

Agenda for Council
Wednesday, 19th July, 2023, 6.00 pm

To: All elected Members of the Council; Honorary Aldermen

Venue: Council Chamber, Blackdown House, Honiton

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Dear Sir/Madam

Meeting of the Council of the District of East Devon on
Wednesday, 19th July, 2023 at 6.00 pm

You are called upon to attend the above meeting to be held in the Council Chamber, Blackdown House, Honiton. 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 be "M. Jenkins", written over a light blue horizontal line.

Chief Executive

1 Public speaking

Information on [public speaking](#) is available online

2 Minutes of the previous meeting held on 24 May 2023 (Pages 6 - 39)

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

Information on [matters of urgency](#) is available online

6 Announcements from the Chair and Leader

7 Confidential/exempt item(s)

To agree any items to be dealt with after the public (including the Press) have been excluded. 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 (Pages 40 - 49)

9 Reports from the Cabinet and the Council's Committees and questions on those reports (Pages 50 - 52)

- a) Minutes of Cabinet held on 7 June 2023. Minute numbers 1 - 11 (Pages 53 - 56)
- b) Minutes of Cabinet held on 12 July 2023. Minute numbers 12 - 30 (Pages 57 - 67)
- c) Minutes of the Planning Committee held on 24 April 2023. Minute numbers 118 - 124 (Pages 68 - 71)
- d) Minutes of the Planning Committee meeting held on 25 April 2023. Minute numbers 125 - 135 (Pages 72 - 77)
- e) Minutes of the Planning Committee meeting held on 13 June 2023. Minute numbers 1 - 12 (Pages 78 - 83)
- f) Minutes of the Licensing and Enforcement Sub Committee held on 24 April 2023. Minute numbers 32 - 37 (Pages 84 - 87)
- g) Minutes of the Licensing and Enforcement Sub Committee held on 22 May 2023. Minute numbers 38 - 44 (Pages 88 - 93)

10 Report on appointments to Panels, Forums and Joint Bodies and appointments to Outside Bodies 2023-24 (Pages 94 - 99)

11 Devon Districts Representation on DCC Investment and Pension Fund Committee; and Health and Adult Care Scrutiny Committee

Nominations are sought for the following Devon County Council committees.

- (1) The Investment and Pension Fund Committee;
- (2) The Health and Adult Care Scrutiny Committee (This appointment cannot be a Cabinet Member).

12 Motion: Pay and display machines in Council operated car parks

This Council recognises that it is essential for people to have the freedom to pay for goods and services however they choose. The necessity for people to budget demonstrates the importance of cash, especially to those who are vulnerable, disadvantaged or in poverty.

A growing number of councils are removing pay and display parking machines and asking people to pay using an app or by phone. This is discriminatory to those who do not have smartphones, are not familiar with modern technology or rely on cash.

Therefore, this Council commits to ensuring that all pay and display machines in Council operated car parks continue to accept cash payments until at least 2027.

Proposed by Cllr Alasdair Bruce

Seconded by Cllr Marcus Hartnell

Supported by Cllr Brian Bailey, Cllr Ben Ingham, Cllr Mike Goodman

13 Motion: Actions to provide the strong, united and informed managerial and political leadership

Council believes that the start of a four-year term with a controlling partnership of councillors with an increased mandate from the people of East Devon provides the opportunity to refresh the whole council both in terms of its priorities and the way it assembles all its resources to deal with the complex issues faced by its residents in challenging times.

To that end council commits to the following actions to provide the strong, united and informed managerial and political leadership that is required:

In the short term, to work with Local Government Association and other parts of the local government family to:

- 1. Undertake a skills and knowledge audit of all Cabinet Members and key councillors to ensure that they are fully equipped to undertake their roles in the challenging times in which we find ourselves. This will lead to individual support for those members including specific mentoring and placement on appropriate courses and conferences; and*
- 2. Work to bring together the Cabinet and Senior Management to become a unified team which, whilst respecting the different roles of officers and members, can move forward as one body in dealing with the issues faced by the council and its partners. In the first instance this would involve a facilitated Cabinet/SLT awayday and such work as may flow from that.*

In the medium term, to:

- 3. Ask the LGA to undertake a Corporate Peer Challenge in September using leading and respected officers and members from other councils to look at the core of the council and recommend ways forward with a particular emphasis on:*
 - i) Reviewing the member/officer protocol.
 - ii) Reviewing the Council's communications strategy in the light of experiences gained with Covid.
 - iii) Reviewing the procedural standing orders as part of a constitutional review and make all parts of the constitution become clearer, both to the public and members, and encourage more members to participate in discussions & decisions around both the development, and the scrutiny, of those strategies.
 - iv) Reviewing all safeguarding strategies to ensure the continued protection of our vulnerable residents.
 - v) Reviewing the relationships between the District Council, the County Council and town & parish councils to ensure appropriate place-based working and the joining up of the public sector and partners to deliver cost-effective and locally relevant services.
- 4. Ask the Centre for Governance and Scrutiny to conduct, as soon as is practicable, a review of the scrutiny processes to ensure that:*
 - i) The Cabinet and Officers continue to cooperate in the preparation of strategies to ensure that the undoubted professionalism of our staff is supported by the undoubted skills and knowledge of all local councillors from across the political spectrum in the development of those strategies from the outset.
 - ii) A suite of performance indicators are put in place to ensure that service delivery can be scrutinised by both Councillors and the public and to ensure that modifications can be made to service delivery by a due process of review.
- 5. Ask SW Employers to undertake a review of the training and support needs of the SLT and the methodologies by which the SLT functions as a coherent team.*
- 6. Ask the Council's S151 officer, in conjunction with the Cabinet Member for Finance and Assets, to prepare a report outlining the likely costs to the Council of these recommendations and to ascertain any risks associated with them, both financially and reputationally.*

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

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

Members of the public exercising their right to speak during Public Question Time will be recorded.

[Decision making and equalities](#)

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

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Annual Council held at Ocean Suite, Ocean, Queen's Drive, Exmouth, EX8 2AY on 24 May 2023****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 7.51 pm

15 Election of Chair of the Council for the ensuing year

The Chair, Ian Thomas, welcomed those present to East Devon District Council's Annual Council meeting on 24th May 2023. Since he had not stood again in the recent local elections, he had ceased to be a Councillor (Cllr) since 4th May, but under the provisions of the Local Government Act 1972, was charged with a final responsibility to ensure the election of his successor.

As retiring Chair, he wanted to say a few words about his time as a Cllr over the last 14 years, and the honour it had been to represent his ward of Trinity. He had also been entrusted with many Cabinet appointments and those on external bodies, culminating in being the first Independent non-aligned Chair of Council. He also wanted to acknowledge and thank all those who helped to make East Devon the safe and beautiful place it was, and all of the Cllrs and Officers who had provided good services throughout a uniquely challenging decade.

He then invited nominations for the office of Chair of the Council for the ensuing year. Councillor Paul Hayward proposed and Councillor Tim Dumper seconded Councillor Eleanor Rylance being elected Chair of the Council for the coming civic year. In proposing, Councillor Hayward spoke of Councillor Rylance's fair and equitable approach to matters and her adherence to the Nolan Principles at all times. In seconding, Councillor Dumper said that Cllr Rylance had an excellent grasp of the public and their concerns and her relationship with them was second to none.

Ian Thomas asked for other nominations.

There were no other nominations so Ian Thomas invited members to confirm the election of Cllr Rylance as Chair of Council.

Following a vote by show of hands, Cllr Rylance was duly elected by a majority of those present.

RESOLVED

that Councillor Eleanor Rylance be elected Chair of the Council for the ensuing year.

Following the election, Councillor Rylance read, and signed the Declaration of Acceptance of Office.

She then thanked her proposer and seconder and other Members for their endorsement, and for attending the meeting at Ocean.

The Chair said a few words by way of introduction. She wanted to thank the former Cllr Thomas who had mentored her for the last six months. He had been fair and even-handed at all times and was bound by the same principles regardless of political party.

He had achieved an impressive attention to detail and been a steady hand on the tiller in unstable times.

16 **Appointment of Vice Chair of the Council for the ensuing year**

The Chair invited nominations for the appointment of Vice-Chair of the Council for the ensuing year.

Councillor Paul Arnott proposed and Councillor Paula Fernley seconded Councillor Sam Hawkins being appointed as Vice-Chair of the Council for the coming civic year.

The Chair invited further nominations.

There were no other nominations.

Following a vote by show of hands, Councillor Hawkins was duly elected by a majority of those present.

RESOLVED

that Councillor Sam Hawkins be appointed Vice-Chair of the Council for the ensuing year.

Following the election, Councillor Hawkins read, and signed the Declaration of Acceptance of Office.

17 **Public Speaking**

The Chair welcomed members of the public and invited questions or comments.

There were no members of the public wishing to speak.

18 **Minutes of the previous Council meeting**

Following a vote of those present, the minutes of the meeting of the Full Council held on 19th April 2023, were agreed as a true record.

