

Agenda for Council

Wednesday, 13 December 2017; 6.30pm



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

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

[View directions](#)

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Issued 4 December 2017

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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 13 December 2017 at 6.30 pm

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

Yours faithfully

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

Chief Executive

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

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

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

Agenda:

- 1 [Public speaking](#)
- 2 Minutes of the [Council meeting](#) held on 25 October 2017
- 3 Apologies
- 4 Declarations of interest - Guidance is available online to Councillors and co-opted members on making [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	94 – 107, 108 - 135
†Scrutiny Committee	Minutes	19 – 23
†Overview Committee	Minutes	8 – 13, 14 - 20
Development Management Committee	Minutes	25 – 28
Strategic Planning Committee	Minutes	9 – 15, 16 - 23
Audit and Governance Committee	Minutes	27 – 36
Licensing and Enforcement Committee	Minutes	9 - 12
Licensing and Enforcement Sub Committee	Minutes	29 – 31, 32 – 36, 37 – 39

†The recommendations of these meetings have already been referred to Cabinet for consideration
- 10 **Appointment of two Members to act as Directors of the Queens Drive Exmouth Community Interest Company**

Subject to the approval of the recommendation from Cabinet on 29 November (Minute 121), members are asked to agree two members to act as Directors of the Queens Drive Exmouth Community Interest Company.
- 11 **Amendment to appointments on LED Leisure Management Ltd and East Devon Citizens Advice Bureau**

Members are asked to confirm the following amendments to appointments.

 - Councillor Steve Hall to replace Councillor Alan Dent on the East Devon Citizens Advice Bureau
 - Councillor Alan Dent to replace Councillor Steve Hall on the LED Leisure Management Ltd Joint Body
- 12 **Motion – Broadband progress**

“That this council as part of its ongoing commitment to the heart of the Southwest Joint Committee's aims and objectives, specifically “Connectivity and infrastructure”, takes this opportunity to write to Connecting Devon and Somerset (CDS) to ask them to strongly lobby BT Openreach in recognition that more businesses are being run from homes and that by doing so we will achieve more than the 95% set by government for the whole of the District. This will benefit every member of society both in their individual and business use in either

rural or urban areas as per the Scrutiny Committee's recommendation of 2nd March 2017 and the subsequent acknowledgement from the East Devon Infrastructure Delivery Plan".

Proposed by Councillor Bruce de Saram
Seconded by Councillor John Humphreys

Supported by Councillor Brian Bailey, Councillor Maddy Chapman, Councillor Cherry Nicholas.

13 Motion – The effects on Rural Communities of the Sustainability Transformation Partnership (STP) actions in East Devon

"To ask the Leader of East Devon District Council to request Sarah Wollaston, Chair of the Parliamentary Health Select Committee, to investigate the effects on Rural Communities of the STP actions and to test if Rural Proofing Policies have been correctly applied to these decisions in order to protect these communities".

Proposer Councillor Mike Allen
Seconded by Councillor Ian Hall

Supported by:

Councillor Dean Barrow; Councillor Stuart Hughes; Councillor Brian Bailey; Councillor Mark Williamson; Councillor Mike Howe; Councillor Iain Chubb; Councillor Simon Grundy; Councillor Graham Godbeer; Councillor Tom Wright; Councillor Jenny Brown

14 Motion – The use of drones on Council land

"In the light of concerns that are being raised we request that the Council prepares a policy with regard to the use of drones on its land and also considers whether any changes are required to the current legislative and enforcement framework to deal with concerns about the potential misuse of drones and resulting nuisance to members of the public'.

Background links:

<http://www.fenland.gov.uk/CHttpHandler.ashx?id=13702&p=0>

<https://www.burnley.gov.uk/sites/default/files/Drone%20Policy%20Burnley%20Borough%20Council.pdf>

<http://www.northdevon.gov.uk/council/strategies-plans-and-policies/council-properties-and-facilities-policies/drone-filming-from-council-land/>

Proposer Councillor Rob Longhurst
Seconded by Councillor Ben Ingham

Supported by:

Councillor Alan Dent; Councillor Susan Bond; Councillor Geoffrey Jung; Councillor Cathy Gardner; Councillor Marianne Rixson; Councillor Dawn Manley; Councillor Simon Grundy

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

[Decision making and equalities](#)

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

Meeting of the Council – 13 December 2017

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EAST DEVON DISTRICT COUNCIL

Minutes of the Meeting of the Council held at Knowle, Sidmouth, on Wednesday, 25 October 2017

Attendance list at the end of document.

The meeting started at 6.30pm and ended at 7.15pm.

***35 Public speaking**

The Chairman welcomed all those present to the meeting. There were no members of the public wishing to address the Council.

Councillor Marianne Rixson spoke on a petition handed into the Monitoring Officer by Jackie Green regarding the redevelopment of Port Royal in Sidmouth. She advised that the petition had over 1900 signatures from residents and visitors urging the Council to consider their alternative plan to retain, refurbish and re-use in the regeneration proposal for Port Royal, in place of the current 'multi-use development'. She stated that the petition underpinned the results of the Neighbourhood Plan Survey and that there was no evidence to demonstrate the need for the homes proposed. She asked that the Council took the Neighbourhood Plan, public consultation and petition into consideration and found a way to redevelop the area for the benefit of the community.

The Chairman advised that the petition would be considered outside of the meeting by the Monitoring Officer.

***36 Minutes**

The minutes of the Council meeting held on 26 July 2017 were confirmed and signed as a true record.

The minutes of the first Extraordinary Council meeting held on 13 September 2017 were confirmed and signed as true record, subject to the declaration of personal interest made by Cllr Jill Elson being amended to state that her sister is the Manager of the Exmouth Lympstone Hospice care.

The minutes of the second Extraordinary Council meeting held on 13 September 2017 were confirmed and signed as a true record.

***37 Declarations of interest**

Councillor Jill Elson – Minute *40, Motion - Community Infrastructure Levy Review report to Government

Type of interest – Personal interest

Reason – Governor of Exmouth Community College

Councillor John Dyson – Minute *34, Minutes of Cabinet and Committees

Type of interest – Personal interest

Reason – Trustee, Sidmouth Folk Week

Councillor Douglas Hull – Minute *34, Minutes of Cabinet and Committees

Type of interest – Personal interest

Reason – Member of Axminster Carnival Club Committee

***38 Chairman/Leader notices/announcements**

The Chairman wanted to bring Council's attention to a number of awards received for our work at EDDC:

- The first was to the Major Planning Team in the Planning Department who had won a Joint award with Devon County Council and the developers, Barratt David Wilson Homes, for their collaborative approach to design in the development of 250 homes at Tithe Barn Green, for which they had won the Building for Life Accreditation Award. This was the Government Endorsed Industry Standard for well designed Houses and Neighbourhoods, and was a very positive achievement for EDDC.
- There were also accolades for the recent work on recycling, which had resulted in EDDC winning the Green Apple Environment Award in recognition of good practice on recycling, waste and resource management. The award would be picked up by the Portfolio Holder – Environment (Councillor Tom Wright) at the House of Commons in November. EDDC was also a finalist on the national LARAC awards (Local Authority Recycling Advisory Committee) for the best Communication campaign.

The chairman took the opportunity to congratulate all those who contributed to the work resulting in these awards.

The Leader reported that Lord Porter would be visiting the area in the near future. The Leader would also be involved in an upcoming Peer Review.

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

Four 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), however there were no supplementary questions asked.

***40 Minutes of Cabinet and Committees**

RESOLVED

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

Cabinet

Minutes 42 – 71, 72 – 93

Local Housing Company Sub Committee

Minutes 1 - 3

Development Management Committee

Minutes 9 – 14, 15 – 18, 19 – 22, 23 – 24

Audit and Governance Committee

Minutes 16 – 26

Licensing and Enforcement Committee

Minutes 4 – 8,

Licensing and Enforcement Sub Committee

Minutes 14 – 16, 17– 19, 20 – 22, 23 – 25, 26 – 28

Standards Committee

Minutes 1 – 7, 8 - 13

2. that the under-mentioned minutes be received.

Cabinet (minutes 53, 54, 81, 85) had noted or accepted the following Overview/Scrutiny Committees' recommendations with or without amendment.

Scrutiny Committee

Minutes 8 – 13, 14 – 18

Overview Committee

Minutes 1 – 7

Housing Review Board

Minutes 16 – 31

Arising from consideration of the above minutes:-

- **Cabinet; minute number *65 – Driving at Work Policy**
Councillor Peter Burrows queried the figures relating to the number of Councillors travelling over 1000 miles per annum, as he did not consider this to be accurate. In response, the Chief Executive advised that the figure would be checked.
- **Overview; minute number *5 – Investigating impact of introducing charges for clearing up after events**
Councillor Roger Giles spoke of the boost to the economy events, such as tar barrels, brought to the area and raised concern about the impact the introduction of charges for clearing up after events would have on the organisers who worked hard to ensure the events continued year after year. During discussion, other members commented on the potential detrimental impact such charges could have on local events, which were important to the area's tourism. Councillor Burrows advised that since the meeting the original transformation saving identified by introducing charging for clearing up after major events had been removed from the transformation strategy. The Chairman of Overview Committee, Councillor Godbeer, thanked Members for their contributions and praised the hard work undertaken by Streetscene following major events.

***41 Substitute appointment to South East Devon Habitat Regulations Executive Committee**

RESOLVED: that the Portfolio Holder – Environment be appointed as the Council's substitute member on the South East Devon Habitat Regulations Executive Committee.

***42 Licensing and Enforcement Committee – Amendment to membership**

RESOLVED: that Councillor Jenny Brown be replaced with Councillor Pauline Stott on the Licensing and Enforcement Committee.

***43 Appointment of an additional Housing Designated Person**

RESOLVED: that Councillor Bruce de Saram be confirmed as one of the Council's Housing Designated Persons.

***44 Appointment of Tenant representative on Housing review Board**

RESOLVED: that Peter Sullivan be formally appointed to fill the vacant tenant representative position on the Housing Review Board.

***45 Increase in membership of Audit and Governance Committee**

The Chairman of the Audit and Governance Committee, Cllr Williamson, outlined the reasons for seeking an increased Committee membership, including the Committee's significant Terms of Reference. A survey by the South West Audit Partnership had also shown that the Committee's current membership was light when compared with other local authorities. The Legal and Democratic Services Team were thanked for their help in preparing the report which had been presented to Audit and Governance for consideration.

RESOLVED: that following approval of the recommendation that the Audit and Governance Committee be increased from 8 members to 10, Councillors Steve Hall and Councillor Rob Longhurst be appointed to the Committee.

***46 Motion – Community Infrastructure Levy Review report to Government**

The following motion was proposed by Cllr Jill Elson, seconded by Cllr Mike Howe and supported by Cllr Cherry Nicholas, Cllr Pauline Stott and Cllr Phil Twiss

'That the Council write to the government urging them to take swift action to adopt the findings of the Community Infrastructure Levy (CIL) Review Team recommendations as detailed in their report "A New Approach To Developer Contributions" (available at <https://www.gov.uk/government/publications/community-infrastructure-levy-review-report-to-government>). A copy to be sent to Rt.Hon.Sir Hugo Swire MP, Mel Stride MP and Neil Parish MP'.

The proposer of the motion, Councillor Jill Elson, advised that CIL had been intended to be fairer, faster and simpler and a more transparent way of funding infrastructure. However, it had proven to be overly complicated and confusing with many developments being exempt from paying any CIL. CIL was generating substantially less money for funding infrastructure than the previous Section 106 system, putting a burden of delivery of infrastructure onto local authorities. She raised concern that the current system would not be able to deliver the infrastructure required and stressed the importance of the Government addressing the issue as a priority and delivering the recommendations in the review for a Local Infrastructure Tariff to be paid by developments. She spoke of the alarming consequences and impacts the current system was having on education in East Devon and urged Councillors to support the motion.

The seconder of the motion, Councillor Mike Howe spoke of the critical need for the Government to take action and introduce changes to the current system. He outlined the huge funding gaps that existed between the cost of the infrastructure required and the levels of CIL expected. He stressed that certainty was needed going forward.

RESOLVED: that the Council write to the government urging them to take swift action to adopt the findings of the Community Infrastructure Levy Review Team recommendations as detailed in their report “A New Approach To Developer Contributions (available at <https://www.gov.uk/government/publications/community-infrastructure-levy-review-report-to-government>). A copy of the letter to be sent to Rt.Hon.Sir Hugo Swire MP, Mel Stride MP and Neil Parish MP.

Attendance list

Councillors present:

Andrew Moulding (Chairman)

David Key (Vice Chairman)

David Barratt
Dean Barrow
Susie Bond
Matt Booth
Colin Brown
Jenny Brown
Peter Burrows
Paul Carter
Maddy Chapman
Iain Chubb
Alan Dent
Paul Diviani
John Dyson
Jill Elson
Mark Evans-Martin
Peter Faithfull
Steve Gazzard
Roger Giles
Graham Godbeer
Simon Grundy
Steve Hall
Mike Howe
Douglas Hull
Ben Ingham
Jim Knight
Dawn Manley
Cherry Nicholas
John O’Leary
Helen Parr
Geoff Pook
Marianne Rixson
Phil Skinner
Pauline Stott
Brenda Taylor

Ian Thomas
Phil Twiss
Mark Williamson
Eileen Wragg
Tom Wright

Honorary Aldermen:

Christine Drew
Frances Newth

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Henry Gordon Lennox, Strategic Lead – Governance and Licensing
Hannah Whitfield, Democratic Services Officer

Councillor apologies:

Mike Allen
Brian Bailey
Cathy Gardner
Pat Graham
Ian Hall
Marcus Hartnell
Stuart Hughes
Rob Longhurst
Bill Nash
Darryl Nicholas
Chris Pepper
Val Ranger
Eleanor Rylance
Bruce de Saram

Honorary Aldermen apologies:

David Atkins
Trevor Cope
Steph Jones
Ann Liverton
Graham Liverton
Bob Peachey
David Scott

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Knowle, Sidmouth on 1 November 2017

Attendance list at end of document

The meeting started at 5.30pm and ended at 6.50pm.

