audit and Governance Committee meeting held on 7 January 2016 were confirmed and signed as a true record.

***43 Declarations**

None

***44 External Audit Plan – KPMG**

Tara Westcott, Senior Manager from KPMG was pleased to present the first audit plan and said KPMG were looking forward to working with Committee Members in 2015/16 and beyond. The report supplemented the Audit Fee Letter 2015/16 presented in June 2015, which set out details of this appointment by Public Sector Audit Appointments Ltd (PSAA). The audit had two key objectives:

1. Financial statements (including the Annual Governance Statement): Providing an opinion on accounts; and
2. Use of resources: Concluding on the arrangements in place for securing economy, efficiency and effectiveness in the use of resources (the value for money conclusion).

The audit planning process and risk assessment was an on-going process and the assessment and fees in the plan would be kept under review and updated if necessary.

KPMG thanked officers and Members for their continuing help and co-operation throughout the audit work.

Discussions included five years was a long time for revaluation, Tara reminded the Committee that during the intervening periods yearly desktop reviews could be undertaken.

The Chairman on behalf of the committee thanked KPMG for their report.

RESOLVED:

that the External Audit Plan be noted

***45 Audit Committee update – KPMG**

Members considered the report, which provided the audit committee with an overview on progress in delivering the responsibilities by the external auditors.

Since the meeting of the Audit Committee in November 2015 KPMG had:

- held a planning and risk assessment meeting with the Strategic Finance Lead and the finance team;
- liaised with SWAP and had started to review their work for the interim audit.
- completed a detailed risk assessment which included reviewing the risk register, minutes of key meetings, discussion with key officers in order to finalised the Audit Plan for 2015/16;
- completed the interim audit which included understanding the Authority's control environment and performing testing on key controls; and
- issued our Prepared by Client (PBC) list to confirm the required documentation for the financial statements audit.

Over the next quarter KPMG planned to:

- finalise the interim report; and
- agree the timing of the certification work on the housing subsidy grant.

The Chief Executive asked if there had been any Government feedback to the report KPMG and Shelter had produced setting out essential reforms to increase the supply of affordable housing. Tara said she would look into this and forward this on to the Chief Executive.

RESOLVED:

that the progress be noted

***46 Accounting Policy update**

The Strategic Lead, Finance presented the report. As it was considered best practice for the Audit and Governance Committee to approve the Accounting Policies to be adopted for the preparation of the accounts, the current policies were presented for Members consideration. The report also informed members of the accelerated timetable for completion of the annual statement of accounts.

RESOLVED:

1. that the Accounting policies be approved
2. the accelerated timetable for the 2015/16 Statement of Accounts be noted

***47 Annual Audit Plan 2016/17 – SWAP**

Moya Moore, Assistant Director, SWAP explained to members that a key element of its Governance arrangements the Council had a partnership arrangement with South West Audit Partnership to deliver an annual internal audit plan. The Plan provided assurance to both Officers and Members of the current and imminent risks faced by the Authority in an ever-changing risk environment. If an emerging risk or a fraud investigation was deemed higher risk than the audits in the Audit Plan then changes may be required during the year. The Committee were approving the initial plan of 376 days. Any changes would be reported to the Committee quarterly for approval.

The Chairman thanked Committee Members for their feedback into possible future audit areas.

RESOLVED:

that the Internal Audit Plan of 376 days for April 2016 to March 2017 be approved

***48 Whistleblowing Policy Review**

The Strategic Lead - Legal, Licensing, Democratic Services & Monitoring Officer presented to Members the review to the Council's Whistleblowing Policy, which required updating to reflect a change in the law and also it had been given an overall review. The revised policy was presented to Standards Committee at the January 2016 meeting where it was recommended that Audit and Governance adopt the revised policy.

RESOLVED:

that the revised Whistleblowing Policy be approved

***49 Audit and Governance Forward Plan**

Members noted the contents of the Committee Forward Plan for 2015/16.

Items to be considered at the June Committee included:

- Review of Internal Audit Charter
- Annual Report inc. Quarter 4
- Internal Audit Activity – Quarter 1 2015/16
- Revenue and Capital Outturn Report 2014/15
- Annual Audit Report and Opinion
- Consultancy Audit Update
- Draft annual governance statement
- Audit Committee update
- Risk Management Review
- Statement of Accounts
- Member training – Audit Definitions and Processes

RESOLVED:

that the Forward Plan be noted.

Attendance list

Present:

Councillors
Mark Williamson (Chairman)
Dean Barrow (Vice Chairman)
Steve Gazzard
Steve Hall
John Humphreys
Ben Ingham
Bill Nash

Apologies:

Cllr Ian Thomas, Portfolio Holder Finance
Cllr John Dyson
Laurelie Gifford, Financial Services Manager

Officers:

Mark Williams, Chief Executive
Simon Davey, Strategic Lead – Finance
Henry Gordon Lennox, Strategic Lead - Legal, Licensing, Democratic Services & Monitoring Officer

Tara Westcott, Senior Manager, KPMG
Moya Moore, Assistant Director, SWAP
Amanda Coombes, Democratic Services Officer

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Committee held at Knowle, Sidmouth on Wednesday, 17 February 2016

Attendance list at the end of the document

The meeting started at 9.42am and ended at 11.20 am

*19 **Minutes**

The minutes of the meeting of the Licensing & Enforcement Committee held on 18 November 2015, were confirmed and signed as a true record.