19 **Declarations of interest**

No declarations were announced.

20 **Matters of urgency**

There were no matters of urgency.

21 **Confidential/exempt item(s)**

There were none.

22 **Announcements from the Chair**

The Chair wanted to say a few words and confirmed that all Cllrs were present at the meeting today because three weeks ago, enough people trusted in the democratic process, and in them, to go to a polling station and put a cross against their names.

Those voters needed thanks for that trust, but Cllrs represented not only them, but all of the residents in East Devon, even those who did not vote for them, particularly those who suffer quietly.

She went on to say that the job as politicians was to make the best possible public policy and the best possible use of tax money, to benefit the greatest possible number of residents.

Everyone knows how crucial local services are to their quality of life, Cllrs know how wonderful Council officers are and how crucial their skills were in steering the council through the last few years of pandemic and austerity cuts, maintaining services despite an increasingly difficult financial situation.

However difficult the Council's financial position is though, it is nothing compared to the very immediate difficulties faced by many local residents. As community leaders, Cllrs are in the very humbling position of sometimes being able to support and advise residents at their times of direct need.

She wanted to pay tribute in this respect to Cllr Burhop, who had been dealing with the terrible situation in the villages of Newton Poppleford, Venn Ottery and Colaton Raleigh, accessing resources to deal with the damage, providing a real world exemplar of the value of a local councillor.

This is a big responsibility. Luckily there is a lot of support in learning how to be the best councillors they can be. They have access to training, a Council constitution to guide them, and in the Nolan principles a golden thread of ethical behaviour in public office.

As Cllrs head into the new civic year, she wanted to warmly welcome those present to the council if they were newly elected, or if they were a returnee, and to entreat all to be the best they can in their forthcoming leadership role.

As Councillors they are most of the public face of the council, and as community leaders, should behave as residents would expect them to behave - honourably and with integrity. The Monitoring Officer is always at hand for Cllrs if they are facing a dilemma. Cllrs owe it to all the people and to the environment in a wonderful district to ensure local services and local policy that are the best they possibly can be. It is an honour. None of those present should take this honour for granted.

23 **Election of the Leader of the Council**

The Chair invited nominations for the role of Leader of the Council.

Councillor Eileen Wragg proposed and Councillor Olly Davey seconded Councillor Paul Arnott as Leader of the Council.

In proposing, Councillor Wragg spoke about how Cllr Arnott had brought the Democratic Alliance together three years ago, which was a progressive move. Despite facing a

number of challenges he had remained calm and diplomatic, and had been a good ambassador for the Council.

In seconding, Councillor Davey said that Cllr Arnott had managed to bring a disparate group of people together and keep them together over the last three years, achieving a remarkable consensus, and would be a good leader for the coming years.

The Chair asked if there were other nominations for the role of Leader.

There were no other nominations.

Following a vote by show of hands, Councillor Arnott was duly elected by a majority of those present.

RESOLVED

that Councillor Paul Arnott be elected as Leader of the Council.

In response to his election, Councillor Arnott thanked his proposer and seconder, and all those supporting his nomination. He said it was a privilege to be elected again, and despite diminishing funding from central government he intended to pursue the existing Council priorities with an emphasis on sustainability, and by pulling in the same direction.

24 Leader's appointment of the Deputy Leader of the Council

The Chair invited Cllr Arnott to confirm his appointment to Deputy Leader.

The Leader confirmed his appointment of Councillor Paul Hayward as Deputy Leader of the Council going forward. He said that he was one of the most hard working Cllrs he knew and had done remarkable things for Axminster.

In response to his appointment Councillor Hayward said that he was delighted to accept the role for another year.

25 Leader's appointment to Cabinet

The Leader thanked the Chair and Vice Chair for the measured approach that they had adopted in their roles over the past year, dealing with some of the worst challenges facing Local Government.

He went on to advise the Members of Cabinet, namely;

Councillor Paul Hayward to be the Deputy Leader and Portfolio Holder for Finance & Assets.

Councillor Marianne Rixson to be the Portfolio Holder for Climate Action & Emergency.

Councillor Geoff Jung to be the Portfolio Holder for Coast, Country & Environment.

Councillor John Loudoun to be the Portfolio Holder for Council & Corporate Coordination.

Councillor Nick Hookway to be the Portfolio Holder for Culture, Leisure, Sport and Tourism.

Councillor Sarah Jackson to be the Portfolio Holder for Communications and Democracy.

Councillor Olly Davey to be the Portfolio Holder for Strategic Planning.

Councillor Dan Ledger to be the Portfolio Holder for Sustainable Homes and Communities.

He said that they would sort out the roles of Assistant Portfolio Holders over the coming weeks.

26 **Governance arrangements and appointments for the civic year (2023/24)**

The Chair invited Members to consider a report by the Chief Executive and Monitoring Officer to enable the Council to formalise its governance arrangements for the remainder of the civic year (2023/24).

The Monitoring Officer said that the report recommended no changes to the Constitution at the meeting, with one exception for Council to agree to the appointment of an additional Independent Member for the Audit and Governance Committee making a total of two, and delegated authority to the Director of Finance to progress arrangements including recruitment of Independent members as necessary.

It sought confirmation of the Committees and their size and terms of reference and agreement to the scheme of delegations. There was a specific requirement to agree the composition of the Standards Committee and Housing Review Board.

It dealt with the allocation of seats on overview, regulatory and other committees to different political groups of seats in accordance with the political balance of the Council. It sought to agree the makeup of the advisory panels and forums and joint bodies.

Finally, it covered the councillor appointments to committees, panels, forums, joint bodies and outside bodies together with the appointment of the Chairs and Vice-Chairs of committees.

The Monitoring Officer outlined that there were eleven recommendations contained within the report and suggested that as the Chair moved through agenda, she move the recommendations one by one, inviting comments and agreement along the way.

The Chair moved to **PART A Recommendation 1**, and invited comments.

There were no comments and following a vote, the recommendation was carried by the majority of those present.

RESOLVED;

That Council approves the Constitution and thereby agrees the Committee structure, their size and terms of reference and the scheme of delegations.

The Chair then moved to **PART A Recommendation 2**, and invited comments.

There were no comments and following a vote, the recommendation was carried by the majority of those present.

RESOLVED;

That Council agrees to the appointment of two Independent Members for the Audit and Governance Committee and delegates authority to the Director of Finance to progress arrangements including recruitment of Independent members as necessary. This will require an amendment to the Constitution as it stands currently.

The Chair then moved to **PART B RECOMMENDATION 3.**

There were no comments and following a vote, the recommendation was carried by the majority of those present.

RESOLVED;

That the Conservative Group is confirmed as the formal opposition.

The Chair now moved to **PART C RECOMMENDATION 4,**

Following a vote, the recommendation was carried by the majority of those present.

RESOLVED;

That Council approved the allocation to different political groups of seats on the overview, regulatory and other committees as follows;

Democratic Alliance Group	29 members	48%	53 Seats
Conservative Group	17 members	28%	31 Seats
The Independents	9 members	15%	17 Seats
Labour Group	3 members	5%	6 Seats
Independent Councillor Group	2 members	4%	4 Seats
TOTALS	60 members	100%	111 Seats

The Chair moved to **PART C RECOMMENDATION 5,**

Following a vote, the recommendation was carried by the majority of those present.

RESOLVED;

That Council approved the allocation of seats on individual overview, scrutiny, regulatory and other committees as set out in *Appendix 1*.

The Chair moved to **PART D RECOMMENDATION 6.**

Cllr Barlow requested that he have a place on the Sidmouth Beach Management Plan Steering Group, as a Sidmouth Town Ward Member.

After some debate Cllr Hartnell proposed and Cllr Barlow seconded an amendment to the ward member composition of the Sidmouth Beach Management Steering Group to increase the representation from Sidmouth Sidford from one to two.

The Chair invited members to vote in favour or against the amendment.

Following a vote the amendment was passed by a majority of those present.

The Chair then invited members to vote in favour or against Part D, Recommendation 6.

Following a vote the recommendations were carried by a majority of those present.

RESOLVED;

That Council, agreed the makeup of the advisory Panels, Forums and Joint Bodies as set out in *Appendix 2*, with the amendment agreed to the ward member composition of the Sidmouth Beach Management Steering Group to increase the representation from Sidmouth Sidford from one to two.

The Chair moved to **PART E RECOMMENDATION 7.**

Following a vote the recommendation was carried by a majority of those present.

RESOLVED;

That Council, agreed the Membership of the Standards Committee and Housing Review Board (as detailed in Part E of the report).

The Chair moved to **PART F RECOMMENDATION 8.**

Members were asked to approve the appointments of Councillors to committees as set out in the table in *Appendix 3*.

Following a vote, the recommendation was carried by a majority of those present.

RESOLVED;

That Council approved the appointments of Councillors to committees as set out in the table in *Appendix 3*.