***94 Public Speaking**

There were no questions from the public.

***95 Minutes**

The minutes of the Cabinet meeting held on 4 October 2017 were confirmed and signed as a true record after the following amendment:

Minute 90 – Guide to Project Management.

That a further resolution be added;

3. To ensure that the staff resources required to deliver a project were recorded upfront in the planning of the project.

***96 Declarations**

Councillor Paul Diviani: Minute 104; personal interest - Vice Chairman of HotSW Joint Committee

Councillor Jill Elson: Minute 104; personal interest - Governor of Exmouth Community College

***97 Matters of urgency**

None

***98 Matters referred to the Cabinet**

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

***99 Exclusion of the public**

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

***100 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 December 2017 to 31 March 2018.

***101 Notes of the Exmouth Regeneration Programme Board held on 21 September 2017**

Members received the Minutes of the Exmouth Regeneration Programme Board held on 21 September 2017.

102 Minutes of the Independent Remuneration Panel held on 2 October 2017

Members received the Minutes of the Independent Remuneration Panel held on 2 October 2017.

The Portfolio Holder Sustainable Homes and Communities conveyed her concern that Members' costs were rising – telephone bills, internet connections, paper, stamps and travel costs in contacting their constituents; not all constituents were on email. These costs were also rising for councillors with responsibilities. If the Council wanted to attract

younger Members in the future then these expenses needed to rise to reflect present day costs. EDDC paid the lowest Members expenses of three local authorities including Teignbridge and Exeter.

RECOMMENDED

that the Independent Remuneration Panel reconvene to include cross-party participation to reassess Members Basic Allowances. Democratic Services would arrange a future date for this meeting to take place.

***103 Minutes of the Overview Committee held on 5 October 2017**

Members received the Minutes of the Overview Committee held on 5 October 2017.

Discussion took place on Minute 11 - Local Economic Development Activity;

- The importance of gaining employment land within the district
- 'One job for every home' principle needed to be tracked
- Creating commercial space outside the towns was an issue
- Community facilities were as vitally important as commercial space, both must be protected.

104 Heart of the South West – Joint Committee

The Chief Executive conveyed to Members that the aim of the Joint Committee was to provide a single strategic public sector partnership, which covered the entire area and provides cohesive, coherent leadership and governance to ensure delivery of the Productivity Plan for the HotSW area. The Productivity Strategy proposed to deliver prosperity and productivity across the entire HotSW and to do so in an inclusive way. It proposed to build on existing strengths such as aerospace, advanced manufacturing, nuclear energy and agri-tech as well as exploiting new opportunities and releasing untapped potential. The strategy was built around three key objectives:

- Developing leadership and knowledge within businesses in the area;
- Strengthening the connectivity and infrastructure businesses and people rely on; and
- Developing the ability of people in the area to work and learn in a rapidly changing economy.

The Strategic Lead, Governance and Licensing advised Members that further amendments had been made to the template report, which had been prepared by Somerset County Council. Missing detail was now provided and Members were notified of this in advance of the meeting. In addition to this, a number of minor changes did not need to be highlighted except one - the change in the commencement date of the Joint Committee from the 1 January 2018 to 22 January 2018. This resulted in amendments to the main body of the report and to the Inter-Authority Agreement and the Arrangements Document appended to the report.

Discussions included the following:

- Productivity was key to the success of this joint committee
- Sub groups could work one specific sectors
- The need to inspire young people to gain essential skills that businesses require
- This must not be seen as 'another committee', this had to be 'the voice' with a clear and concise remit
- There were no key indicators in the report

RECOMMENDED:

that Cabinet recommends to Council to;

- a) Approve the recommendation of the HotSW Leaders (meeting as a shadow Joint Committee) to form a Joint Committee for the Heart of the South West;
- b) Approve the Arrangements and Inter-Authority Agreement documents set out in appendices A and B for the establishment of the Joint Committee with the commencement date of 22 January 2018 and give delegated authority to the Chief Executive and Strategic Lead (Governance and Licensing) to make minor amendments including any further change to the commencement date as necessary.
- c) Appoint the Leader and Deputy Leader as the Council's named representative and substitute named representative on the Joint Committee;
- d) Appoint Somerset County Council as the Administering Authority for the Joint Committee for a 2 year period commencing 22 January 2018;
- e) Approve the transfer of the remaining joint devolution budget to meet the support costs of the Joint Committee for the remainder of 2017/18 financial year subject to approval of any expenditure by the Administering Authority;
- f) Approve an initial contribution of £1400 for 2018/19 to fund the administration and the work programme of the Joint Committee, noting that any expenditure would be subject to the approval of the Administering Authority;
- g) Agree that the key function of the Joint Committee was to approve the Productivity Strategy (it was intended to bring the Strategy to the Joint Committee for approval by February 2018);
- h) Authorise the initial work programme of the Joint Committee aimed at the successful delivery of the Productivity Strategy;
- i) Agree the proposed meeting arrangements for the Joint Committee including the timetable of meetings for the Joint Committee as proposed in para 2.14.

REASON:

Working together would deliver better results if help to businesses improve their productivity levels and deliver greater prosperity across the Heart of the South West. By collaborating across local geographies, this would strengthen the area's voice to Government and strengthen the actions the area could take to improve productivity.

***105 Financial Monitoring Report 2017/18 - Month 6 September 2017**

The report gave a summary of the Council's overall financial position for 2017/18 at the end of month six (30 September 2017). Current monitoring indicated that:

- The General Fund Balance was being maintained at or above the adopted level.
- The Housing Revenue Account Balance would be maintained at or above the adopted level.

RESOLVED:

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

REASON:

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

***106 Monthly Performance reports – September 2017**

The report set out performance information for the 2017/18 financial year for September 2017.

There were four indicator showing excellent performance:

- Percentage of Non-domestic Rates collected
- Percentage of planning appeal decisions allowed against the authority's decision to refuse
- Percentage of Council Tax collected
- Working days lost due to sickness absence

There was one performance indicator showing as concern.

- Days taken to process Housing Benefit/Council Tax Benefit new claims and change events – The processing times for new claims and change of circumstances showed a general reduction, apart from a peak in February which coincided with the issuing of annual Council Tax bills and a peak in change events in August and September due to the volumes of work received and staff resourcing during the summer holiday period. The situation was now back on track and there was no backlogs of work.

RESOLVED:

that the progress and proposed improvement action for performance measures for the 2017/18 financial year for September 2017 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 Management, Housing and Revenues and Benefits.

***107 Robinson Bequest**

The report requested amendment of the signatories on the Robinson Bequest's National Savings & Investment Account.

RESOLVED:

that the request for signatories for the Robinson Bequest be amended to the Head of Finance, the Financial Services' Manager and the Treasury Management Accountant be agreed.

REASON:

The Council administers a bequest, known as the Robinson Bequest, the income from which was used to maintain the Garden of Rest in Beer. The Bequest had an investment held in a National Savings & Investment Account that required two out of three authorised signatures in order to make a withdrawal. At the Council, there now remained only two authorised signatories; these were the Head of Finance and the Financial Services' Manager. As the third signatory had left EDDC, it was proposed to appoint the Treasury Management Accountant as the replacement third signatory.

Attendance list

Present:

Paul Diviani Leader

Portfolio Holders:

Phil Twiss	Deputy Leader/Strategic Planning and Developments
Ian Thomas	Finance
Tom Wright	Environment
Marcus Hartnell	Deputy Portfolio Holder Environment
Iain Chubb	Corporate Services
Phil Skinner	Economy
Jill Elson	Sustainable Homes and Communities

Cabinet Members without Portfolio:

Geoff Pook
Eileen Wragg

Non-Cabinet apologies:

Eleanor Rylance
Simon Grundy
Alan Dent
Ian Hall
John O'Leary
Brenda Taylor
Pat Graham
Steve Hall
Jenny Brown

Officer apologies:

Richard Cohen, Deputy Chief Executive
Karen Jenkins, Strategic Lead – Organisational Development and Transformation

Also present (for some or all of the meeting)

Councillors:

Brian Bailey
Bruce de Saram
David Barratt
Roger Giles
Dean Barrow
Mike Howe
Graham Godbeer
Cherry Nicholas
John Dyson
Colin Brown
Maddy Chapman
Helen Parr
Steve Gazzard
Pauline Stott
Mike Allen
Geoff Jung
Peter Faithfull
Andrew Moulding
Paul Carter

John Humphreys

Also present:

Officers:

Mark Williams, Chief Executive

Simon Davey, Strategic Lead – Finance

John Golding, Strategic Lead – Housing, Health and Environment

Henry Gordon Lennox, Strategic Lead – Governance and Licensing, and Monitoring Officer

Amanda Coombes, Democratic Services Officer

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Knowle, Sidmouth on 29 November 2017

Attendance list at end of document

The meeting started at 5.30pm and ended at 7.54pm

***108 Public Speaking**

There were two members of the public who wished to speak.

Nick Hookway spoke on Minute 121 - Exmouth Regeneration Update, Queen's Drive. Mr Hookway expressed his concern over the Phase 3 site being divided into 3 parts for new temporary attractions when the previous fun park could have been left open for this use. He was concerned over the cost of the attractions as well as the material they would be made out of. He was not convinced because of the road works, noise and dust that visitors would visit Exmouth to use these temporary attractions.

Kay Foster spoke on Minute 130 - Campervans and Motorhomes in Exmouth. Kay Foster stated that motorhomes would still be allowed to park along the seafront as well as 70 vehicles taking up approximately 2 spaces in the car parks overnight. She asked why the number of motorhomes could not be divided between other seaside towns such as Sidmouth, Seaton and Budleigh Salterton as Exmouth was being saturated with these vehicles.

In response to the question the Service Lead, Environmental Health and Car Parks explained Exmouth Town Council had asked the Council and Devon County Council for assistance to allow for overnight parking for motorhomes and campervans. He reiterated the Council was not trying to attract new business.

***109 Minutes**

The minutes of the Cabinet meeting held on 1 November 2017 were confirmed and signed as a true record after the following amendment:

***110 Declarations**

Councillor Ian Thomas: Minute 135; personal interest – Director of Exeter Science Park
Councillor Phi Skinner: Minute 135; personal interest – Shareholder representative of Exeter Science Park

Councillor Tom Wright: Minute 132; personal interest – member of LED

Councillor Pauline Stott: Minute 130; personal interest – owns a campervan

Councillor Bill Nash: Minute 130; personal interest – owns a campervan and Exmouth Town Councillor and Ward Member

Councillor Bill Nash: Minute 132; personal interest – Council appointed trustee of LED

Councillor Mark Williamson: Minute 121; personal interest – Ward member and Exmouth Town Councillor

Councillor Jill Elson: Minute 121; personal interest – Governor of Exmouth Community College

Councillor Roger Giles: Minute 126; personal interest – Member of Ottery St Mary Town Council

Councillor Eileen Wragg: Minute 135; personal interest – son works at Science Park

***111 Matters of urgency**

There were two reports that were dealt with in this way:

Minute 134 Introduction of a chargeable Green Waste collection service, and

Minute 135 Request for a £1.723m two year loan from the Exeter Science Park Ltd to fund Grow-on Building 1A

***112 Matters referred to the Cabinet**

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

***113 Exclusion of the public**

There were two items that officers recommended should be dealt with in this way.

***114 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 January 2018 to 30 April 2018.

***115 Minutes of the Strata Joint Executive Committee held on 26 September 2017**

Members received the Minutes of the Strata Joint Executive Committee held on 26 September 2017.

***116 Minutes of the Arts and Culture Forum held on 11 October 2017**

Members received the Minutes of the Arts and Culture Forum held on 11 October 2017.

RESOLVED that the following recommendation be approved:

the Villages in Action working with Carn to Cove in the future be supported.

***117 Minutes of the Scrutiny Committee held on 19 October 2017**

Members received the Minutes of the Scrutiny Committee held on 19 October 2017.

RESOLVED that the following recommendation be approved:

the petition was made through the Local Government Association to Government, to either exclude land charge requests from the Environmental Information Regulations, or the Environmental Information Regulations were scrapped as part of the exit from the European Union.

***118 Minutes of the South East Devon Habitat Regulations Executive Committee held on 23 October 2017**

Members received the Minutes of the South East Devon Habitat Regulations Executive Committee held on 23 October 2017.

***119 Minutes of the Overview Committee held on 7 November 2017**

Members received the Minutes of the Overview Committee held on 7 November 2017.

RESOLVED that the following recommendations be approved:

Minute 17 Scoping report – income generation and savings

the Overview Committee report its findings on income generation and transformation.

Minute 19 Heart of the South West Productivity Strategy Consultation

Cabinet be invited to review and contribute to a joint response from the four Exeter and Heart of Devon authorities comprising our functioning economic market area.