*20 **Declarations of interest**

Councillor Steve Hall

Minute 21 and 22

Disclosable Pecuniary Interest – Private Hire Licence Holder

*21 **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 Sidmouth Folk Week de-brief, attendance at Ottery St Mary Tar Barrels, a multi agency meeting at premises in the Aylesbeare area to discuss a proposed open air concert for 2016 and a larger event for 2017 and also an inspection of a premises licence granted for the new Premier Inn Hotel in Honiton prior to its opening to the public.

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.

The Licensing Manager reported that a programme of visits to licensed premises and other premises where gaming was permitted continued and whenever a licensed premises inspection occurs, the existence of gaming machines and any issues of compliance were considered and inspected. During recent inspections no offences had been detected. The Manager gave examples of proactive work carried out by the service and also officer attendance at a gambling risk assessment seminar held at Teignbridge District Council Offices.

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. The Licensing team had continued the education based enforcement and monitoring approach to the Hackney Carriage and Private Hire drivers. Close liaison was maintained with

partner agencies and the taxi trade to ensure that the principles of consistency, transparency and proportionality were maintained.

There had been two sub committee hearings relating to taxi licensing since the last quarterly report. These were for two separate applications on the same day for a Hackney Carriage and Private Hire vehicle licence. The Private Hire vehicle licence application was for a wheelchair accessible vehicle which was just outside the four year limit. This application was granted. The second application was for a vehicle which was considerably older and was a Japanese grey import - on this occasion the Sub Committee refused the application as a Hackney Carriage vehicle. The Council had received any notice of appeal regarding the refusal.

Members noted that a report on the new draft taxi licensing policy, including age of taxi vehicles initial registration would be considered later in the agenda.

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. Annual renewals for the 13 Pet Shop and 24 Animal Boarding licences had been completed.

Periodic inspections had been completed for two of the six zoos that were licensed with EDDC. The inspections were carried out by Dr Jonathon Cracknell who was an advanced practitioner in veterinary anaesthesia and zoological medicine.

Appendix E to the report set out statistics relating to street trading since the last update report to Committee. The Licensing Manager reported that at this time of year there was very little activity associated with Street Trading permissions. However, on the 1 April 2016 the application forms for pitches on Sidmouth Esplanade for Sidmouth Folk Week will be released on the Council's website.

5. Consultations

The taxi liaison meeting had been arranged for Thursday 7 April 2016, this meeting was normally attended by the Chairman and Vice Chairman, but other members were welcome to attend.

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.

The Licensing Manager reported on the consultation for a more flexible Street Trading policy for the district that had been agreed by Cabinet. Town and Parish Councils would be receiving a letter from the Engagement & Funding Officer asking for their opinions on this more flexible policy in the next few weeks.

6. Licensing Manager

Members noted that John Tippin, Licensing Manager would be retiring on 15 April and following a rigorous interview process, Steve Saunders had been appointed as his replacement. The Committee wished to thank John Tippin for his service, knowledge and help over many years.

RESOLVED: that the report be noted.

***22 Taxi Licensing Policy – consultation on the draft policy**

The report sought Members' approval to formally consult on a proposed Taxi Licensing Policy.

The report attempted to consolidate all the existing policy documents along with some new policies into a single Taxi Licensing policy. This took into account Best Practice Guidance that had been issued by the Department of Transport and also took into consideration good practice from a range of local authority policies across the country.

During discussions the following points were raised:

- Addition of Devon County Council and Highways Agency to the list of consultees;
- Ensure that condition of interior of taxis and seat materials was adequately covered;
- Add reference to hybrid/electric cars;
- Reference to a full driving licence or one only valid to drive automatic cars;
- Possibility of Hackney Carriage operators logging driver's hours.

RESOLVED:

that the draft Taxi Licensing Policy, as attached to the agenda, go out for formal public consultation, subject to the Licensing Manager incorporating the points made by members at the meeting.

Attendance list

Councillors present

Steve Hall (Chairman)

Jim Knight (Vice Chairman)

Megan Armstrong

Dean Barrow

Alison Greenhalgh

Officers present

John Tippin, Licensing Manager

Neil McDonald, Licensing Officer

Steve Saunders, Licensing Officer

Chris Lane, Democratic Services Officer

Apologies:

Councillors:

Brian Bailey

Matthew Booth

Colin Brown

Maddy Chapman

John Dyson

Pat Graham

Geoff Jung

Cherry Nicholas

John O'Leary

Officer - Giles Salter, Solicitor

Chairman Date