The Chair moved to **PART G RECOMMENDATION 9**

Members were asked to approve the appointments of the Chairs and Vice-Chairs of the committees as set out in *Appendix 4*.

Following a vote, the recommendation was carried by a majority of those present.

RESOLVED;

That Council approved the appointments of the Chairs and Vice-Chairs of the committees as set out in *Appendix 4*.

The Chair moved to **PART H RECOMMENDATION 10**

Members were asked to approve the appointments for the various positions on the Panels, Forums and Joint Bodies as detailed in the document at *Appendix 5*.

The Chair stated that there were a number of Panels and Forums for which too many people had been nominated, which meant that a vote would be required. The Community Grant Panel required one Cabinet Member and six Cllrs but seven names had been put forward. Cllr Sarah Jackson withdrew her name so that no vote was needed.

The CiL Working Group needed a further name put forward since Nick Hookway would be present as a Cabinet Member. Cllr Hookway withdrew his name and Cllr Barlow proposed he take his place.

The LED Monitoring Forum had provision for five Cllrs but seven names had been put forward. Since no Cllrs wanted to withdraw their names, a vote would be taken on all seven named Cllrs put forward. Following a vote for all named Cllrs, Cllr Goodman and Cllr Brian Bailey were not elected.

Cllr Loudoun expressed concern about the interpretation being used for the purposes of composing Panels, that a Portfolio Holder is another Cabinet member rather than another Cllr who could sit on a Panel. In the case of the Community Grant Panel, when a specific Portfolio Holder is required as well as six Cllrs who could include Cabinet members, which has been the established practice to date.

There were a number of competing perspectives expressed, ranging from the possibility of Cabinet dominating a lot of Panels, to one where Cabinet members may become excluded from a number of Panels.

Cllr Arnott suggested that the Recommendation on this should be deferred. Cllr Hartnell concurred with this view and said that it was disappointing that there was not a clear position on this and proposed that the decision on Recommendation 10 was deferred until it could be reviewed.

The Chair pointed out that the Constitution could not be changed at the meeting on the hoof, and pointed out that the consequence of deferring a decision on the composition of Panels would be that they would not be able to meet until people were elected onto them. She proposed that established practice was to vote on all individuals put forward so that they could progress immediately.

Cllr Jackson concurred with this view until a review could be undertaken.

Cllr Hartnell had proposed that the decision on Recommendation 10 should be deferred until a review could be carried out. Cllr Bruce seconded this proposal.

Following further debate, the proposer and seconder agreed to withdraw the proposal so that a review could be undertaken and Panels could start to meet.

The Chair confirmed that Council would agree who would sit on the Panels at this meeting and review at the next Council meeting.

Arts & Culture East Devon Network required four Cllrs and seven were put forward. After a vote on all named Cllrs, Cllrs Barlow, Jenny Brown and Faithfull were not elected.

County Committees required three Cllrs and five were put forward. After a vote on all named Cllrs, Cllrs Howe and Brian Bailey were not elected.

East Devon Gypsy & Traveller Forum required one Cllr and two were put forward. After a vote on all named Cllrs, Cllr Bruce was not elected.

East & Mid Devon Community Safety Partnership required one Cllr and two were put forward. After a vote on all named Cllrs, Cllr Caygill was not elected.

Placemaking in Exmouth Town and Seafront Group, Exmouth Halsdon ward required one Cllr and two were put forward. Cllr Dumper withdrew his nomination.

Recycling & Waste Partnership Board required two Cllrs and four were put forward. After a vote on all named Cllrs, Cllr Goodman and Faithfull were not elected.

Strata Joint Scrutiny Committee required three substitutes. Cllr Duncan Mackinder was already nominated and Cllr Violet Bonetta put her name forward.

Woodbury Exmouth and Budleigh Community Health & Well Being Board required one substitute and three were put forward. Cllr Ingham withdrew and following a vote Cllr Martin was not elected.

Having considered all of the Panels with too many nominations for places available, the Chair then invited members to vote on block for all Panels and Forums and Joint Bodies and for Recommendation 10.

Following a vote, the recommendation was carried by a majority of those present.

RESOLVED;

That Council agreed on the appointments for the various positions on the panels, forums and joint bodies as detailed in the document at *Appendix 5*.

The Chair then invited members to confirm proposed Member Champions as indicated in the table on page 34 of the agenda.

Of the four Champion roles three had nominations and one was vacant. Cllr Vicky Johns and Cllr Fred Caygill put themselves forward for the vacant role of Armed Forces Covenant Champion.

The Chair invited Members to vote for one of the two Cllrs.

Following a vote Cllr Johns was confirmed as the Armed Forces Covenant Champion and those nominated for the other three Champion roles were confirmed.

The Chair moved to **PART I RECOMMENDATION 11**

Since all Outside Bodies were over-subscribed with nominations compared to places available, they were all subject to a vote on Cllrs whose names were put forward.

Having voted in relation to all Outside Bodies the Chair invited members to vote for those nominated and elected at this meeting, and for or against Recommendation 11.

Following a vote, the recommendation was carried by a majority of those present.

RESOLVED;

That Council agreed on the appointments for the various positions on the outside bodies as detailed in the document at *Appendix 6*.

27 **Annual Reports of the Housing Review Board and Scrutiny Committee for 2023/24**

The Chair invited members to consider the Annual reports of the Housing Review Board and Scrutiny Committee and comment accordingly.

In the absence of comments the Chair moved that the reports were duly received and noted.

Cllr Hayward wanted it to be noted that one of the members, Mr Robinson had been quite ill yesterday and Council wished him a full and speedy recovery.

Following a vote the reports were duly received and noted.

RESOLVED;

That Council received and noted the Annual Reports of the Housing Review Board and Scrutiny Committee 2022/23.

28 **Appointment of Director of Housing, Health and Environment Recruitment**

The Chair pointed out that this item was for noting only.

Council was asked to note the urgent decision of the Chief Executive in accordance with the powers delegated to him under the Constitution, that Tracy Hendron be appointed as the new Director of Housing, Health and Environment.

The current postholder, John Golding, would leave the Council at the end of July, and being able to take the urgent decision meant that a handover period of two weeks could occur.

29 **Programme of ordinary meetings of the Council, Cabinet and Committees for 2023/24**

The Chair moved the recommendation and asked Councillors to agree the programme of meetings for the civic year.

Following a vote, the recommendation was carried by a majority of those present.

RESOLVED

that the programme of ordinary meetings of the Council, Cabinet and Committee meetings for 2023/24 be approved as set out on pages 50 – 51 of the agenda.

The Chair then declared the meeting closed and thanked everyone for their attendance.

The meeting ended at 7.51pm.

Attendance List

Councillors present:

P Arnott	S Gazzard	Mackinder
B Bailey	Goodman	Martin
J Bailey	Haggerty	T McCollum
Barlow	Hall	C Nicholas
K Blakey	M Hall	O'Leary
K Bloxham	M Hartnell	Olive
Bonetta	S Hawkins	H Parr
Brown	P Hayward	Richards
C Brown	Heath	Riddell
A Bruce	N Hookway	M Rixson
F Caygill	S Hughes	E Rylance
S Chamberlain	B Ingham	Smith
M Chapman	S Jackson	Toye
I Chubb	Jefferies	Westerman
Collins	V Johns	J Whibley
Collins	G Jung	Wilson
O Davey	D Ledger	E Wragg
P Faithfull	Levine	
Fernley	J Loudoun	

Officers in attendance:

Susan Howl, Democratic Services Manager
Sarah Jenkins, Democratic Services Officer
Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)
Mark Williams, Chief Executive

Councillor apologies:

C Burhop
M Howe
J Kemp

Chairman

Date:

APPENDIX 1 MEMBERSHIP OF COMMITTEES – SEATS AND PROPORTIONAL BALANCE 2023/24

Number in Group % of Council membership	Scrutiny (15 seats)	Overview (13seats)	Housing Review Board (5 seats)	Strategic Planning (15 seats)	Planning Committee (16 seats)	Audit and Governance (10 seats)	Standards Committee (*7 seats)	Personnel Committee (*15 seats)	Licensing & Enforcement (15 seats)	111 total seats
29 Democratic Alliance Group (48%)	7	6	2	7	8	5	4	7	7	53
17 Conservative Group (28%)	4	4	1	4	5	3	2	4	4	31
9 The Independent Group (15%)	2	2	1	3	2	2	1	2	2	17
3 Labour Group (5%)	1	1	0	1	1	0	0	1	1	6
2 Independent Councillor Group (4%)	1	0	1	0	0	0	0	1	1	4

NOTE:

- 1. The **Cabinet** is not shown on the above table as it is not a legal requirement for the political balance rules to apply.
- 2. Some figures have been rounded up or down to ensure total numbers of seats