120 **Proposed changes to the working age Council Tax Reduction Scheme (known as Council Tax Support) from 1 April 2018**

The report from the Service Lead, Revenues and Benefits asked Members to consider the proposed changes to the working age Council Tax Reduction Scheme (known as Council Tax Support) from 1 April 2018 and to consider the impact of the changes made for the 2017/18 scheme.

RECOMMENDED:

that Cabinet recommends to Council;

1. that the impact of the changes made to the 2017/18 scheme and the accompanying Equality Impact Assessment (Appendix 1) be considered, and
2. that it be recommended to Council that the proposed working age Council Tax Reduction Scheme (contained in the background links) from 1 April 2018 be adopted.

REASON:

To align the Council Tax Reduction scheme for working age with changes to national benefits and the introduction of Full Service Universal Credit it is recommended that the proposals outlined are adopted.

121 **Exmouth Regeneration Update - Queen's Drive**

The Deputy Chief Executive outlined the purpose of the report was to provide an update on the status of the Queen's Drive regeneration project and to detail the progress of the last 12 months. The report covered progress with planning permissions; Phase 1 road and car park works, Phase 2 Grenadier Estates and the watersports centre; temporary uses for 2018; Phase 3 Visioning Exercise; overall programme and budget.

Discussions included the following:

- the recent 'Big Wheel' temporary attraction in Exmouth had been a success
- the beach was the best attraction. The Council was trying to create new opportunities on a temporary basis to support this attraction
- there were lots of open and free space for everyone to enjoy
- the Masterplan showed the timeline survey and needed to be reviewed by all as a reminder to its objectives
- concern over public money being spent on these temporary attractions
- once closed these attractions would be moved to and used at other sites
- the need to try out a variety of attractions
- Phase 3 would have a consultation so people could have they say on the matter
- concern over the cost of the new road.

Councillor Geoff Jung asked that it be put on record that he was against the expenditure of the reserved matters application.

RESOLVED:

1. that the successful and extensive consultation process undertaken by Grenadier Estates for Phase 2, the watersports centre and public space, in preparation for a submission of a detailed planning application, be noted,
2. that the appointment of Dyer and Butler as the contractor for the road and car park site be approved. That delegated authority be given to the Deputy Chief Executive in consultation with the Portfolio Holder for Economy and Strategic Lead (Governance and Licensing), to enter into the contract for the works and any associated highway related agreements,

3. that the updated budget position and detailed budget allocation which remained within the overall existing budget approved by Council in November 2016, be approved,
4. that delegated authority to the Deputy Chief Executive in consultation with the Chairman of the Exmouth Regeneration Board be given to take forward a Visioning Exercise for the uses and design of the Phase 3 area of the site which will involve a detailed community engagement process in the New Year, and
5. that delegated authority for the Deputy Chief Executive in consultation with the Portfolio Holder for Economy and Strategic Lead (Governance and Licensing) be given, to take forward and deliver plans for temporary uses. These would take place on the Phase 3 area to create a new mix of attractions for visitors and local residents for the 2018 season onwards.

RECOMMENDED:

that Cabinet recommends to Council;

6. that two Members to act as Directors of the Queens Drive Exmouth Community Interest Company, be appointed.

REASON:

1. To enable the Queen's Drive regeneration project to progress to the next stages of delivery in the case of the road and car park;
2. To ensure that the site remained available for use by the public as a leisure and play area whilst plans were being prepared for its redevelopment;
3. To ensure that a comprehensive review of opportunities for the regeneration of the Phase 3 area were reviewed, with the benefit of external expertise and that the community participated in the process.

***122 Exeter and East Devon Enterprise Zone**

The report set out to receive approval to vary the 'no worse off' principle in relation to business rate retention in order to support enhanced borrowing and investment.

Discussions included the following:

- vitality of the Science Park was important to drive economic development
- any adverse effect on the local roads needed to be managed

The Portfolio Holder Finance congratulated the team for the manner in which the Enterprise Zone designation had been introduced.

RESOLVED:

1. that the progress with the operation of the Enterprise Zone designation, be noted,
2. to vary the 'no worse off' principle in relation to business rate retention for the first 5 years to increase borrowing potential, be agreed,
3. that a further paper early in 2018 setting out specific investment propositions, be received.

REASON:

The Enterprise Zone designation went live in April 2017. Work had focused on developing projects to both overcome identified barriers to delivery and scoping catalytic investments that could increase the pace at which new commercial space and jobs were delivered. In order to maximise the borrowing power and the scope to bring the projects forward, a variation was sought to the 'no worse off' principle in relation to retained business rates as set out in the Memorandum of Understanding signed with Devon County Council and the Heart of the South West LEP.

***123 Treasury Management Performance 2017/18 – 1 April 2017 to 30 September 2017**

The report detailed the overall position and performance of the Council's investment portfolio for the first six months of 2017/18.

RESOLVED:

that the investment values and performance for the period to 30 September 2017, be noted.

REASON:

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

***124 Exemption to Contract Standing Orders - Provision of Treasury Management Services by Capita Asset Services**

The report informed of the renewal of a contract with Capita Asset Services to provide Treasury Management Services to the Council from 1 November 2017 for a period of three years at a cost of £24,300.

RESOLVED:

that an exemption to the Council's contract standing orders and renewal of a contract with Capita Asset Services to provide Treasury Management Services from 1 November 2017 for a period of 3 years, be noted.

REASON:

The current contract with Capita Asset Services expired on 31 October 2017. As there were only two companies operating in the local authority treasury advice market, the Council were unable to obtain the required three quotes. Capita had provided treasury management advice to the Council for a number of years and the experience lost and the disruption caused by moving to an alternative provider was unlikely to justify any savings that might be achieved by a move. In view of the above, it had been necessary to use an exemption to Contract Standing Orders.

***125 Monthly Performance reports – September 2017**

The report set out performance information for the 2017/18 financial year for October 2017.

There were four indicator showing excellent performance:

- Percentage of Non-domestic Rates collected
- Percentage of planning appeal decisions allowed against the authority's decision to refuse
- Days taken to process Housing Benefit/Council Tax Benefit new claims and change events
- Working days lost due to sickness absence

There were no performance indicators showing as concern.

The Portfolio Holder Finance wished to congratulate Simon Davey and his team for the high percentage collection of business rates and days taken to process new claims for Housing Benefits/Council tax.

RESOLVED:

that the progress and proposed improvement action for performance measures for the 2017/18 financial year for October 2017 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 Management, Housing and Revenues and Benefits.

***126 Response to Neighbourhood Plan for the parishes of Ottery St Mary and West Hill**

To agree the response by the Council to the current consultation for the Neighbourhood Plan for the parishes of Ottery St Mary and West Hill.

RESOLVED:

that the formal submission of the Neighbourhood Plan for the parishes of Ottery St Mary and West Hill be noted, and the producers of the plan be congratulated on the dedicated hard work and commitment in producing the document.

REASON:

To ensure that the view of the District Council was recorded and informed the consideration of the neighbourhood plan by the Independent Examiner.

***127 Response to Neighbourhood Plan for the parish of Feniton**

To agree the response by the Council to the current consultation for the Neighbourhood Plan for the parish of Feniton.

Councillor Susie Bond wished to thank officers Claire Rodway, Phil Twamley and Tim Spurway for their hard efforts and support in the process.

RESOLVED:

1. that the formal submission of the Neighbourhood Plan for the parish of Feniton be noted, and the producers of the plan be congratulated on the dedicated hard work and commitment in producing the document, and
2. that the Council make the proposed representation set out at paragraph 5.2 in the report in response to the consultation.

REASON:

To ensure that the view of the District Council was recorded and informed the consideration of the neighbourhood plan by the Independent Examiner.

***128 Dunkeswell Neighbourhood Plan to be formally 'made'**

The Dunkeswell Neighbourhood Plan had now passed referendum and must be formally 'made' by East Devon District Council in order to form part of the development plan.

RESOLVED:

1. that the Dunkeswell Neighbourhood Plan was 'made' so it formed part of the development plan, and
2. that Neighbourhood Plan group be congratulated for their hard work and advised that once 'made' the Neighbourhood Plan would carry full weight in the planning decision making process.

REASON:

The Dunkeswell Neighbourhood Plan received a majority 'yes' vote in their referendum as required by the regulations and there was no substantive reason not to 'make' the Plan.

***129 Uplyme Neighbourhood Plan to be formally 'made'**

The Uplyme Neighbourhood Plan had now passed referendum and must be formally 'made' by East Devon District Council in order to form part of the development plan.

The Portfolio Holder Finance wished to congratulate the Neighbourhood Planning team and EDDC officers for all their hard efforts.

RESOLVED:

1. that the Uplyme Neighbourhood Plan was 'made' so it formed part of the development plan, and
2. that Neighbourhood Plan group be congratulated for their hard work and advised that once 'made' the Neighbourhood Plan would carry full weight in the planning decision making process.

REASON:

The Uplyme Neighbourhood Plan received a majority 'yes' vote in their referendum as required by the regulations and there was no substantive reason not to 'make' the Plan.

***130 Campervans and Motorhomes in Exmouth**

The Service Lead, Environmental Health and Car Parks presented proposals for a pilot scheme to allow overnight sleeping in campervans and motorhomes within the council's long stay car parks at Maer Road, Queens Drive Echelon and Imperial Recreation Ground in Exmouth.

Discussions included the following:

- the use of sensible space/distance between the vehicles in the car parks
- no awnings or BBQs to be used
- car parks were not temporary campsites
- car parks should be closed at 10pm
- the wish for this proposal to improve tourism for Exmouth
- Devon County Council must sanction 'No Parking' on roads overnight

RESOLVED:

that a pilot scheme for Exmouth be implemented but conditional upon simultaneous implementation of a complementary scheme of on-street restrictions by Devon County Council, be approved.

The scheme was to offer overnight campervan and motorhome parking in Exmouth for short stays of up to 3 nights as follows:

1. To offer up to 30 pitches for motorcaravans in the current Queens Drive Echelon car park (up to a maximum vehicle length of 5.3m to avoid overhang into the carriageway).

2. To offer up to 20 pitches for motorcaravans in Imperial Recreation Ground car park
3. To offer up to 20 pitches for motorcaravans in Maer Road car park.
4. To consider the feasibility of offering services including: drinking water, waste water disposal and sewage disposal (in one or more of the toilet blocks) and sufficient refuse and recycling facilities located close to the pitches.

REASON:

Under the Civil Parking Enforcement duties as set out in the Road Traffic Regulation Act 1984, the Council had to carefully consider the needs of the community as a whole in arriving at the recommendations which sought to represent a balance of differing priorities and points of view.

These proposals would not interfere with the security of (or access to) any other premises and it was believed that they would not be prejudicial to the amenity of the locality. They were in all other material respects consistent with the legal duties and responsibilities to communities. There were a number of issues arising from the present practice of leaving these vehicles parked on-street and the recommendation would offer a balanced solution.

***131 Update on Air Quality in East Devon and Revocation of the Air Quality Management Area in Honiton**

The report from the Principal Environmental Health Officer updated Members on the air quality review and assessment work carried out by the Environmental Protection team and their participation in Devon wide air quality initiatives. Members were advised that recent measurement surveys had shown that air quality levels in Honiton were now compliant with national health based criteria and DEFRA had approved revocation of the Air Quality Management Area in Honiton.

RESOLVED:

that the revocation of the Air Quality Management Area in Honiton and the work carried out by the Environmental Protection team to assess and promote air quality initiatives across East Devon, be noted and approved.

REASON:

To enable the revocation process to be completed.

132 Energy Savings Proposal – Exmouth Leisure Centre, Honiton Leisure Centre and Sidmouth Swimming Pool

The Strategic Lead, Finance asked Members to consider a proposal from LED to make a capital investment of £262,000 in order to achieve annual energy savings estimated at £60,270 giving a payback period of just over 4 years.

RECOMMENDED:

that Cabinet recommends to Council;

1. to include £262,000 in the capital programme for the current financial year in order to fund the investment identified in the report to generate revenue savings to LED, and
2. that, if agreed, delegated authority be given to the Chief Executive to release the funding subject to appropriate due diligence being completed on the procurement process, reassurance being provided over the projected savings identified and appropriate documentation being in place to ensure that 50% of the cost of borrowing is met by LED.

REASON:

Currently the Council supported the annual deficit of LED in relation to the running of Leisure Facilities in East Devon. In order to maintain this deficit funding around the current level of £893,720 p.a. due to cost pressures in running these services, initiatives need to be pursued to reduce costs.

133 **Exclusion of the public**

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

134 **Introduction of a chargeable Green Waste collection service**

The report outlined service delivery options for a green waste collection service for the residents of East Devon District Council.

The Portfolio Holder Environment wished to thank the Recycling and Waste team for their tremendous effort to get this comprehensive and clear report to Cabinet in such little time.

RECOMMENDED:

that Cabinet recommend to Council to:

1. Approve the green waste collection service design as set out in the report, and the provisional service start date of 14 May 2018, and
2. Approve the proposed customer charges for the service, as detailed in the report, and
3. Delegate authority to the Service Lead - StreetScene to provide written confirmation to Devon County Council that EDDC intend to put in place a green waste collection service with a provisional commencement date of 14 May 2018 and thus enable a disposal facility to be put in place, as set out in para 4.5, and
4. Delegate authority to the Strategic Lead for Housing, Health & Environment in consultation with the Portfolio Holders for Environment and Finance and the Strategic Lead for Finance to approve the procurement method for purchase of the green waste containers and the initial quantity to be purchased to best meet the projected needs of the service, as set out in para 6.6, and
5. Delegate authority to the Strategic Lead for Housing, Health & Environment in consultation with the Portfolio Holders for Environment and Finance and Strategic Leads for Finance and Governance and Licensing to conclude analysis and agree the pricing model which best meets our Transformation Strategy savings targets, negotiate and complete any contract amendments with Suez, finalise the customer service agreement and implement the green waste collection service, and
6. That Council receives an update on the financial position at its meeting on 13 December.