Appendix 2

Makeup of Panels, Forum and Joint Bodies 2023/24

Panels and Forums	Composition 2023/24	Appointments to be made at Council meeting
1. Asset Management Forum (Three Cabinet Members, two Assistant Portfolio Holders and one ex officio Councillor)	Portfolio Holders: Economy & Assets (Chair) Finance Strategic Planning Assistant Portfolio Holders: Coast, Country & Environment Economy & Assets ex officio: Leader	None
2. Community Grant Panel (One Cabinet Member and six Councillors)	Portfolio Holder: Finance (Chair) Cllrs: Six	Six Councillors
3. Community Infrastructure Levy (CiL) Working Group (Three Cabinet Members, Vice Chair of Strategic Planning Committee, Chair & Vice Chair of Planning Committee and four Councillors)	Portfolio Holders: Strategic Planning Economy & Assets Sustainable Homes & Communities Strategic Planning Committee: Vice Chair (Chair) Planning Committee: Chair Vice Chair Cllrs: Four	Four Councillors
4. Budget Setting and Capital Allocations Panel (The Cabinet, Assistant Portfolio Holders plus five Councillors)	Leader Portfolio Holders: Climate Action & Emergency Response Coast, Country & Environment Council & Corporate Coordination Democracy, Transparency & Communications Economy & Assets Finance (Chair) Strategic Planning Sustainable Homes & Communities Tourism, Sport, Leisure & Culture	Five Councillors

Appendix 2

Makeup of Panels, Forum and Joint Bodies 2023/24

		Assistant Portfolio Holders: Climate Action & Emergency Coast, County & Environment Council & Corporate Co- ordination Economy & Assets	
		Cllrs: Five	
5.	LED Monitoring Forum (Six Cabinet Members, Member Champion for Sports and Leisure, four councillors)	Leader Portfolio Holders: Finance Coast, Country & Environment Council & Corporate Co- ordination Economy & Assets Tourism Sport, Leisure & Culture Cllrs: Five	Five Councillors
6.	Member Development Working Party (Three Cabinet Members, and five Councillors)	Leader Portfolio Holder: Democracy, Transparency & Communication (Chair) Council & Corporate Co- ordination Member Champion: Mental Health Cllrs: Five	Five Councillors
7.	Poverty Working Panel (One Cabinet Member and nine Councillors)	Portfolio Holders: Sustainable Homes and Communities (Chair) Cllrs: Nine	Nine Councillors
Joint Bodies		EDDC Appointees	Appointments to be made at the Council meeting
8.	Arts & Culture East Devon (ACED) Network Portfolio Holder: Tourism, Sport, Leisure & Culture Four Councillors		

Appendix 2

	(One Cabinet Member, One Assistant Portfolio Holders and four Councillors)	Assistant Portfolio Holders: Coast, Country & Environment Cllrs: Four (Chair) (plus 2 Community & 7 town representatives)	
9.	County Committees including: East Devon Highways and Traffic Orders Committee (Three Councillors)	Cllrs: Three	Three Councillors
10.	Cranbrook Strategic Delivery Board (One Cabinet Member and three Ward Member)	Portfolio Holder: Strategic Planning Ward Member: Cranbrook x 3	Ward Member: Cranbrook x 3
11.	East Devon Gypsy & Traveller Forum (One Cabinet Member, One Ward Member and one Councillor)	Portfolio Holder: Sustainable Homes & Communities (Chair) Ward Member: Cranbrook x 1 Cllr: One	Ward Member: Cranbrook x 1 One Councillor
12.	East and Mid Devon Community Safety Partnership (One Councillor)	Cllrs: One	One Councillor
13.	Exeter and East Devon Enterprise Zone Board (One Cabinet Member)	Leader	None
14.	Exmouth Beach Management Plan Steering Group (Three Cabinet Members, two Assistant Portfolio	Portfolio Holders: Coast, County & Environment Climate Action & Emergency Response Tourism, Sport, Leisure & Culture Assistant Portfolio Holders:	Seven Exmouth Ward Councillors comprising: Exmouth Brixington x1 Exmouth Halsdon x 1 Exmouth Littleham x 2 Exmouth Town x 2 Exmouth Withycombe Raleigh x1

Appendix 2

	Holders, and seven Exmouth Ward Members)	Coast, Country & Environment Climate Action & Emergency Response	
		Ward Members: Exmouth Brixington x1 Exmouth Halsdon x 1 Exmouth Littleham x 2 Exmouth Town x 2 Exmouth Withycombe Raleigh x 1	
15.	Placemaking in Exmouth Town and Seafront Group (Five Cabinet Members and seven Ward Members)	Leader (Vice Chair) Portfolio Holders: Economy & Assets Finance Strategic Planning Tourism, Sports, Leisure and Culture (Chair) Ward Members: Exmouth Brixington x1 Exmouth Halsdon x 1 Exmouth Littleham x 2 Exmouth Town x 2 Exmouth Withycombe Raleigh x 1	Seven Exmouth Ward Councillors comprising; Brixington Ward x1 Halsdon Ward x 1 Littleham Ward x 2 Town Ward x 2 Withycombe Raleigh Ward x 1
16.	Heart of the South - West Joint Committee (Two Cabinet Members)	Leader Deputy Leader	None
17.	Lower Exe Mooring Authority Management Committee (Two Councillors)	Cllrs: Two (plus substitute)	Two Councillors Sub: One Councillor
18.	Recycling and Waste Partnership Board (Two Cabinet Members, two Assistant Portfolio Holders and two Councillors)	Portfolio Holder: Coast, Country & Environment (Chair) Climate Action & Emergency Response Assistant Portfolio Holders: Coast, Country & Environment Climate Action & Emergency Response Cllrs: Two	Two Councillors

Appendix 2

19.	Sidmouth Beach Management Plan Steering Group (Two Cabinet Members, two Assistant Portfolio Holders and five Sidmouth Ward Members)	Portfolio Holder: Coast, Country & Environment (Chair) Climate Action & Emergency Response Assistant Portfolio Holder: Coast, Country & Environment Climate Action & Emergency Response Ward Members: Sidmouth Town Ward Members x2 Sidmouth Rural x1 Sidmouth Sidford x 2	Ward Councillor: Sidmouth Sidford x 1
20.	Sidmouth Port Royal Project Reference Group (Two Councillors representing the Sidmouth Wards)	Cllrs: Two (representing Sidmouth Wards)	Ward Councillors: Sidmouth Wards x 2
21.	South East Devon Habitat Regulations Executive Committee (One Cabinet Member)	Portfolio Holder: Coast, Country & Environment (substitute – Vice Chair of Strategic Planning Committee)	None
22.	STRATA Joint Executive Committee (EDDC, Exeter City and Teignbridge authorities) (One Cabinet Member and CEO)	Leader Chief Executive (substitute: Portfolio Holder: Council & Corporate Co-ordination)	None
23.	STRATA Joint Scrutiny Committee (EDDC, Exeter City and Teignbridge authorities) (Three Councillors)	Cllrs: Three (substitutes: three Councillors)	Three Councillors (Sub: Three Councillors)
24.	Woodbury, Exmouth & Budleigh (WEB) Community Health and Wellbeing Board	Portfolio Holder: Sustainable Homes & Communities	Substitute: Ward Member from Budleigh & Raleigh, Exmouth or Woodbury & Lympstone)

Appendix 2

(One Cabinet Member) (substitute: Ward Member from Budleigh & Raleigh, Exmouth or Woodbury & Lympstone)

25. **UK Shared Prosperity Fund (SPF) Programme Management Panel**

Leader

Deputy Leader

Portfolio Holder:

Finance

Climate Action & Emergency Response

Cllrs: Four

XX

XX

XX

XX

NOTES:

1. The Council is required to appoint ‘designated persons’ to comply with the arrangements (introduced in 2014) for dealing with complaints by tenants – the designated persons to work alongside the Tenant Complaint Panel.

2023/24 ‘designated persons’ are Cllrs [*Three Councillors to be appointed*].