REASON:

The reasons for the recommendations were to enable the Project Team to continue to plan for the implementation of the new service to meet the indicative timetable, and in the case of recommendations 4, 5 and 6 to provide delegated authority for some time critical decisions.

135 **Request for a £1.723m two year loan from the Exeter Science Park Ltd to fund Grow-on Building 1A**

ESPL has proposed to EDDC a funding arrangement to support their construction of additional 800sqm of business space at the Science Park site. This report considers the opportunity and risk involved. The Portfolio Holder Finance pointed out that the report was incorrect in referring to EDDC as a board member of ESPL. Councillor Thomas is a director in a personal capacity.

RECOMMENDED:

that Cabinet recommends to Council to;

1. Approve a 2 year loan arrangement to ESPL for the sum of £1,732,000 plus an appropriate rate of interest to ensure State Aid compliance to enable the construction of 800m2 of additional business space on the Science Park,
2. Give delegated authority to the Chief Executive in consultation with the Strategic Leads for Finance and Governance and Licensing to prepare and enter into appropriate loan agreements and security documentation (including against the new building), and

that Cabinet notes that;

3. SMT will in future receive progress reports on construction and operational phases and loan repayment arrangements with further reports to be brought back to Cabinet as required.

REASON:

EDDC was a shareholder and board member of ESPL. The site was a key element of the wider Growth Point and was now included within East Devon's Enterprise Zone. The Science Park was a key element of EDDC and its partners' commitment to promoting a high productivity and knowledge based economy. New business space on the site would enable ESPL to secure additional income to reinvest and EDDC would derive a higher rate of return than it could secure from its current investment arrangements. The council loan would be secured against the building and during the loan period ESPL would pay interest.

Attendance list

Present:

Paul Diviani Leader

Portfolio Holders:

Phil Twiss	Deputy Leader/Strategic Planning and Developments (arrived during Minute 127)
Ian Thomas	Finance
Tom Wright	Environment
Iain Chubb	Corporate Services
Phil Skinner	Economy (Acting Vice Chairman)
Jill Elson	Sustainable Homes and Communities

Cabinet Members without Portfolio:

Eileen Wragg

Cabinet apologies:

Marcus Hartnell Deputy Portfolio Holder Environment

Non-Cabinet apologies:

Jenny Brown
Andrew Moulding
Graham Godbeer
Maddy Chapman
Steve Gazzard
David Key
Mike Howe
Mike Allen
Brenda Taylor
Steve Hall

Also present (for some or all of the meeting)

Councillors:

Brian Bailey
Bruce de Saram
David Barratt
Roger Giles
Dean Barrow
Cherry Nicholas
John Dyson
Colin Brown
Eleanor Rylance
Simon Grundy
Alan Dent
Ian Hall
John O'Leary
Helen Parr
Pauline Stott
Geoff Jung
Peter Faithfull
Paul Carter
Val Ranger
Peter Burrows
Susie Bond

Bill Nash
Rob Longhurst
Megan Armstrong
Mark Williamson
Ben Ingham

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 – Governance and Licensing, and Monitoring Officer
Karen Jenkins, Strategic Lead – Organisational Development and Transformation
Andy Wood, East of Exeter Projects Director
Andrew Ennis, Service Lead – Environmental Health and Car Parks
Gareth Bourton, Recycling and Waste Contract Manager
Amanda Coombes, Democratic Services Officer

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 19 October 2017

Attendance list at end of document

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

***19 Public speaking**

There were no questions from the public.

***20 Minutes**

The minutes of the Scrutiny Committee held on the 21 September 2017 were confirmed and signed as a true record.

As an update to the minutes, the Chairman advised that the Communities and Local Government Committee's inquiry in to local authority overview and scrutiny was now underway. Information on this would be circulated to the committee.

In reference to minute 16, the Portfolio Holder Environment had advised that he was taking the issue of increasing costs at recycling facilities, and the impact that has on the authority in dealing with increasing fly tipping, to the Devon board meeting on the 1 November 2017. The outcome of that meeting will be reported to the committee.

***21 Complaints and Freedom of Information requests 2016/17**

The Strategic Lead, Governance and Licensing, and Monitoring Officer, presented his report covering the number of complaints and requests for information dealt with for the last financial year.

He updated the committee with statistics as at the end of September 2017. Average response times continued to be within the timescale set, and the statutory requirement under the FOI Act and EIR.

There continued to be an increase in requests made under the Freedom of Information Act (FOI) and Environmental Information Regulations (EIR); 658 requests in 2016/17, up from 588 in the previous year. A large proportion of these were requests under EIR for land charges information.

Discussion by the committee included:

- Welcoming the excellent response times, particularly for responding to FOI and EIR requests, with the Council being one of only 5 councils, from a 92 council sample, with a 100% record of responses within the statutory deadline;
- Concern of increasing impact in cost to the Council as the number of requests under FOI and EIR increased, and if commercial and press requests could therefore be charged. The legislation was clear on what had to be provided free of charge, with the only opportunity to charge if the request would take over 18 hours to provide – the charge only applicable to work undertaken beyond the 18 hours;
- Staff time covered a dedicated team of two, plus the time of individual services in providing the information, and an element of time of the Strategic Lead and his PA;
- Case law had resulted in the information normally handled through a chargeable land charges service to be accessed for free under the EIR. The committee were concerned that this was only going to increase, and debated means of lobbying Government to review the existing EIR to stop commercial exploitation;

- There was no discretion on how such requests under EIR for land charges information could be dealt with, including considering any delay in responding. This went against the intention of the regulations and would be frowned upon by the Information Commissioner;
- Introducing any tiered fee approach at different levels, such as 5 or 10 hours of work, would only increase administration in calculating the time a request would take, as well as being contrary to the intention of the legislation.

RESOLVED

1. To note the report;
2. To congratulate the service for the continued excellent performance in responding to complaints and requests for information within the agreed timescales.

RECOMMENDED to Cabinet that petition is made through the Local Government Association to Government, to either exclude land charge requests from the Environmental Information Regulations, or the Environmental Information Regulations are scrapped as part of the exit from the European Union.

***22 Scoping topics suggested by the committee**

Two topics put forward by the committee had been scoped:

- a) Why the Community Engagement Guide is not a Policy
- b) How sites are put forward for the Local Plan or for future plans, such as the GESP

Community Engagement guide

Councillor Ranger, who had raised the issue, wished to see a policy in place instead of a guide, in order to help ensure that it was adhered to for any consultation exercise. She quoted the recent example of the proposal of pay and display for the Manor Pavilion car park in Sidmouth.

The Chairman reminded the committee of recommendations previously made to Cabinet following discussion on specific consultation exercises, including a recommendation on making changes to the Exmouth Regeneration Board, which were noted by Cabinet on 14 September 2016. This prompted some negative remarks about how that Board continued to operate and how members felt it was not representative of the views of the town. The committee were reminded that the minutes from that Board were published online and reported to Cabinet; and that the Board could only recommend to Cabinet, not make decisions.

Other authorities were quoted as having policies in place for consultation, and other means of established regular contact with local communities. The committee agreed that other examples of policies could be reviewed, with an outcome of a recommendation on amendments to the existing guide as an expanded policy.

RESOLVED to review existing community engagement policies from other authorities at a future meeting, with a view to recommending to Cabinet amendments to the existing guide as an amended policy.

How sites are put forward on the Local Plan or for future plans, such as the Greater Exeter Strategic Plan (GESP)

The scoping report presented to the committee set out the process of sites coming forward under the Housing and Employment Land Availability Assessment (HELAA). The

committee were reminded that the HELAA process does not afford any land in question any planning policy status. The HELAA provides a database of site options that the GESP councils can look to and draw upon when choosing sites to allocate.

Debate covered:

- Concern that the methodology adopted for assessment had no mention of assessing agricultural land – how could it be guaranteed that high grade land will be protected?
- The HELAA panel was a stakeholder/officer group. The HELAA provided an evidence base which informs the development of the GESP. The membership of the HELAA panel would be circulated;
- Producing a strategic plan is a two-way process that needs the involvement of landowners and other interested parties in seeing what land is available for assessment of viability.

The Chairman reminded Members that the Service Lead for Planning Strategy and Development Management will be attending the next meeting of the committee to report back on performance management. Any specific technical queries on the methodology of the HELAA could be provided to him in advance of the meeting.

RESOLVED to circulate the scoping report on the HELAA process and the membership of the HELAA panel to all councillors for information.

***23 Scrutiny Forward Plan**

The committee would await a report back from the Portfolio Holder Environment, following his attendance at a Devon board meeting on recycling and refuse, before determining if work on fly tipping should be added to the forward plan.

A request was made to seek a fresh update on Broadband delivery. A further request was made to ask how the communications team operate.

RESOLVED to request a summary information report from the communications team, which will be circulated to the committee for consideration, to determine if there is an element of communications work that they wish to scrutinise.

Attendance list (present for all or part of the meeting):

Scrutiny Members present:

Roger Giles
Bruce de Saram
Alan Dent
Bill Nash
Val Ranger
Marianne Rixson
Eleanor Rylance
Douglas Hull

Other Members

Ben Ingham
Peter Faithfull
David Barratt
Brian Bailey
Iain Chubb

Officers present:

Henry Gordon Lennox, Strategic Lead, Governance and Licensing, and Monitoring Officer
Debbie Meakin, Democratic Services Officer

Apologies from Scrutiny Members:

Cathy Gardner
Dean Barrow
Cherry Nicholas
Maddy Chapman
Simon Grundy
John O’Leary
Darryl Nicholas

Apologies

Jill Elson
Tom Wright
Pauline Stott

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Overview Committee held at Knowle, Sidmouth on 5 October 2017

Attendance list at end of document

The meeting started at 6.00pm and ended at 7.35pm.

***8 Public speaking**

There were no public speakers at the meeting.

***9 Minute confirmation**

The minutes of the Overview Committee held on the 25 July 2017, were confirmed as a true record.

***10 Declarations of interest**

Councillor Graham Godbeer; Minute 11
Personal Interest –Member of 'Make it Local' Panel

***11 Local Economic Development Activity**

The committee considered a report that provided an update on the work programme of the Economic Development Team, alongside the priority projects and activities

This followed a report to the committee in March 2017 that set out recent economic intelligence. The committee were updated on areas including:

- East Devon Business Centre
- Business support, working with the EHOD
- Rural economy support through BIP
- EHOD Employment and Skills Board recent request for additional funding
- Shared customer relationship management (CRM) system with EHOD

Specific activity on monitoring funding opportunities, developing a Business Engagement Strategy and an Ambassador Programme was discussed. The Economic Development Team had welcomed a new Project Officer (as supported by the Overview Committee in the budget process) and was recruiting for a new Economic Development Officer. The report also set out the marked demand on the service in commenting on planning applications. Next steps for the team include preparing a costed pipeline of projects for consideration in the 2017/18 onwards draft budget and for the medium term.

Members welcomed the news that the East Devon Business Centre was 100% full and based on current performance would return a net income to the council this year of £38,683.

Debate from the committee included:

- Importance of the visibility of the team to business in the district;
- The provision of start-up workshops in the district would be improved by new provision planned in Seaton;
- It was planned to extend the East Devon Business Centre and it was hoped that this principal could be extended to other towns in the District such as Axminster or Exmouth;
- Importance of maintaining the current bank of land allocated for employment use in Exmouth;

- Concern over the haemorrhaging of employment land to housing in the district. Planning policies were needed that were robust enough to retain land for employment use;
- A satisfactory measure was needed for what constituted effective marketing for employment land;
- Importance of economic intelligence and impacts being taken into consideration in planning decisions;
- Sustainability was often an issue raised by planners when considering planning applications for businesses in the countryside. The EDM suggested economic factors warrant equal weight to environmental and social in evaluating sustainable development. The importance of diversification of agricultural businesses was noted;
- There was a need for better policy for provision of business units near villages which would improve their sustainability;
- Need to support initiatives to encourage coastal tourism;
- Town centres were under threat and need support;
- Expansion of rural businesses was important and the Economic Development Service were working for good economic development in rural areas;
- Need for an economically sustainable approach at EDDC;
- Retention of local people to continue living and working in East Devon was important and there was the need to have a budget to assist with the improvement of the skills of young people in the district;
- Town centres have to develop goods and services that were not available on line, the relaxation of Street Trading regulations in the district would be important to them;
- The lack of career counselling for young people was a concern;
- Possibility of having an app which would enable school children to obtain work placements;
- Praise for BiP for their support for business and thank them for what they do on behalf of business in East Devon.

The Committee wished to thank Rob Murray and the Economy Team for an excellent and informative report.

RESOLVED

1. The report on Local Economic Development Activity be noted;
2. The progress made in delivery of local economic development activity be noted;
3. The achievement of full occupation and cost effectiveness of the East Devon Business Centre be noted;
4. That Members agree to support and develop business bulletins to promote the services and advice that the Council can provide, tailored and targeted to specific business groups throughout the district.