Appendix 3

Membership of Committees 2023/24

[illegible]

Appendix 3

Membership of Committees 2023/24

Members of Cabinet and Committees 2022/23	Cabinet 10	Scrutiny 15	Overview 13	Housing Review Board 5	Strategic Planning 15	Planning 16	Standards 7	Audit & Governance 10	Licensing & Enforcement 15	Personnel 15
Ingham Ben										
Jackson Sarah										
Jefferies Richard										
Johns Vicky										
Jung Geoff										
Kemp Jamie										
Ledger Dan										
Levine Yehuda										
Loudoun John										
Mackinder Duncan										
Martin Melanie										
McCollum Tony										
Nicholas Cherry										
O'Leary John										
Olive Todd										
Parr Helen										
Richards Sophie										
Riddell Henry										
Rixson Marianne										
Rylance Eleanor										
Smith Simon										
Toye Andrew										
Westerman Susan										
Whibley Joe										
Wilson Daniel										
Wragg Eileen										

Portfolio Holders: Climate Action & Emergency, Coast Country & Environment, Council & Corporate Co-ordination, Democracy Transparency & Communications, Economy & Assets, Finance, Strategic Planning and Sustainable Homes & Communities, Tourism Sports Leisure & Culture

Appendix 4

Chairs and Vice-Chairs 2023/24

Committees	Chair	Vice-Chair
Overview Committee	Anne Hall	Dan Wilson
Scrutiny Committee	Mike Goodman	Jamie Kemp
Housing Review Board	Dan Ledger	Sarah Chamberlain
Strategic Planning Committee	Olly Davey	Mike Howe
Planning	Eileen Wragg	Sarah Chamberlain
Audit & Governance	Sam Hawkins	Chris Burhop
Standards	Chair of Council	No appointment required
Personnel Committee	Chair of Council	John Loudoun
Licensing and Enforcement	Joe Whibley	Kim Bloxham

Appendix 5

Panels, Forum and Joint Bodies 2023/24

Panels and Forums	Composition 2023/24	Appointments
<p>1. Asset Management Forum</p> <p>(Three Cabinet Members, two Assistant Portfolio Holders and one ex officio Councillor)</p>	<p>Portfolio Holders: Economy & Assets (Chair) Finance Strategic Planning</p> <p>Assistant Portfolio Holders: Coast, Country & Environment Economy & Assets</p> <p>ex officio: Leader</p>	<p>Portfolio Holders: Economy & Assets (Chair) Finance Strategic Planning</p> <p>Assistant Portfolio Holders: Coast, Country & Environment Economy & Assets</p> <p>ex officio: Leader</p>
<p>2. Community Grant Panel</p> <p>(One Cabinet Member and six Councillors)</p>	<p>Portfolio Holder: Finance (Chair)</p> <p>Cllrs: Six</p>	<p>Portfolio Holder: Finance (Chair)</p> <p>John Loudoun John Heath Stuart Hughes Helen Parr Jess Bailey Violet Bonetta</p>
<p>3. Community Infrastructure Levy (CiL) Working Group</p> <p>(Three Cabinet Members, Vice Chair of Strategic Planning Committee, Chair & Vice Chair of Planning Committee and four Councillors)</p>	<p>Portfolio Holders: Strategic Planning Economy & Assets Sustainable Homes & Communities</p> <p>Strategic Planning Committee: Vice Chair (Chair)</p> <p>Planning Committee: Chair Vice Chair</p> <p>Cllrs: Four</p>	<p>Portfolio Holders: Strategic Planning Economy & Assets Sustainable Homes & Communities</p> <p>Strategic Planning Committee: Vice Chair (Chair)</p> <p>Planning Committee: Chair Vice Chair</p> <p>Sarah Chamberlain Marcus Hartnell Ian Barlow Peter Faithfull</p>
<p>4. Budget Setting and Capital Allocations Panel</p> <p>(The Cabinet,</p>	<p>Leader</p> <p>Portfolio Holders: Climate Action & Emergency Response</p>	<p>Leader</p> <p>Portfolio Holders: Climate Action & Emergency Response</p>

Assistant Portfolio Holders plus five Councillors)

Coast, Country & Environment Council & Corporate Co-ordination
Democracy, Transparency &

Communications
Economy & Assets
Finance (Chair)
Strategic Planning
Sustainable Homes & Communities
Tourism, Sport, Leisure & Culture

Coast, Country & Environment Council & Corporate Co-ordination
Democracy, Transparency &

Communications
Economy & Assets
Finance (Chair)
Strategic Planning
Sustainable Homes & Communities
Tourism, Sport, Leisure & Culture

Assistant Portfolio Holders:
Climate Action & Emergency
Coast, County & Environment Council & Corporate Co-ordination
Economy and Assets

Cllrs:
Five

Assistant Portfolio Holders:
Climate Action & Emergency
Coast, County & Environment Council & Corporate Co-ordination
Economy and Assets

Charlotte Fitzgerald
John Heath
Alasdair Bruce
Cherry Nicholas
Tony McCollum

**5. LED Monitoring Forum
(Six Cabinet Members, and five councillors)**

Leader

Portfolio Holders:
Finance
Coast, Country & Environment Council & Corporate Co-ordination
Economy and Assets
Tourism, Sport, Leisure & Culture

Cllrs:
Five

Leader

Portfolio Holders:
Finance
Coast, Country & Environment Council & Corporate Co-ordination
Economy and Assets
Tourism Sport, Leisure & Culture

Andrew Toye
Joe Whibley
Simon Smith
Sam Hawkins
Violet Bonetta

6.	Member Development Working Party (Three Cabinet Members, Member Champion for Mental Health and five Councillors)	<p>Leader</p> <p>Portfolio Holder: Democracy, Transparency & Communication (Chair) Council & Corporate Co-ordination</p> <p>Member Champion: Mental Health</p> <p>Cllrs: Five</p>	<p>Leader</p> <p>Portfolio Holder: Democracy, Transparency & Communication (Chair) Council & Corporate Co-ordination</p> <p>Member Champion: Mental Health</p> <p>John Heath</p> <p>Yehudi Levine Tim Dumper Henry Riddell Cherry Nicholas</p>
7.	Poverty Working Panel (One Cabinet Member and nine Councillors)	<p>Portfolio Holders: Sustainable Homes and Communities (Chair)</p> <p>Cllrs: Nine</p>	<p>Portfolio Holder: Sustainable Homes and Communities</p> <p>John Heath Paul Arnott Marianne Rixson Simon Smith Mike Goodman Maddy Chapman Del Haggerty Melanie Martin Bethany Collins</p>
Joint Bodies		EDDC Appointees	Appointments to be made at the Council meeting
8.	Arts & Culture East Devon (ACED) Network (One Cabinet Member, One Assistant Portfolio Holders and Four Councillors)	<p>Portfolio Holder: Tourism, Sport, Leisure & Culture</p> <p>Assistant Portfolio Holders: Coast, Country & Environment</p> <p>Cllrs: Four (Chair)</p> <p>(plus 2 Community & 7 town representatives)</p>	<p>Portfolio Holder: Tourism, Sport, Leisure & Culture</p> <p>Assistant Portfolio Holders: Coast, Country & Environment</p> <p>Olly Davey Paula Fernley Joe Whibley Vicky Johns</p>

- | | | | |
|-----|--|---|---|
| 9. | County Committees including:
East Devon Highways and Traffic Orders Committee

(Three Councillors) | Cllrs:
Three | Tim Dumper
Chris Burhop
Vicky Johns |
| 10. | Cranbrook Strategic Delivery Board

(One Cabinet Member and three Ward Members) | Portfolio Holder:
Strategic Planning

Ward Member:
Cranbrook x 3 | Portfolio Holder:
Strategic Planning

Kevin Blakey
Kim Bloxham
Sam Hawkins |
| 11. | East Devon Gypsy & Traveller Forum
(One Cabinet Member,

One Ward Member and one Councillor) | Portfolio Holder:
Sustainable Homes and Communities (Chair)

Ward Member:
Cranbrook x 1

Cllr:
One | Portfolio Holder:
Sustainable Homes and Communities (Chair)

Kim Bloxham
John Heath |
| 12. | East and Mid Devon Community Safety Partnership

(One Councillor) | Cllrs:
One | Jamie Kemp |
| 13. | Exeter and East Devon Enterprise Zone Board

(One Cabinet Member) | Leader | Leader |

14.	Exmouth Beach Management Plan Steering Group (Three Cabinet Members, two Assistant Portfolio Holders, and seven Exmouth Ward Members)	Portfolio Holders: Coast, Country & Environment Climate Action & Emergency Response Tourism, Sport, Leisure & Culture Assistant Portfolio Holder: Coast, Country & Environment Climate Action & Emergency Response Ward Members: Exmouth Brixington x1 Exmouth Halsdon x 1 Exmouth Littleham x 2 Exmouth Town x 2 Exmouth Withycombe Raleigh x 1	Portfolio Holders: Coast, Country & Environment Climate Action & Emergency Response Tourism, Sport, Leisure & Culture Assistant Portfolio Holder: Coast, Country & Environment Climate Action & Emergency Response Fred Caygill Tim Dumper Anne Hall Brian Bailey Olly Davey Eileen Wragg Matt Hall
15.	Placemaking in Exmouth Town and Seafront Group (Five Cabinet Members and seven Ward Members)	Leader (Vice Chair) Portfolio Holders: Economy & Assets Finance Strategic Planning Tourism, Sport, Leisure & Culture (Chair) Ward Members: Exmouth Brixington x1 Exmouth Halsdon x 1 Exmouth Littleham x 2 Exmouth Town x 2 Exmouth Withycombe Raleigh x 1	Leader (Vice Chair) Portfolio Holders: Economy & Assets Finance Strategic Planning Tourism, Sport, Leisure & Culture (Chair) Maddy Chapman Daniel Wilson Anne Hall Brian Bailey Olly Davey Joe Whibley Matt Hall
16.	Heart of the South - West Joint Committee (Two Cabinet Members)	Leader Deputy Leader	Leader Deputy Leader
17.	Lower Exe Mooring Authority Management Committee (Two Councillors)	Cllrs: Two (plus substitute)	Geoff Jung Nick Hookway Sub: Fred Caygill