RECOMMENDED to Strategic Planning Committee that a report be presented to them, in consultation with the Development Management Team which:

- a) Details the enhanced economic evidence and intelligence input from the Economic Development Team including advice on planning applications;
- b) Identified the practical advantages of closer working between Economic Development and Development Management functions;
- c) Explores means by which the positive economic impact of planning policy be maximised.

***12 Housing Delivery Task and Finish Forum update**

The committee received an update on the nine recommendations made by the Forum, which were agreed by Cabinet on 10 May 2017.

The committee welcomed progress made on the issues and debate included:

- The Local housing Company was progressing well and had held its first meeting;
- 25 homes had been purchased by EDDC and were being let to local families at 80% of market rents;
- Need to invite relevant officers to a future meeting of the committee to give a report on the recommendations made by the TAFF.

RESOLVED that the update on progress on the recommendations be noted.

***13 Overview committee forward plan**

The forward plan was noted and an additional item on Income Generation and council transformation be added, possibly to be discussed at a special meeting. Members noted the need to have an investigation group to gather information on this issue before it was discussed in detail.

Attendance list

Councillors Present:

Graham Godbeer (Chairman)
Ian Hall (Vice Chairman)
Matt Booth
Peter Faithfull
Rob Longhurst
Mike Allen
Mark Evans-Martin

Councillors Also Present:

Jill Elson
Philip Skinner
Paul Carter
Pauline Stott
Geoff Jung

Officers

Richard Cohen, Deputy Chief Executive
Rob Murray, Economic Development Officer
Giles Salter, Solicitor
Lindsey Lawrence, Economy Project Officer
Chris Lane, Democratic Services Officer

Councillor Apologies:

Jim Knight Mike Howe Tom Wright John Dyson Phil Twiss

Officer Apologies:

Debbie Meakin, Democratic Services Officer

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Overview Committee held at Knowle, Sidmouth on 7 November 2017

Attendance list at end of document

The meeting started at 6.00pm and ended at 8.26pm.

***14 Public speaking**

There were no public speakers at the meeting.

***15 Minute confirmation**

The minutes of the Overview Committee held on the 5 October 2017, were confirmed as a true record.

***16 Financial Plan**

The Strategic Lead Finance outlined to the committee the current Financial Plan in place, recently agreed by Council on 25 October 2015.

He highlighted the continuing need to address projected gaps in funding in the medium to long term. The purpose of the plan was to help mitigate the funding gap in the General Fund position, linking with the Transformation Strategy to provide saving opportunities as well as exploring income generation.

Funding gaps in the medium term were expected because of factors such as

- the implementation of the new Homeless Act;
- the end of the four year settlement in determining council's grant funding;
- rebasing of business rate income distribution.

The Council had already shown a willingness to migrate to a more commercial approach, but more needed to be done to reach a stage of being self-financing as a council. There was some funding available from the Transformation Fund and the NHB Volatility Fund, which could be used to fund recruitment, or training existing staff to the skills required, for commercial projects.

Debate from the committee included:

- Linking closely with the Asset Management Forum in delivering on existing asset projects. There had already been some successes, including with the changes to beach hut fees, that had brought in substantial income;
- How income levels were predicted in the medium to long term – the Strategic Lead Finance explained his rationale behind the elements of income, such as the predicted NHB from properties added to the Council Tax register; assumptions on the tax base of an increase of 500 Band D properties per year;
- Devon had applied to be part of a business rates pilot scheme, which, if successful, could net the Council an additional £1m in 2018/19;
- The impact of the Grenfell disaster on authorities across the country.

RESOLVED that the report on the Financial Plan and Transformation Strategy be noted.

***17 Scoping report – income generation and savings**

The Democratic Services Officer outlined the scope of work for the committee in reviewing practices elsewhere for generating income and savings. A number of other authorities had already undertaken steps to generate income that offset the reducing government funding.

The report sought agreement from the committee to pursue a review of such examples from other authorities, with a view to recommending further research by the Budget Working Group to bring a concept to a business case stage.

Debate from the committee included:

- Exploring new ideas, such as providing charging points for electronic cars;
- Work closely with neighbouring authorities, to use the benefit of seeking funding from a combined approach, rather than as separate authorities;
- Look at what the authority already does well, and see if there is room to expand the service to other authorities or private customers;
- Look at what assets are already in the District that can expand, such as Exeter Airport;
- Build more business units;
- Take advantage of low cost borrowing;
- Be ambitious to deliver the level of funding required for future years.

RESOLVED that the committee undertake a review of income generation and transformation savings based on successful case examples from other authorities.

RECOMMENDED to Cabinet that the Overview Committee report its findings on income generation and transformation savings to the Budget Working Party for further consideration and development.

***18 People Strategy Action Plan review**

The Strategic Lead Organisational Development and Transformation presented the work undertaken in delivering the Council's People Strategy.

She highlighted recent work undertaken in preparing staff for transfer to Exmouth Town Hall and to Blackdown House, Honiton. This included the development and introduction of the WorkSmart Strategy, which looked at service delivery intelligently to enable working to take place at the most appropriate location, whilst meeting the needs of the customer. Particular care is being taken prior to, and after relocation, to help ensure a smooth transition, and help retain staff and prevent an increase in staff turnover.

A recent SWAP report gave the opinion that there was substantial assurance in the People Strategy, with internal controls in place, operating effectively at all times, and risks against achievement of the objectives were well managed.

Debate from the committee included:

- Succession planning was included in the Strategy. Staff that scored highly in performance excellence reviews would be considered in light of opportunities to develop them further, where available, and performance management was undertaken where required;
- Care had been taken in designing the open plan of offices to provide spaces that reflect the work activities being carried out. This included quiet spaces for work, break out areas for team work, and meeting spaces;
- Comparison on productivity of staff could be made before and after the relocation in studying the results of the staff survey. This is regularly undertaken and will continue to be used; monitoring of staff sickness could also be used as an indicator of any impact on performance after relocation;

- Digital platform technology had changed in recent years, so a change to a new platform for a single view of the customer was planned to take place in a couple of years;
- The committee were reminded of the rationale behind calculating the office space required for the relocation.

RESOLVED that the review of the People Strategy Action Plan be noted, and the service be congratulated on the outcome of the recent SWAP Audit report on the People Strategy 2017/18.

***19 Heart of the South West Productivity Strategy Consultation**

The committee were asked to provide their comments to inform a co-ordinated response to the consultation, which runs until the 30 November 2017.

In March 2014, the LEP published the area's Strategic Economic Plan, aiming to maximise economic growth across the area. Government is now focussed on productivity and is developing a national Industrial Strategy. The HotSW Productivity Strategy sets out how the South West area can help close the productivity gap and will inform the UK Industrial Strategy.

The draft strategy set out the ambition to double the size of the economy of the South West by 2036, through developing:

- the leadership and knowledge within businesses
- the ability of people in the area to work and learn in a rapidly changing global economy
- strengthening the connectivity and infrastructure that businesses rely on to get goods to market and exploit new opportunities.

The committee debate centred around four questions in the consultation:

- Does the Strategy set an appropriate balance between an ambitious yet realistic vision;
- How effective do you feel this Strategy is in highlighting the kinds of productivity challenges we face in East Devon;
- Are the strategic objectives the right ones to guide the detailed work in the coming years; and
- Are the themes the right area of focus?

Comments on the draft strategy included:

- The Heart of the South West Local Enterprise Partnership was driving the strategy. We need to develop a high level Productivity Strategy and then from that a more detailed Delivery Plan. This will help inform a framework for a combined authority that may arise from the devolution process;
- Marketing of the area needed to be targeted at the younger, vibrant working community;
- Care on avoiding displacement, whereby attracting high skilled workers to move to area rather than training up local people to fill those jobs;
- Wanting to retain an ambitious target on increasing productivity, but not sure that the target of doubling productivity by 2036 was realistic;
- Need for more business space and infrastructure to facilitate growth;
- Needs much more widespread feedback from the small and medium enterprises on how they feel they can realistically double productivity in that timescale;

- Need to increase in productivity for research and development sector, which leads to the increase of productivity in other sectors;
- Include mechanisms for improving financing – to help SMEs source funding and manage expansion;
- The Strategy did not demonstrate the same degree of local economic intelligence as the 'All Businesses' report Lynsey had developed and previously presented;
- Criticality of Broadband to businesses across our area. Improved productivity and fit-for-purpose Broadband are inextricably linked.
- Correct the EHOD functional economic zone set out in the draft strategy.

RECOMMENDED that Cabinet be invited to review and contribute to a joint response from the four Exeter and Heart of Devon authorities comprising our functioning economic market area

RESOLVED to note that Members can provide individual comment direct on the consultation through the online questionnaire, and/or email any additional comments to the Economic Development Manager by the 17 November 2017 to inform a co-ordinated response.

***20 Overview committee forward plan**

The forward plan was noted.

Attendance list

Councillors Present:

Graham Godbeer (Chairman)
Peter Faithfull
Rob Longhurst
Mike Allen
John Humphreys
Christopher Pepper
Jim Knight

Councillors Also Present:

Jill Elson
Paul Diviani
David Barratt
John Dyson
Tom Wright
Geoff Jung

Officers

Simon Davey, Strategic Lead Finance
Karen Jenkins, Strategic Lead Organisational Development and Transformation
Rob Murray, Economic Development Officer
Rebecca Heal, Solicitor
Lynsey Lawrence, Economy Project Officer
Debbie Meakin, Democratic Services Officer

Councillor Apologies:

Ian Hall Ian Thomas Matt Booth Mark Evans Martin

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 31 October 2017

Attendance list at end of document

The meeting started at 10am and ended at 5.00pm (the Committee adjourned for lunch at 12.55pm and reconvened at 2.00pm)

***25 Minutes**

The minutes of the Development Management Committee meeting held on 2 October 2017 and Extra Ordinary Development Management Committee meeting held on 10 October 2017 were confirmed and signed as a true record.

***26 Declarations of interest Committee Members**

Cllr Steve Gazzard; 17/1304/FUL, 16/2848/MFUL & 17/1755/FUL; Personal interest; Exmouth Town Councillor

Cllr Bruce de Saram; 17/1304/FUL, 16/2848/MFUL & 17/1755/FUL; Personal interest; Exmouth Town Councillor

Cllr Brian Bailey; 17/1304/FUL, 16/2848/MFUL & 17/1755/FUL; Personal interest; Exmouth Town Councillor

Cllr Mark Williamson; 17/1304/FUL, 16/2848/MFUL & 17/1755/FUL; Personal interest; Exmouth Town Councillor

Cllr Paul Carter; 17/2381/AGR; Pecuniary interest; Applicant

Cllr Paul Carter; 16/1987/MFUL; Personal interest; Ottery St Mary Town Councillor

Cllr David Barratt; 17/0542/FUL & 17/0638/LBC; Personal interest; Sidmouth Town Councillor

Cllr Mike Howe advised that he was predetermined in respect of application 17/0650/VAR and would therefore withdraw from the Committee when the application was considered and speak as the Ward Member.

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution, Cllr Mike Howe advised that the whole Committee had been lobbied in respect of application 17/1270/FUL and that he had personally visited the site with the Parish Council and Development Manager.

***27 Appeal statistics**

The Committee received and noted the report presented by the Development Manager setting out appeals recently lodged and outlining the 12 decisions notified (7 related to the same property) – 7 decisions had been allowed, 3 had been dismissed and 2 had been withdrawn.

The Development Manager drew Members' attention to the 2 decisions allowed at Meadow View in Awliscombe to quash an enforcement notice and grant an application for Lawful Development Certificate to change the use of an agricultural barn to a single dwelling house. A briefing note in respect of the appeal decisions had been prepared by the Council's Planning Barrister and would be circulated to the Committee for information.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 6 – 2017/2018.

Attendance list

Present:

Committee Members present for all or part of the meeting

Councillors

Mike Howe (Chairman)

Colin Brown (Vice Chairman)

Mike Allen

Brian Bailey

David Barratt

Peter Burrows

Paul Carter

Alan Dent

Steve Gazzard

Bruce de Saram

Ben Ingham

David Key

Helen Parr

Mark Williamson

Officers present for all or part of the meeting

Jeremy Ebdon, Principal Planning Officer

Henry Gordon Lennox, Strategic Lead – Governance and Licensing

Robert Murray, Economic Development Manager

Chris Rose, Development Manager

Hannah Whitfield, Democratic Services Officer

Also present for all or part of the meeting

Councillors:

Roger Giles

Simon Grundy

Ian Hall

Geoff Jung

Andrew Moulding

Pauline Stott

Apologies:

Committee Members

Councillors

Susie Bond

Matt Coppel

Non Committee Members

Councillor Jill Elson

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Strategic Planning Committee held at Knowle, Sidmouth on 6 November 2017

Attendance list at end of document

The meeting started at 10.00am and ended at 11.55pm.

***9 Public speaking**

The Chairman welcomed everyone present to the meeting.

There was one member of the public present who wished to address the Committee when the relevant item was considered.

***10 Minutes**

The minutes of the Strategic Planning Committee meeting held on 11 July 2017 were confirmed and signed as a true record.

***11 Community Infrastructure Levy Working Party**

The minutes of the Community Infrastructure Levy Working Party meeting held on 8 September 2017 were confirmed and signed as a true record.