18.	Recycling and Waste Partnership Board (Two Cabinet Members, two Assistant Portfolio Holders and two Councillors)	Portfolio Holder: Coast, Country & Environment (Chair) Climate Action & Emergency Response Assistant Portfolio Holders: Coast, Country & Environment Climate Action & Emergency Response Cllrs: Two	Portfolio Holder: Coast, Country & Environment (Chair) Climate Action & Emergency Response Assistant Portfolio Holders: Coast, Country & Environment Climate Action & Emergency Response Jamie Kemp Steve Gazzard
19.	Sidmouth Beach Management Plan Steering Group (Two Cabinet Members, two Assistant Portfolio Holders and four Sidmouth Ward Members)	Portfolio Holder: Coast, Country & Environment (Chair) Climate Action & Emergency Response Assistant Portfolio Holder: Coast, Country & Environment Climate Action & Emergency Response Ward Members: Sidmouth Town Ward Members x2 Sidmouth Rural x1 Sidmouth Sidford x 2	Portfolio Holder: Coast, Country & Environment (Chair) Climate Action & Emergency Response Assistant Portfolio Holder: Coast, Country & Environment Climate Action & Emergency Response Sophie Richards John Loudoun Marianne Rixson Stuart Hughes Ian Barlow
20.	Sidmouth Port Royal Project Reference Group (Two Councillors representing the Sidmouth Wards)	Cllrs: Two (representing Sidmouth Wards)	John Loudoun Sophie Richards
21.	South East Devon Habitat Regulations Executive Committee (One Cabinet Member)	Portfolio Holder: Coast, Country & Environment (substitute – Vice Chair of Strategic Planning Committee)	Portfolio Holder: Coast, Country & Environment (substitute – Vice Chair of Strategic Planning Committee)

22.	STRATA Joint Executive Committee (EDDC, Exeter City and Teignbridge authorities) (One Cabinet Member and CEO)	Leader Chief Executive (substitute: Portfolio Holder: Council and Corporate Co-ordination)	Leader Chief Executive (substitute: Portfolio Holder: Council and Corporate Co-ordination)
23.	STRATA Joint Scrutiny Committee (EDDC, Exeter City and Teignbridge authorities) (Three Councillors)	Cllrs: Three (substitutes: three Councillors)	Sue Westerman Yehudi Levine Marcus Hartnell Substitute: Duncan Mackinder Violet Bonetta
24.	Woodbury, Exmouth & Budleigh (WEB) Community Health and Wellbeing Board (One Cabinet Member)	Portfolio Holder: Sustainable Homes & Communities (substitute: Ward Member from Budleigh & Raleigh, Exmouth or Woodbury & Lympstone)	Portfolio Holder: Sustainable Homes & Communities Substitute: Tim Dumper
25.	UK Shared Prosperity Fund (SPF) Programme Management Panel	Leader Deputy Leader Portfolio Holder: Finance Climate Action & Emergency Response Cllrs: Four	Todd Olive Matt Hall Marcus Hartnell Ben Ingham

NOTES:

1. The Council is required to appoint 'designated persons' to comply with the arrangements (introduced in 2014) for dealing with complaints by tenants – the designated persons to work alongside the Tenant Complaint Panel.

2023/24 'designated persons' are - *to be agreed*

Proposed Member Champions 2023/24 to be confirmed

Armed Forces Covenant	Vicky Johns
Arts & Culture	Joe Whibley
Mental Health	Charlotte Fitzgerald
Sports & Leisure	Paula Fernley

Appendix 6

APPOINTMENTS ON OUTSIDE BODIES 2023/24

	Name of Outside Body	No.s across all Groups	Appointments 2023/24	Portfolio Holders/ Lead reporting link
(a)	APPOINTMENTS: GENERAL			
1	Blackdown Hills (AONB) Partnership Management Group	1	Yehudi Levine	Coast, Country & Environment
2	Devon Rail Forum	1	Tim Dumper	Economy & Assets
3	Devon Authorities Strategic Waste Committee		Portfolio Holder: Coast, Country & Environment Substitute: Assistant Portfolio Holder Climate Action & Emergency Response	Coast, Country & Environment
4	SPACE (formerly Devon Youth Service)	1	Charlotte Fitzgerald	Sustainable Homes & Communities
5	East Devon AONB Partnership	2	Richard Jefferies Marianne Rixson	Coast, Country & Environment
6	East Devon Citizens' Advice	2	Charlotte Fitzgerald Simon Smith	Sustainable Homes & Communities
7	East Devon Transport, Research and Information Project (TRIP) Working Party/Management Group	1	Simon Smith	Sustainable Homes & Communities

8	Action East Devon (formerly East Devon Volunteer Support Agency)	2	Yehudi Levine John Heath	Sustainable Homes & Communities
9	Exe Estuary Management Group	1	Geoff Jung Substitute: Nick Hookway	Coast, Country & Environment
10	Exeter International Airport Consultative Group		Portfolio Holder: Economy & Assets	Economy & Assets / Coast, Country & Environment
11	Exeter Science Park Board of Directors: Exeter Science Park – Shareholder representative		Portfolio Holder: Economy & Assets (Director) Portfolio Holder: Finance (Shareholder rep)	Finance / Economy & Assets / Strategic Planning
12	Queens Drive Exmouth Community Interest Company	2	Nick Hookway Anne Hall	Finance / Economy & Assets / Strategic Planning
13	Local Government Association General Assembly		Leader* (substitute: Deputy Leader) <i>*Leader is SW representative on district councillor network executive</i>	Council
14	Local Government Association Annual Rural Assembly		Leader (with vote) Deputy Leader (who can vote in the absence of Leader)	Council
15	Police and Crime Panel – Devon and Cornwall	1	John Loudoun Substitute: Paul Arnott	Council
16	SWAP (South West Audit Partnership Ltd)		Chairman: Audit & Governance (Shareholder) Section 151 Officer (Director)	Finance
17	South West Councils - including Employers' Panel		Leader Deputy: Portfolio Holder – Council and Corporate Co- ordination	Council
18	SPARSE – Rural Special		Leader	Council

	Interest Group		Substitute: Portfolio Holder - Economy & Assets	
19	Sport England Local Delivery Plan Partnership Oversight Group		Portfolio Holder: Economy & Assets	Economy & Assets / Tourism, Sports, Leisure & Culture

OUTSIDE BODIES - NOTE:

Further to the 2012 review undertaken initially by the Corporate Business Portfolio Holder's Think Tank and recommendations of the Overview and Scrutiny Committee which were supported by Cabinet at its meeting on 4 April 2012, formal appointment of councillor representatives to outside bodies will only now be made where the outside body meets one or more of the following criteria:

- a) The Council makes a financial contribution to the outside body;
- b) There is a clear need for the business of the outside body to be reported back to Council;
- c) The Council has a partnership relationship with the outside body

Council representatives formally appointed to outside bodies will engage with the relevant Portfolio Holder to ensure information is both fed back, and fed into, each outside body, panel and forum that meets the criteria for formal appointment.

In the case of outside bodies falling outside the criteria (including those listed below), the Democratic Services team will provide the contact details of the ward member(s)/member champion so that arrangements can be made direct;

- Active Honiton
- Budleigh Salterton Traffic Group
- Campaign to Protect Rural England (Devon Branch)
- Devon Conservation Group
- Devon County Agricultural Association's Council
- Devon Historic Buildings Trust
- East Devon Local Children's Trust
- Exmouth Local Nature Reserve Management Committee
- Honiton Community & Arts Centre Project Working Group
- Honiton Development Trust
- Norman Lockyer Observatory Management Committee
- Salisbury – Exeter Line side Consortium of Authorities
- Sidmouth Traffic Management Plan
- World Heritage Site Management Plan Steering Group

PATROLAJC – Parking and Traffic Regulations Outside London Adjudication Joint Committee (re Traffic Management Act 2004). No member appointment but the Council will continue to subscribe to this quasi-judicial body which appoints adjudicators to hear formal appeals against parking tickets in all councils (including EDDC) that use civil parking enforcement process.

List of meetings 2023-2024

Unless otherwise indicated meetings will normally be held online via the Zoom App. Meetings in orange are not open to the public and the public can be asked to leave other meetings on specified grounds.

2023															
2024															
Meeting	Day	Time	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Annual Council	Wed	6.00pm	24												8
Council	Wed	6.00pm			19			18		6		21		17	
Cabinet	Wed	6.00pm		7	12		6	4	1 29		3 31	28	27		1
Scrutiny Committee	Thu	6.00pm			6		7	5	2	7		1	7	4	
Overview & Scrutiny Committees joint budget meeting	Wed Thu	9.30am									10 11				
Overview Committee	Thu	6.00pm			20		14	12	9		18		21		
Strategic Planning Committee	Tue	10.00am	2	9	11	8	5	3 31		5	9	6	5	2 30	
Planning Committee	Tue	10.00am		13	18	22	26	24	21	19	30	27	26	23	
Audit & Governance Committee	Thu	2.30pm			27		21		23		18		21		
Housing Review Board	Thu	10.00am		15			14		16		11		14		
Licensing & Enforcement Committee	Wed	10.00am			19				15			7		3	
Standards Committee	Thu	10.00am		22				12			18			11	
Personnel Committee	Tue	10.00am			4			10			16			16	
Asset Management Forum	Mon	9.30am		19			4			4			4		
Budget Setting and Capital Allocations Panel	Thurs	9.30am		8			7			7			7		
Placemaking in Exmouth Town and Seafront Group	Tues	10.00am	30		25		12		7	12	23		19		
Poverty Working Panel	Mon	10.00am		26			18			11			18		
LED Monitoring Forum	Tue	various		27 6pm			19 10am				16 6pm			9 10am	
Recycling & Waste Partnership Board	Wed	10.00am			26			25			31			24	
Arts & Culture Forum	Wed	various		14 2pm					8 10am			28 10am			

STRATA Joint Executive Committee		4.00pm													
STRATA Joint Scrutiny Committee		4.00pm													

East Devon District Council Meeting on 19th July 2023

Agenda Item No 8

Questions by Members to Full Council under Procedure rule 9.2

Question 1: Procedure Rule 9.2 to the Portfolio Holder for Sustainable Homes & Communities (Councillor Dan Ledger) from Councillor Marcus Hartnell

It is reported that potentially a third of our housing stock may be suffering from some level of damp and mould. Can the portfolio holder please provide an update on the recruitment of a Damp & Mould Surveyor, and the number of damp and mould jobs currently open?

Answer:

We currently have a stock condition survey being undertaken across 100% of our stock. Based on the sample that has been completed so far, the data is indicating that 35% of our stock is suffering from some level of damp and mould. This ranges from minor issues with condensation (where the solution is based around lifestyle) right through to serious levels of disrepair that relate to damp. Data so far suggests that only 2% of our stock are in this very serious category and on discovery of such properties, they are being passed to us for urgent assessment/action.

Our system (as of 12th July) indicates there are currently 582 open orders that relate to damp and mould.

On the 24th July, a specialist damp and mould Building Surveyor is due to start working on our stock. We have worked closely with our Contractor to agree the scope and requirements of this role in order to help us manage issues that relate to damp and mould within our properties. For the past few months we have also redeployed one of our maintenance surveyors to work solely on this area.

Question 2: Procedure Rule 9.2 to the Portfolio Holder for Sustainable Homes & Communities (Councillor Dan Ledger) from Councillor Marcus Hartnell

The high number of voids in the housing stock is of significant concern, not least because of the number of people needing a home, but also because of the income lost from rent. Are you concerned that the shortfall in rent combined with inflation will reduce the ability to invest in housing stock?

Answer:

Each year we budget for expected lost rent due to void turnaround times and in 2022 this figure was £0.33m, however, the actual amount lost was in excess of £0.7m. Whilst this is disappointing, significant inroads are being made to address the issues and we have kept the Housing Review Board informed of the position, the reasons why this has occurred and our

plans to address it. Issues have included a significant increase in the number of void properties being returned colliding with a temporary backlog that stemmed from covid. We have also seen an increase in the number of properties returned to us in a poor condition, this has meant it is taking us longer to turn properties around. A delivery plan is in place with our contractor and this is being monitored closely.

The lost rent is in effect a revenue cost to the HRA. During the past 3 years we have built up our revenue reserves to a level that ensures that any shocks such as this can be appropriately mitigated without any significant impact on our ability to service our revenue cost base (which includes property maintenance, staff costs and interest payable) and then subsequently invest in our stock. The vast majority of the future investment in our current and new housing stock will be a capital expense and will be funded from a combination of reserves, ring fenced right to buy receipts and additional borrowing going forward whilst ensuring that our revenue reserves levels are appropriate for the current economic climate.

From 15 June 2023, central government introduced the HRA rate which applies an interest rate of the gilt yield plus 40 basis points (0.40%) or the equivalent of a 60 basis point (0.60%) saving versus PWLB core borrowing rates. This rate is solely intended for use in Housing Revenue Accounts and primarily for new housing delivery to encourage investment in the Council's stock. Although interest rates have moved detrimentally due to inflationary pressures this offering goes some way to redress the balance and makes funding through borrowing more affordable for the Council. So, in conclusion, we don't expect the lost income to detrimentally impact our investment plans, however, that and the inflationary pressures you mention will result in higher levels of borrowing with the knock on impact of higher interest rates meaning that servicing our debt will be more expensive than we would ideally like.

Question 3: Procedure Rule 9.2 to the Portfolio Holder for Culture, Leisure, Sport & Tourism (Councillor Nick Hookway) from Councillor Marcus Hartnell

Can the portfolio holder provide an update on the implementation of the Tourism Strategy?

Answer:

The Tourism Strategy for East Devon was approved by EDDC's Cabinet in September 2022. It seeks to support the tourism sector to achieve sustainable growth and deliver economic benefits to the district. It outlines our strategic vision and key objectives in a mid-term 5-year strategy. It builds on the quality of the existing tourism offer and encourages growth through a commitment to quality, sustainability, inclusivity and collaboration. It has been developed in alignment with the Cultural strategy for East Devon and has informed the EDDC's UK Shared Prosperity Fund Investment Plan.

The following activities and outcomes have been delivered for the period September 2022 – June 2023:

Deployed EDDC internal resource: Senior Economic Development Officer time allocated to lead on the tourism strategy implementation and wider tourism-related activities

Established partnership working between the new Cultural Producer role and the Senior Economic Development Officer resource

Procured 2021 tourism impact data as baseline: Value of Tourism data for 2021 has been procured via The South West Research Company (data pack to be released in October 2023)

Established Sustainable Tourism Fund: EDDC's UKSPF Investment Plan features a £210k allocation over 3 years from the Shared Prosperity Fund to deliver on the priorities of the tourism strategy.

Included Sustainable Tourism Policy in the emerging Local Plan: the policy incorporates 3 of the core values of the tourism strategy (quality, accessibility and working towards net zero).

Culture, Leisure and Tourism Fund launched: The Sustainable Tourism Pathway of the fund is open to tourism businesses seeking funding for equipment to decarbonise their operation or to improve the accessibility of their premises for visitors with a disability or impairment above and beyond statutory requirements. The fund launched on 12th June and is open for applications till 21st July 2023. The level of funding is between £2,500 and £5,000, and there is a 50% match funding requirement.

Established East Devon Tourism Network: led the procurement to secure a private sector partner (East Devon Excellence) to develop and manage a network of local tourism businesses to share best practise and encourage collaboration across the wider sector. It's a value driven network which centres around sustainability/net zero, accessibility, quality and collaborations. The first event took place on 28th March at Deer Park and second event took place on 14th June at Future Skills Centre, Exeter College. Events received very positive feedback from attendees and partners and informed the audience of tourism businesses on topical issues and strategy priorities (e.g. accessibility, net zero, leadership, quality). There were 130 attendees at the first two events.

Established a centralised events directory: 'What's On' guide which features events with tourism appeal: [Local Events in East Devon \(eastdevonexcellence.co.uk\)](https://eastdevonexcellence.co.uk)

Question 4: Procedure Rule 9.2 to the Leader (Councillor Paul Arnott) from Councillor Marcus Hartnell

As per 6.10 of the constitution, will the Leader be establishing politically balanced Portfolio teams to assist the cabinet in carrying out their responsibilities?

Answer:

This is something that we would be happy to look at moving forward and would suggest that it is added to the motion proposed by Cllr Hayward at Agenda Item 13 so that we can review this.

Question 5: Procedure Rule 9.2 to the Leader (Councillor Paul Arnott) from Councillor Mike Goodman

The Constitution 13.3 includes the notice of key decisions and 14 the forward plan by Council, this is good governance and helps to inform members and residents of what the Council plans are. Can the Leader confirm how many key decisions have been made since July 2022 till July 2023 that were included and agreed by Cabinet in the forward plan?

Answer:

There were 6 key decisions that were included in the forward plan during that time period. The Monitoring Officer is currently reviewing the forward plan and will be doing some work to remind Service Leads and Portfolio Holders of the importance of ensuring, moving forward, that it is fully populated.

Question 6: Procedure Rule 9.2 to the Portfolio Holder for Communications and Democracy (Councillor Sarah Jackson) from Councillor Mike Goodman

Could the Cabinet member update members on progress of implementing an online petition facility?

Answer:

The Scrutiny Committee recommended to Cabinet on the 9 June 2022 that they consider a petition platform within the Council's website. That recommendation went to the Cabinet on 13th July 2022 and they referred the matter to the Overview Committee for looking at in the New Year (2023). All of the meetings of the Overview Committee were cancelled in early 2023 so this is a matter that still needs to be considered by that Committee.