***12 Declarations of interest**

Cllr Phil Twiss; Minute *13 - Cranbrook Plan Development Plan Document – preferred approach

Interest - Personal

Reason: Consultant in travel industry

Cllr Mike Howe; Minute *15 - Infrastructure Delivery Plan – Review 2017

Interest - Personal

Reason: Business owner in Clyst St Mary

Cllr Jill Elson; Minute *15 - Infrastructure Delivery Plan – Review 2017

Interest - Personal

Reason: Governor – Exmouth Community College

***13 Cranbrook Plan Development Plan Document – preferred approach**

The Committee considered the Service Lead's – Planning Strategy and Development Management report seeking Member approval for the publication of the Cranbrook Plan Development Plan Document (DPD) - preferred approach for consultation. The purpose of the DPD was to guide the expansion of Cranbrook to around 8000 homes and ensure that the needs of all groups and sections of society were considered and catered for, including Gypsies and Travellers. The DPD was identified in the Local Plan as being critical to securing the long-term success of Cranbrook.

The Chairman invited Nick Freer to address the Committee, who had registered to speak on behalf of the Cranbrook Consortium. He advised that they saw much of the preferred approach document as a positive way forward and that there was opportunity for appropriate development south of the A30 to coexist with the airport, as well as clear benefits from developing to the south west due to the proximity to

Skypark, Exeter and the district heat network - the Consortium had been positively working with the airport regarding mitigation measures. Inclusion of the west and east expansion areas was also welcomed. He asked that the DPD recognise that some development might be necessary in the Neighbourhood Plan areas but asked that the document express a preference for delivering development in the Tresbeare, Bluehayes and Cobden expansion areas.

Members received a presentation from the Service Lead providing an overview of the Council's approach to the Cranbrook Plan outlining:

- What was being consulted on;
- The supporting evidence;
- Constraints and opportunities within the Cranbrook Area, such as noise from the airport, landscape and overhead lines;
- Key points of what was being proposed:
 - Development on both sides of London Road;
 - Between 3,650 and 4,200 homes
 - Three primary schools and one SEN school
 - Land safeguarded for a second railway station;
 - Sports facilities;
 - Employment land;
 - Allocation for 'meanwhile spaces' – the community could use these spaces to meet future needs as they emerge;
 - Continuation of district heating;
 - On-site SANGS provision;
 - Undergrounding of a section of overhead powerline;
- The expansion areas had been split into four areas – Bluehayes, Tresbeare, Cobdens and Grange and the distribution of uses in each of these areas was outlined;
- Development had been set back from prominent ridges lines to prevent it appearing prominent in the landscape particularly when viewed from Rockbeare;
- How green infrastructure in the existing town would link to the expansion areas;
- How drainage would be addressed through basins and swales;
- Proposed densities for each expansion area – higher densities around areas of mixed use and economic activity and lower densities in areas that were visually sensitive.

If approved, the consultation on the preferred approach document, including a table of policy topics and evidence to support them, and Sustainability Appraisal would commence on 10 November and run for eight weeks finishing on 8 January 2018.

Various events were planned over the period in Cranbrook and Rockbeare, including attendance at parish and town council meetings, and postcards were being distributed to the area to advise of the consultation. There would also be an unmanned display at the YOUNGHAYES Centre during the consultation period.

Discussion on the Cranbrook Plan DPD - preferred approach included:

- Funding for undergrounding powerlines was queried – In response, the Service Lead advised that costings had shown that it was economically viable for this work to be undertaken and it was envisaged it would be funded by the development;
- Clarification was sought on whether the expansion of the existing station would be instead of a second station being provided. In response, the Service Lead advised that it would not be possible to fund both options; however both were

being left in for the purposes of the consultation to gather feedback. The aim was to achieve a half hourly service from Exeter and this could be done by providing a second platform at the existing station and a passing loop – this would be a considerably cheaper option compared with delivering a new station;

- Concern was raised about healthcare, community facility and affordable housing provision. In response, the Service Lead advised that the mixed use areas would include healthcare and community facilities and the 'meanwhile spaces' set aside could also be used to meet these needs. The Council was looking forward to engaging with partners, including the NHS and CCG, through the consultation. In the Local Plan, affordable housing provision at Cranbrook was set at 25%.
- Issues that had slowed build rates at Cranbrook were now starting to be resolved and it was hoped that this would allow delivery to move forward;
- Suggestion that the eight week consultation period be extended if required. A proposal was put forward to extend the consultation period until the 22 Jan 2018 and voted on - the motion was lost;
- Concern raised regarding proposals to expand south of the A30;
- There was a need for adequate sports provision in the town – overlaid pitches were not considered suitable. In response, the Service Lead advised that the main provision of sports pitches would be within the southern expansion area and there was no intention for the pitches to overlap;
- There was a need to be mindful of the FAB project when looking to underground powerlines;
- Employment provision was based on the Economic Development Strategy;
- The proposed industrial site between the airport and southern expansion site would help to mitigate airport noise, however a wider mitigation package would be required;
- There was a need to ensure provision of employment space for expanding small businesses;
- 'Mixed use development' was considered too vague - there was a need to be clearer as to what would be delivered, such as office space. In response, the Service Lead advised that the policies that would sit within the DPD would identify the proportion of employment land to be delivered in each area;
- There was a need to be more innovative with it suggested that a metro system be introduced;
- The number of gypsy and traveller pitches to be provided at Cranbrook would evolve as the Council sought to purchase sites elsewhere in the District, however two sites were currently proposed with up to 15 pitches on each. The importance of engaging with the community and gypsy and traveller community was recognised;
- The poor mobile phone reception in Cranbrook needed addressing. In response, the Chairman advised that this was an ongoing issue that the Town Council were pursuing;
- Policies proposed such as those relating to car charging points and car parking spaces should be included in the Local Plan review as they applied to the whole District and not just Cranbrook.

RESOLVED: that the Cranbrook Plan Development Plan Document – preferred approach document together with publication on the associated Sustainability Appraisal and Strategic Environmental Assessment and background evidence documents be published for consultation.

***14 Proposed response to Government document – Planning for the right homes in the right places: consultation proposals**

The Committee considered the Service Lead's – Planning Strategy and Development Management report outlining a proposed response to a Government document – Planning for the right homes in the right places. The document covered the following areas:

- Calculation of housing need;
- Statement of common ground;
- Planning for a mix of housing needs;
- Neighbourhood planning;
- Viability assessment;
- Planning fees
- Other issues, including build out, prematurity and the housing white paper.

During discussion, Members commented on the comprehensive proposed response by officers. It was suggested that the response also be sent to the three local MPs.

RESOLVED: that the proposed Officer response to the consultation document – Planning for the right homes in the right places, as set out in Appendix A to the Committee report, be submitted as the Council's formal response to Government. Copies of the response to also be sent to the three local MPs.

***15 Infrastructure Delivery Plan – Review 2017**

The Committee considered and discussed the report presented by the Service Lead – Planning Strategy and Development Management outlining the findings of the Infrastructure Delivery Plan (IDP) – Review 2017, which updated the previous study published in March 2015. The IDP was a technical document which the Council was required to regularly review. Evidence relating to infrastructure issues needed to be updated regularly to inform and support the delivery of future development in the area, as set out in the adopted Local Plan and emerging Cranbrook Plan.

The review showed that there were currently funding gaps for many projects, particularly with regards to priority one and two transport and education infrastructure. Given this information, the Council would need to carefully consider how to spend any available funding in order to focus on infrastructure requirements that would deliver the Local Plan and Cranbrook Plan, whilst also seeking to secure other grant and loan funding where possible.

Members also noted that it was important that the IDP was used as a basis for discussion with other agencies, infrastructure providers and Government to highlight the shortfall in infrastructure funding and to put pressure on them to prioritise supporting the delivery of those projects when setting their own budgets and considering funding bids. The impact of not addressing the highlighted funding gap was that the required homes and jobs identified in the Local Plan could not be provided which would have significant social and economic issues.

RESOLVED: the Infrastructure Delivery Plan – Review 2017 be noted and published, subject to 'Section 106' being added to the funding secured/potential column relating to West End – Exeter Airport Business Park (page 53 of the Review document).

Attendance list

Committee Members:

Councillors

Phil Twiss - Chairman

Graham Godbeer – Vice Chairman

Mike Allen

Susie Bond

Colin Brown

Jill Elson

Mike Howe

Geoff Jung

Rob Longhurst

Brenda Taylor

Also present (present for all or part of the meeting):

Councillors:

Megan Armstrong

Brian Bailey

David Barratt

Paul Carter

Peter Faithfull

Roger Giles

David Key

Helen Parr

Officers present (present for all or part of the meeting):

Thea Billeter, Cranbrook New Community Manager

Matt Dickins, Planning Policy Manager

Ed Freeman, Service Lead – Planning Strategy and Development Management

Shirley Shaw, Planning Barrister

Hannah Whitfield, Democratic Services Officer

Mark Williams, Chief Executive

Apologies

Committee Members:

Ian Hall

Philip Skinner

Mark Williamson

Non-committee Members:

Paul Diviani

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Strategic Planning Committee held at Knowle, Sidmouth on 27 November 2017

Attendance list at end of document

The meeting started at 2.00pm and ended at 3.27pm.

***16 Public speaking**

The Chairman welcomed everyone present to the meeting. There were no members of the public present.

***17 Minutes**

The minutes of the Strategic Planning Committee meeting held on 6 November 2017 were confirmed and signed as a true record.

***18 Declarations of interest**

Cllr Jill Elson, Minute *21 - Community Infrastructure Levy Working Party minutes
Interest - Personal
Reason: Governor and Chair of Resources Committee at Exmouth Community College

Cllr Ian Hall, Minute *21 - Community Infrastructure Levy Working Party minutes
Interest - Personal
Reason: Chairman of Cloakham Lawn Sports Centre

Cllr Mike Howe, Minute *21 - Community Infrastructure Levy Working Party minutes
Interest - Personal
Reason: Ward Member for Clyst Valley

***19 Matters of urgency**

There were no matters of urgency identified; however the Chairman advised Members that there would be an additional meeting of the Committee held on 14 December 2017 regarding the Villages Plan.

***20 Section 106/Community Infrastructure Levy Contributions – Annual report 2016/17**

The Committee considered the Section 106 Monitoring Officer's report updating Members of the progress made in respect of planning obligation matters between April 2016 and March 2017 and outlining the final contributions received by the Council, where these had been spent and the balance of unspent monies at the end of the last financial year. The report also detailed a summary of Community Infrastructure Levy (CIL) potential income, monies due and collected at the year end 2016/17. Attention was drawn to the graphs within the report showing the projected CIL income by financial year, which would fluctuate as and when large scale housing developments commenced, and also the cumulative CIL income over the Local Plan period, which highlighted how many years it would take for the CIL pot to grow to the extent that large scale projects could be afforded.

Members noted that the figures within the report were proactively monitored to aid delivery of infrastructure by ensuring all obligations were met and any associated spend was in accordance with the specified infrastructure need.

In response to a question raised, the Service Lead – Planning Strategy and Development Management advised that delivery of infrastructure relating to education was included on the Council's Regulation 123 list and therefore the relevant body needed to submit bids in order to obtain CIL funds.

RESOLVED: that Section 106/Community Infrastructure Levy Developer Contributions Annual Report 2016/17 be noted.

***21 Community Infrastructure Levy Working Party minutes**

The Committee was asked to consider the recommendations of the Community Infrastructure Levy Working Party meeting held on 9 November 2017. The agendas and associated papers from the Working Party meeting held on both 8 September and 9 November had been included to provide background information.

The Chairman of the Working Party, Councillor Mike Howe, briefly outlined the process the Working Party had undertaken and their recommendations. The Service Lead – Planning Strategy and Development Management reported that nine applications had been submitted, however one of those had not met the initial criteria and therefore eight applications had been scored. As none of the applications had met the required threshold of a score of 50, the top 25% had been presented to the Working Party for consideration.

The recommendations of the Working Party were:

1. that as none of the Community Infrastructure Levy funding bids submitted had sufficiently met the criteria in this year's round of bids, largely due to the poor quality of the bids submitted (despite many of the projects being worthy and important), and the relatively limited amount of CIL that had been received so far, that no money be allocated to CIL bids in 2017;
2. that the CIL funding applicants be advised of the recommendations of the CIL Working Party and that these would be reported to Strategic Planning Committee to be held on 27 November 2017 for agreement;
3. that the CIL funding bid application process be reviewed, taking into account the comments of the Working Party and any recommendations from the SWAP audit, and a revised funding bid process for 2018 be agreed.

Points raised during discussion included:

- Disappointment expressed that Devon County Council had failed to submit a bid that met the threshold largely because of a lack of supporting evidence despite having the supporting evidence required. Concerns were raised about the consequences this would have on the schools affected;
- Concern was raised that self-build exemptions would mean that smaller communities lost out on CIL funds. In response, the Service Lead advised that those undertaking self-build projects were required to submit evidence over time to prove that they were legitimate self-builds – should they fall foul of the criteria the property would become liable for CIL;
- Concern raised that the blame would be placed on the District Council for a lack of delivery of infrastructure, rather than the body/agency responsible;
- Tipton St John School was proposed to be re-located to Ottery St Mary, which

had received considerable growth over the last few years, and therefore the school was required to enable development;

- Clarification was sought as to why the application for a children's play area in Offwell had not met the criteria. The Service Lead advised that the application had not demonstrated how it would help to deliver an allocation in the Local Plan. It was noted that when the funding bid process was reviewed that this needed to be made clearer in the guidance in order to manage expectations;
- Members would need to make difficult decisions in respect of CIL spending in the future and whether or not to borrow funds to forward fund infrastructure that were the responsibility of other bodies/partners. However even if the Council did decide forward funding there were still only limited resources;
- It was intended that the CIL Working Party would be reconvened in the spring 2018 to review the CIL funding bid process.

RESOLVED:

1. that as none of the Community Infrastructure Levy funding bids submitted had sufficiently met the criteria in this year's round of bids, largely due to the poor quality of the bids submitted (despite many of the projects being worthy and important), and the relatively limited amount of CIL that had been received so far, that no money be allocated to CIL bids in 2017;
2. that the CIL funding applicants be advised of the recommendations of the CIL Working Party and that Members concerns be raised with Devon County Council regarding their approach to the funding bid process;
3. that the CIL funding bid application process be reviewed at the next meeting of the CIL Working Party, taking into account the comments of the Working Party and any recommendations from the SWAP audit, and a revised funding bid process for 2018 be agreed;

***22 Recommendations from Overview Committee**

The Committee discussed and noted the following recommendations of the Overview Committee from their meeting on 5 October 2017:

that a report be presented to the Strategic Planning Committee, in consultation with the Development Management Team which:

- a) *Details the enhanced economic evidence and intelligence input from the Economic Development Team including advice on planning applications;*
- b) *Identified the practical advantages of closer working between Economic Development and Development Management functions;*
- c) *Explores means by which the positive economic impact of planning policy be maximised. Details the enhanced economic evidence and intelligence input from the Economic Development Team including advice on planning applications;*
- d) *Identified the practical advantages of closer working between Economic Development and Development Management functions;*
- e) *Explores means by which the positive economic impact of planning policy be maximised.*

A further report would be brought to the Committee when the LEP Productivity Plan was finalised so that implications of the Plan on the recommendations above could be assessed.

***23 Brownfield Land Register**

The Committee considered a report presented by the Service Lead – Planning Strategy and Development Management summarising details of the Brownfield Land Register, which the Council was required to publish by the end of the year and review annually.

Members noted that the Register was required to be kept in two parts:

- Part 1 – included suitable sites for housing which had a realistic prospect of coming forward. Inclusion of the sites on the register did not give any formal status or permission in principle;
- Part 2 – included sites, if any, granted permission in principle. This was a new status that Councils could give to land and buildings that established in principle that a site would be suitable for dwellings. It was for individual Councils to decide whether or not they wished to grant any permissions in principle subject to consultation and meeting other procedures in the regulations. At this stage it was not recommended that this Council grant any permissions in principle for reasons detailed in the report.

The need to work with agencies to bring forward suitable brownfield sites for development was raised during discussion.

RESOLVED: that the Brownfield Land Register report be noted.

Attendance list

Committee Members:

Councillors

Phil Twiss - Chairman

Graham Godbeer – Vice Chairman

Mike Allen

Susie Bond

Colin Brown

Jill Elson

Ian Hall

Mike Howe

Geoff Jung

Rob Longhurst

Philip Skinner

Brenda Taylor

Mark Williamson

Also present (present for all or part of the meeting):

Councillors:

Brian Bailey

David Barratt

Paul Carter

Alan Dent

Paul Diviani

Peter Faithfull

Roger Giles
John O'Leary
Tom Wright

Officers present (present for all or part of the meeting):

Ed Freeman, Service Lead – Planning Strategy and Development Management
Shirley Shaw, Planning Barrister
Hannah Whitfield, Democratic Services Officer
Mark Williams, Chief Executive

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Audit & Governance Committee held in the Council Chamber at Knowle, Sidmouth on 16 November 2017

Attendance list at end of document

The meeting started at 2.30pm and ended at 3.05pm.

***27 Chairman's welcome**

The Chairman welcomed everyone to the meeting.

***28 Public Speaking**

There were no members of the public present.

***29 Minutes**

The minutes of the Audit and Governance Committee meeting held on 21 September 2017 were confirmed and signed as a true record.

***30 Declarations of Interest**

Minute 34 Cllr S Hall – Partner on LED Board of Trustees

Minute 34 Cllr B Nash – Partner on LED Board of Trustees

Minute 34 Cllr J Humphreys – Member of Exmouth Regeneration Board

Minute 34 Cllr Ian Thomas – Shareholder Representative of Exeter Science Park

***31 Annual Audit Letter**

Rob Andrews, Manager from KPMG explained that the Annual Audit Letter summarised the outcome from the audit work at East Devon District Council in relation to the 2016/17 audit year. Although it was addressed to Members it was also intended to communicate key messages to relevant external stakeholders, including members of the public.

RESOLVED:

that the Audit Letter be noted.

***32 Audit Committee Progress report**

Darren Gilbert Director, KPMG provided the Committee with an overview on progress in delivering their responsibilities as the external auditors.

RESOLVED:

that the report be noted.

***33 Future of External Audit 2018/19 onwards**

The Strategic Lead Finance updated members on the recent tender and selection process for the Council's External Auditor in relation to auditing the 2018/19 Accounts onwards. Grant Thornton had been appointed to be the external auditors as from 2018/19 accounting period.

RESOLVED:

that the outcome of the recent procurement exercise to appointment the Council's external auditors be noted.

***34 Partnership Register**

The report by the Management Information Officer supplied Partnership information for the 2016/17 financial year until March 2017 to allow the Audit and Governance Committee to monitor the status of the Council's partnerships. This follows the year-end review of partnerships by responsible officers for 2016/17.

RESOLVED:

that the current status of partnerships until March 2017 be noted.

***35 Internal Audit Planning**

David Hill Executive Director, SWAP gave a verbal update to the Committee. The review of the risk registers produced lists of audits and the number of audit days available. The Plan reflected any changes to the Council throughout the year. SWAP helped the Council to benchmark and use best practise which could then be seen as best practise the following year to other local authorities partnered with SWAP.

***36 Audit and Governance Forward Plan**

Members noted the contents of the Committee Forward Plan for 2017/18.

Items to be considered at the January 2018 committee included:

- Internal Audit Activity – Quarter 3 2017/18
- Audit Committee update
- Certification Report
- Risk management review – half year review
- Surveillance Commissioner's Report
- CIL Methodology update

RESOLVED:

that the Forward Plan be noted.

Attendance list

Councillors:

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

Cllr Ian Thomas - Portfolio Holder Finance

Apologies:

Steve Gazzard
John Dyson

Officers present:

Simon Davey, Strategic Lead – Finance
Mark Williams – Chief Executive
Amanda Coombes, Democratic Services Officer

Darren Gilbert, Director, KPMG
David Hill, Executive Director, SWAP
Georgina Teale, Senior Auditor, SWAP

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Committee
held at Knowle, Sidmouth on Wednesday, 15 November 2017

Attendance list at the end of the document

The meeting started at 9.30am and ended at 10.30 am

*9 Minutes

The minutes of the meeting of the Licensing & Enforcement Committee held on 23 August 2017, were confirmed and signed as a true record.

*10 Declarations of interest

Councillor Steve Hall

Minute 11

Disclosable Pecuniary Interest – Private Hire Licence Holder

Councillor Geoff Jung

Minute 11

Personal Interest – Designated Premises Supervisor

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

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

1. Licensing Act 2003

Part of the work undertaken by the licensing team involves inspections of licensed premises to ensure compliance with licensing laws and during the previous quarter the team completed 44 premises visits across the district. The summer months represent a demanding period for the licensing team as most festivals and outdoor events that have been licensed by the team then require visits and inspection whilst taking place.

During the first week of August, officers were involved during the Sidmouth Folk Week held this year between 4 and 11 August. Officers attended various venues licensed by Sidmouth Folk Week as well as general licensing visits to other premises within the town. All venues subject of alcohol licensing were found to be operating in compliance of the law. The team also provided supervision of trading pitches on the Esplanade being subject of trading consents issued earlier in the year.

During the previous period, the licensing team introduced a 'paperless' approach to dealing with incoming work and applications that related to the Licensing Act 2003. The process required any applications arriving by post to be scanned and uploaded into the Councils database known as Civica. Benefits in the long term were that traditional storage would cease altogether and the removal of paper based files to new office premises would no longer be necessary.

Gambling Act 2005

The ten year period for club gaming machine permits issued in 2007 meant a number of members clubs and family entertainment centres were due for renewal this summer to allow the continued presence of gaming machines. The licensing team managed the renewals successfully by contacting and reminding operators

and members clubs months in advance. Further renewal applications were necessary in the forthcoming year with the licensing team notifying other operators in the same manner.

The Chairman, Councillor Steve Hall, raised the issue of the licensing authority's response to consultation regarding Fixed Odd Betting Machines, which was due by the 23 January 2018. Steve Saunders, Licensing Manager reported that East Devon did not have the same level of issues with these machines as authorities in city locations.

2. Taxis

New applicants could now apply for a hackney carriage or private hire licence throughout the year. However, many licences still expired annually on 31 October and officers have reviewed and issued 179 driver and vehicle renewal applications during October 2017 being a significant amount of work. The added requirement to provide detail of the right to work in the UK in order to confirm the right to a licence was additional work conducted by officers this year.

The new Taxi policy introduced on 26 July 2017 saw the introduction of a knowledge test for Hackney and Private Hire drivers. This would be a requirement for all new drivers along with those whose licences lapse if they fail to renew on time. Officers had worked to create the new knowledge test containing questions on local geography, the Highway Code and numeracy. Work on this would continue to ensure a suitable bank of questions were available for future applicants.

The new taxi policy has introduced a further review of currently licensed vehicles upon reaching 14 years from date of manufacture at the point of renewal. Licensed vehicles reaching 14 years of age would be presented for inspection by a licensing officer prior to further renewal of the licence. In circumstances where a vehicle was not considered to be of sufficient standard, then the application would be referred to the Licensing Sub Committee who would decide whether to grant the renewal of the vehicle licence.

The work undertaken by officers to introduce the new Hackney Carriage and Private Hire policy included an update concerning locations of current taxis in East Devon being produced in 2016. The full list of current taxi ranks in East Devon was attached to the agenda as Appendix B. Work continued to establish approval and designation of the ranks in Station Road and Fore Street, Budleigh Salterton.

3. General Licensing

The new, revised policy concerning Street Trading consents came into force on 2 October 2017 rescinding the Council's previous resolutions and designating all streets in East Devon as being consent streets, save for certain streets in Sidmouth. The new policy related to any road, footway, beach or other area to which the public had access without payment in the future with some exempt activities.

The policy incorporated street trading activities occurring at community events and those events occurring for charitable purposes in the future. Clarification on community based events was specified as being an event that was community-based and run, for non-commercial purposes, such as a fete or school fund raising activity. Where any profit was retained by the trader(s) for private gain and not passed to the organisers of the event for use in, or by, the community concerned then the trader(s) will not benefit from a fee exemption (unless a fee is charged to

those entering the event). Further guidance on this aspect was circulated to the Committee as an Appendix C to the agenda.

Since the implementation of the policy last month, applications had been received from a number of static, roadside food vendors already operating in areas of East Devon where locations were neither consent nor prohibited streets under previous policy. Traders submitting applications had supplied necessary documents and the fees required for annual street trading consents in order to continue trading in those locations. It was known that further applications were being prepared by other traders and the uptake and interest so far bodes well at this early stage. A temporary member of staff had been recruited from an agency in an administrative role to support the licensing team prior to formalising the office post required in 2018 to deal with the increase in street trading applications expected next year.

Steve Saunders, Licensing Manager, agreed to provide an update and guidance to Town Clerks on details of the new Street Trading policy and in particular regulations regarding community events.

4. Consultations

A liaison meeting for members, officers and taxi proprietors was planned for 23 November 2017 in the Council Chamber at Knowle and occurs every 6 months to allow members of the taxi trade to discuss relevant topics of interest and to exchange views. The Committee's Chairman and Vice Chairman normally attend these meetings and other members were always welcome.

Officers attend Licensees meetings within the East Devon area usually quarterly for the exchange of ideas, information and keeping up to date within each area. Attendance by Council, local police and also police licensing staff was keenly sought by the licensing trade to discuss local crime and disorder issues.

RESOLVED: that the report be noted.

- *12** Steve Saunders, Licensing Manager
The Chairman and members of the Committee wished to express their thanks to Steve Saunders for his hard work and ready advice in his role as Licensing Manager. Steve was leaving for a role within Chard Town Council. He in turn wished to thank the Chairman and members for their support in his time as Licensing Manager.

Attendance list

Councillors present

Steve Hall (Chairman)
Megan Armstrong
Dean Barrow
Colin Brown
Maddy Chapman
Geoff Jung
Cherry Nicholas
Bruce de Saram
Pauline Stott

Officers present

Henry Gordon Lennox, Strategic Lead – Governance & Licensing
Emily Westlake, Licensing Officer
Steve Saunders, Licensing Manager
Chris Lane, Democratic Services Officer

Apologies

Councillors:
Brian Bailey
Steve Gazzard
Jim Knight
John O'Leary

Officer:
Giles Salter, Solicitor

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Wednesday, 25 October 2017

Present: Councillors:
Steve Hall (Chairman)
John O'Leary

Apologies: Councillor Maddy Chapman

Officers: Neil McDonald – Licensing Officer
Hannah Whitfield – Democratic Services Officer

The meeting started at 9.00 am and ended at 9.03 am.

- *29 Minutes
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 4 October 2017, were confirmed and signed as a true record.
- *30 Declaration of interest
Councillor John O'Leary
Minute *31
Disclosable Pecuniary Interest – Personal Licence Holder
- *31 Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary
The Sub Committee gave consideration to two applications; one for a variation of premises licence and one for a grant of premises licence where an agreed position had been reached and all parties had agreed that a hearing was unnecessary. The Sub Committee considered equality impacts when making their decision.

The Licensing Officer explained the background to the applications and the negotiations that had been carried out.

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

Schedule:

Type of application:

Application for variation of a premises licence

Name of premises and address:

Central Stores, Market Place, Colyton, EX24 6JR.

Agreed position reached by the parties:

Following mediation the applicant, the Devon and Cornwall Constabulary had agreed that they consider a hearing to be unnecessary if the agreed position set out below was approved.

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

1. The premises will adopt a Challenge 25 policy. The only acceptable forms of ID will be Passport, Photo Driving Licence or Government Approved PASS Card.
2. CCTV will be installed operated and maintained to the satisfaction of the Licensing authority and Chief Officer of Police.
3. Images will be retained for a minimum of 21 days copies of which will be supplied to the Licensing Authority or Police upon request.
4. The CCTV system must be operational at all times whilst the premises are trading. If the system is faulty or not working then the Police and the East Devon Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book.
5. All signs must comply with the requirements of the Data Protection Act 2002.

Schedule:

Type of application:

Application for the grant of a premises licence

Name of premises and address:

Safar Restaurant, Old Weighbridge House, Woodmead Road, Axminster, Devon, EX13 5PJ.

Agreed position reached by the parties:

Following mediation the applicant and the Devon and Cornwall Constabulary had agreed that they consider a hearing to be unnecessary if the agreed position set out below was approved.

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

1. The premises will adopt a challenge 25 policy. The only acceptable forms of ID will be Passport, Photo Driving Licence or government Approved PASS Card.
2. CCTV will be installed operated and maintained to the satisfaction of the Licensing authority and Chief Officer of Police.
3. Images will be retained for a minimum of 14 days copies of which will be supplied to the Licensing Authority or Police upon request.
4. The CCTV system must be operational at all times whilst the premises are trading. If the system is faulty or not working then the Police and East Devon Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book.
5. A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors.

6. All signs must comply with the requirements of the Data Protection Act 2002.
7. No customer carrying open vessels containing alcohol will be admitted to the premises at any time.
8. No customers will be permitted to take open vessels containing alcohol from the premises.

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Town Hall, Seaton, on Wednesday, 8 November 2017

Present: Councillors:
Steve Hall (Chairman)
John O'Leary (Vice Chairman)
Jim Knight

Apologies: Matthew Booth

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

The meeting started at 9.30am and ended at 12.15pm.

*32 Minutes

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 25 October 2017, were confirmed and signed as a true record.

*33 Declarations of interest

Councillor John 'Leary

Minute *34

Disclosable Pecuniary Interest – Personal Licence Holder

Councillor Jim Knight

Minute *34

Disclosable Personal Interest – Knew the applicant when a Devon County Councillor.

*34 Application for a variation of a premises licence to add films (on the premises), live and recorded music (on the premises), and the provision of late night refreshment (on and off the premises) and to extend the hours for the sale of alcohol (on and off the premises) at the Barrel of Beer, Fore Street, Beer, Devon, EX12 3EQ

The Sub Committee gave consideration to an application for the grant of a Premises Licence to add films (on the premises), live and recorded music (on the premises) and the provision of late night refreshment (on and off the premises) and to extend the hours for the sale of alcohol (on and off the premises) at the Barrel of Beer, Fore Street, Beer, Devon, EX12 3EQ.

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

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

The Sub Committee considered it relevant that no representations had been received from the Police or Environmental Health in relation to the Licensing Act objectives that had been the subject of representations, namely; public safety, public nuisance and crime and disorder. From this it was concluded that the statutory authorities did not consider that there was currently any significant problem associated with the current operation of the premises, or that there was likely to be if the amended application was granted provided the conditions they had requested were imposed.

Following discussions at the meeting the applicant agreed to reduce the hours originally asked for.

The applicant, Darren Clinch, said he was the current licensee of the Dolphin which was situated 3 doors down from the premises. He had owned and managed that premises for 15 years. He had purchased the premises in July 2017 with the intention of moving the public bar trade from The Dolphin to the Barrel of Beer so that he could eventually turn The Dolphin into a more family friendly dining pub with accommodation. In the application he had used The Dolphin's operating schedule as the basis of this application which was why it was a comprehensive variation application. His parent lived in the property between the two licensed establishments.

The Sub Committee and Interested Parties questioned the applicant about Late Night Refreshment, Live Music, noise management from the premises and in the Fore Street into the night, smokers using the highway and the alleyway at the side of the premises, the use of the fire escape door at the side of the premise for general entrance and exit, installation of extra CCTV to monitor the alleyway, the capacity of the outside area and its current use as a seating area and the installation of a noise limiter by Environmental Health.

The applicant stated that he did not intend to serve hot food beyond 9.00pm and withdrew the Late Night Refreshment application, he also withdrew the Live Music part of the application and the showing of films.

Following discussion he agreed to the Sub Committee imposing further conditions on the operating schedule which related to signage, the restricted use of the emergency exit, the use and capacity of the outside area.

Mr Clinch also provided a private/mobile telephone number for residents to contact him if they had issues with the management of the pub and any nuisance they might suffer so that it could be solved quickly. (01297 20099/07790 211242).

The interested parties' case was, firstly in relation to the prevention of crime and disorder. The outside space was limited and there was a fear that people would spill onto the pavement causing pedestrian access issues. Fear of damage to properties and vehicles from late night drinkers leaving the premises. The side alley being used a toilet.

Regarding public safety, an environment that increased opening time to 15 hours a day was a risk to public safety.

Regarding the prevention of public nuisance, the extension of hours would further increase disruption in a residential area and cause distress of a fear of more anti-social behaviour for residents and visitors. The 1.30am licence would make Beer a late night drinking destination. Noise level from smokers outside of the premises smoking late at night.

At the hearing, Mrs Davison added that she feared that the application if granted would change the nature and character of Beer as a village. Dr Davison stated that the pub was advertised as a Sports Bar, he was also unhappy about the increased access to drink for young people and that this would encourage nuisance to neighbouring properties late into the evening.

Mr Stott was opposed to the late closing of the premises at 1.30am which would mean that there were two late night drinking establishments in Beer. He was also concerned with the late night noise stating that he was regularly woken up at 2.00am by people he assumed were linked to being pub patrons. He stated that he was keeping a log of the issues of noise nuisance at The Dolphin which he believed to be linked to the premises.

Mr Croft lived next door to the premises. He was concerned with the use of the alley by smokers and the noise from the juke box. Mrs Gibbs was concerned with the noise late into the evening from patrons slamming car doors or leaving by foot passing along Fore Street.

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

The Sub Committee did not accept that there was evidence of a significant public nuisance, risk to crime and disorder, risk to public safety, arising from the current operation of the premises. This was because of a lack of evidence of history of complaints to the statutory authorities. The Sub Committee had however, taken into account the concern of local residents about future operation by ensuring that suitable conditions were imposed and that the operating hours were not unreasonably late. At the present time there was no evidence that the operation the applicant now proposed to run would cause the unacceptable impact the local residents had suggested.

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

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

RESOLVED 1.

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

a) The extent of the areas within which the various licensable activities will be permitted are as indicated by the legends on the applicant's plan.

b) Permitted hours for the various licensable activities will be as set out in the Appendix B as amended by the Sub Committee to incorporate:

Monday to Thursday Last sale of alcohol at 12.00 (Midnight)

Friday and Saturday Last sale of alcohol at 12.30am

Closure of the premises at 1.00am

Sunday Last sale of alcohol at 11.00pm

Closure of the premises at 11.30pm

Recorded music to cease at 11.00pm on every night.

c) The conditions in the operating schedule as set out in the amended Appendices F, G and H will also apply.

New conditions

Clear signage must be displayed at entrances and exits requesting that patrons respect the peaceful enjoyment of neighbouring property occupants and owners when leaving the premises.

A further CCTV camera must be installed to monitor the alleyway.

A fire door must be installed that is compliant with the fire regulations which remained locked until it has to be used in an emergency. The fire door was not to be used as a general entrance/exit into or out of the premises.

No patrons to be allowed outside in the designated licensable area after 11.00pm.

There shall be no more than 12 patrons, who must be seated, in the outside licensable area at any time.

A noise limiter must be installed by EDDC Environmental Health to be set at a level to its satisfaction.

d) The mandatory conditions of Section 21 of the Licensing Act 2005 will be imposed.

2. that the Designated Premises Supervisor will be Mr Darren Clinch of The Barrel of Beer, Fore Street, Beer, EX12 3EQ.

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

The Sub Committee gave consideration to two applications; one for a variation of premises licence and one for a grant of premises licence where an agreed position had been reached and all parties had agreed that a hearing was unnecessary. The Sub Committee considered equality impacts when making their decision.

The Licensing Officer explained the background to the applications and the negotiations that had been carried out.

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

Schedule:

Type of application:

Application for variation of a premises licence

Name of premises and address:

34 Queen Street, Seaton, Devon, EX12 2RB.

Agreed position reached by the parties:

Following mediation the applicant and the Devon and Cornwall Constabulary had agreed that they consider a hearing to be unnecessary if the agreed position set out below was approved.

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

1. The premises will adopt a Challenge 21 policy. The only acceptable forms of ID will be Passport, Photo Driving Licence or Government Approved PASS Card.
2. CCTV will be installed operated and maintained to the satisfaction of the Licensing authority and Chief Officer of Police.
3. Images will be installed, operated and maintained to the satisfaction of the Licensing Authority or Police upon request.
4. The CCTV system must be operational at all times whilst the premises are trading. If the system is faulty or not working then the Police and East Devon Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book.
5. A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors.
6. All signs must comply with the requirements of the Data Protection act 2002.
7. No customer carrying open vessels containing alcohol will be admitted to the premises at any time.
8. No customers will be permitted to take open vessels containing alcohol from the premises.

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

The Sub Committee gave consideration to two applications; one for a variation of premises licence and one for a grant of premises licence where an agreed position had been reached and all parties had agreed that a hearing was unnecessary. The Sub Committee considered equality impacts when making their decision.

The Licensing Officer explained the background to the applications and the negotiations that had been carried out.

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

Schedule:

Type of application:

Application for variation of a premises licence

Name of premises and address:

Bovey Down Farm, Farway, Colyton, Devon, EX24 6JD.

Agreed position reached by the parties:

Following mediation the applicant and the Devon and Cornwall Constabulary had agreed that they consider a hearing to be unnecessary if the agreed position set out below was approved.

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

Amendments

1. Reduce the opening hours for the premises from 24 hours each day to Monday to Saturday 07.00 to midnight and Sunday 07.00 to 23.00 and New Year's Eve 07.00 to 01.00.
2. Reduce the hours for late night refreshment from 23.00 to 05.00 each day to Monday to Saturday 23.00 to midnight and New Year's Eve 23.00 to 01.00.

Additional Conditions

1. SIA security staff shall be employed at the premises at the discretion of the Designated Premises Supervisor/Holder of the Premises Licence in accordance with their assessment of risk for events at the premises. A written risk assessment shall be prepared. The risk assessment shall be made available for inspection by the authorities on demand.
2. The premises will adopt a Challenge 25 policy. The only acceptable forms of ID will be Passport, Photo Driving Licence or Government Approved PASS Card.
3. All children under the age of 18 be removed from the function room before 9pm to ensure a safe environment for them unless accompanied by an adult.

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Wednesday, 29 November 2017

Present: Councillors:
Steve Hall (Chairman)
John O'Leary (Vice Chairman)

Apologies: Councillors Maddy Chapman
Steve Gazzard

Officers: Neil McDonald – Licensing Officer
Chris Lane – Democratic Services Officer

The meeting started at 9.00 am and ended at 9.05 am.

- *37 Minutes
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 8 November 2017, were confirmed and signed as a true record.
- *38 Declaration of interest
Councillor John 'Leary
Minute *39
Disclosable Pecuniary Interest – Personal Licence Holder
- *39 Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary
The Sub Committee gave consideration to an application for a variation of a premise licences where an agreed position had been reached and all parties had agreed that a hearing was unnecessary. The Sub Committee considered equality impacts when making their decision.

The Licensing Officer explained the background to the applications and the negotiations that had been carried out.

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

Schedule:

Type of application:

Application for the variation of a premises licence

Name of premises and address:

Axminster Conservative Club, Silver Street, Axminster, EX13 5AN.

Agreed position reached by the parties:

Following mediation the applicant, the Devon and Cornwall Constabulary had agreed that they consider a hearing to be unnecessary if the agreed position set out below was approved.

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

Amendments

Remove conditions 2-7.

Remove condition 11 and replace with –

No customer carrying open vessels containing alcohol will be admitted to the premises at any time.

No customers will be permitted to take open vessels containing alcohol from the premises.

Additional Conditions

1. The premises will adopt a Challenge 21 policy. The only acceptable forms of ID will be Passport, Photo Driving Licence or Government Approved PASS Card.
2. An incident book must be maintained within which full details of all occurrences of anti-social behaviour, disorder and refused alcohol sales at the premises must be recorded.
3. The incident book must be kept on the premises at all times and must be made available for inspection by officers of both the Licensing Authority and the police.

Chairman Date