Question 7: Procedure Rule 9.2 to the Portfolio Holder for Coast, Country and Environment (Councillor Geoff Jung) from Councillor Mike Goodman

Planting of trees is part of the climate change strategy for East Devon. Can the Portfolio Holder confirm how much money we have secured from the farming in protected landscapes allocation from Defra or FiPL which can be used to plant trees and hedgerows in East Devon?

Answer:

The Defra allocated funding to East Devon AONB for Farming in Protected Landscapes (FiPL) covers grants, administration and advice and guidance. It is available for the period 2021-2025. The grant can cover a range of farmland-based activities, including tree planting.

The total available funding for projects in 2023-25, which will be applied to fund existing multi-year projects as well as new projects is:

2023-24	£197,596
2024/25	£260,056

For other areas of East Devon District, it should be noted that the Blackdown Hills AONB also operates a FiPL programme and has a slightly larger allocation.

Thank you, Councillor, for your question, which I hope has been answered but I would like to add that this fund to encourage tree planting in the AONBs is not the only offsetting we are engaged in, in fact it's only a small contributory factor to the work we are doing.

It's really important to remember that the subject of "Climate Adaptation" is a massive topic and includes much more than just trees. Climate adaptation also relates how we farm, which provides massive potential for carbon storage just in our soil management, plus how we manage our intertidal wetlands, our commons and even the seabed off our coasts with carbon guzzling seagrass and seaweeds. There are green energy projects plus supporting the transitioning to greener energy and buffering the grid during the transition with battery storage. Together with our partners I believe we are getting there.

Examples on our delivery for increased tree cover recently has been our support for the Lower Otter Restoration Project where 23,000 trees were planted but note that some of these plantings were done to compensate for some loss of trees to the inter-tidal habitat created under the scheme. The longer-term net gain of tree (and hedgerows) in the area, and the project itself ticks many boxes for Climate Adaption.

In my ward the Woodland Trust has planted 13,000 trees in a new woodland known as "Yonder Oak Wood" between Woodbury and Lypstone on 53 acres of land, and again its will also benefit upper catchment flood alleviation to protect communities.

The Clyst Valley Regional Park, target for tree planting is also a fine example of our work with a target of increasing our tree canopy cover from a very poor 12% to over 20%.

We are working with a Devon County Council to produce a County wide new tree policy and this I hope will be adopted by ourselves and all Authorities in Devon and included into the Local Plan Policy.

There is so much exciting work still to do on Trees and Nature adaption that will probably require a "Portfolio Group" to oversee details coming forward in the next few months.

Question 8: Procedure Rule 9.2 to the Portfolio Holder for Finance and Assets (Councillor Paul Hayward) from Councillor Mike Goodman

Under the Department for Transport's "Inclusive Mobility" Guidance of 2021, related to disabled parking provision it is recommended under 8.2.iii *"For car parks associated with shopping areas, leisure or recreational facilities, and places open to the general public: a minimum of one space for each employee who is a disabled motorist, plus 6% of the total capacity for visiting disabled motorists."* Can the portfolio holder confirm in light of the changes made to a number of car parking spaces to accommodate EV's what is the current policy followed by East Devon Council?

Answer:

We currently offer 143 disabled car parking spaces across our 56 car parks, which averages around 2.5 dedicated bays per car park. Our disabled spaces are strategically located to be close to pay and display machines and pedestrian access to amenities.

Installation of electric vehicles chargers does come at the expense of our total car park capacity, especially as 2 new electric vehicle chargers, requires the space of 3 normal car parking bays. However, we will not be seeking to reduce the number of disabled parking bays in any of our car parks to provide additional EV charging spaces.

Should the installation of EV chargers require the loss of disabled parking for logistical/technical reasons, then we will replace any lost disabled spaces elsewhere in the car park in the most convenient alternative place.

We are aware that disabled motorists will also be using the EV chargers within our car parks, and we will allow blue badge motorists additional time upon the end of their charging session to return to their vehicle.

We will shortly be installing 2 x new disabled bays close to the mobility beach hut at Queen's Drive Echelon (Exmouth), and we would welcome feedback on any of our car parks where there is felt to be insufficient disabled parking, so that we can carry out an assessment of our provision in relation to the context of the wider area, as Devon County Council also provide dedicated disabled spaces close to town centre and leisure amenities. It should also be noted that Devon County Council allow blue badge holders to park on single yellow lines for 3 hours, which subsequently reduces the demand for disabled parking within our car parks.

Stats:

143 disabled spaces, 2.55 per car park.

Lime Kiln, Budleigh Salterton – 4 out of 450 (1%)

Manor Road, Sidmouth – 8 out of 360 (2.2%)

London Hotel, Exmouth – 8 out of 150 (5%)

Ham West, Sidmouth – 7 out of 191 (3.6%)

West Street, Axminster – 7 out of 111 (6.3%)

Total spaces – 5216 (2.7% disabled)

Question 9: Procedure Rule 9.2 to the Leader (Councillor Paul Arnott) from Councillor Mike Goodman

Considering residents views when making decision is important in providing the right service to residents. To help listen to residents The East Devon constitution page 22 6.10 says the Leader and each Portfolio Holder will be advised and assisted in carrying out their responsibilities by a group of members. The group will be informal and flexible all working within each portfolio area. They will be of up to 15 members and shall as far as reasonably practical reflect the balance of the Council. The Monitoring Officer will work with Group Leaders to agree the composition of the portfolio teams.

I note that no such team has been in place for at least two years. Can the Leader please confirm when such a team is going to be agreed with the other leaders?

Answer:

This is something that we would be happy to look at moving forward and would suggest that it is added to the motion proposed by Cllr Hayward at Agenda Item 13 so that we can review this.

Question 10: Procedure Rule 9.2 to the Leader (Councillor Paul Arnott) from Councillor Jess Bailey

Please can the Leader explain why officers decided to enlarge West Hill's built up area boundary prior to the draft Local Plan being issued on 1st November 2022?

Answer:

Production of the new Local Plan involves reviewing the built up area boundaries of all settlements in the district where such a boundary is proposed including West Hill. This work has been overseen by Strategic Planning Committee who considered a topic paper on the principles of defining settlement boundaries at their meeting on 5th October 2021 and then agreed a proposed methodology for defining the boundaries at their meeting on the 5th April 2022. Officers then drew the boundaries using the agreed principles and these were included in the papers for Strategic Planning Committees meeting on the 1st November 2022 where it was agreed that these be consulted on as part of the draft Local Plan consultation.

Any enlargement of the built up area boundary for West Hill follows the principles agreed by Strategic Planning Committee. It will now be for the committee to review the responses received on the proposed boundary and decide how this is taken forward.

Question 11: Procedure Rule 9.2 to the Leader (Councillor Paul Arnott) from Councillor Jess Bailey

Please can the Leader advise whether EDDC requires hirers of Council-owned land for public events to have published safeguarding policies?

Answer:

Our event conditions of hire include the following: **Safeguarding children and vulnerable adults** - Event organisers have a duty to safeguard and promote the welfare of children and vulnerable adults at their event. You are responsible for and must comply with all regulations and laws in respect of safeguarding children and vulnerable adults at the Event.

This was discussed in 2017 and put in place from that point, being formally added to our conditions of hire in 2020 as part of the preparation of our Events Strategy and Plan. It is the event organiser's responsibility to comply with this. We have not required them to publish their policies, but reference to them in risk assessments are checked by the events team as part of the application process and the Safety Advisory Group when events are called to this (dependent on size).

Question 12: Procedure Rule 9.2 to the Leader (Councillor Paul Arnott) from Councillor Jess Bailey

Please can the Leader advise the amount of S.106 funds and CIL funds that EDDC holds for town and parish councils?

Answer:

The monies held by the Council in S.106 receipts and CIL are freely available through the Council's website at: [East Devon PFM - Home \(exacom.co.uk\)](http://exacom.co.uk).

Question 13: Procedure Rule 9.2 to the Leader (Councillor Paul Arnott) from Councillor Jess Bailey

Please can the Leader advise how much interest has been accrued to EDDC on S.106 and CIL monies it holds for town and parish councils since 2019 and whether that has been credited to the town and parish councils?

Answer:

The Council does not account for interest earned at this level, it is calculated at total authority level. On a daily basis taking all cash balances available, or not, interest is either paid or earned on a total basis for the Council.

Question 14: Procedure Rule 9.2 to the Leader (Councillor Paul Arnott) from Councillor Jess Bailey

Please can the Leader advise how many voters were turned away as a result of not having photo ID at the elections on 4th May?

Answer:

38 did not get a vote.
80 were initially turned away, with 42 coming back with appropriate identification.

Question 15: Procedure Rule 9.2 to the Portfolio Holder for Strategic Planning (Councillor Olly Davey) from Councillor Melanie Martin

There are increasing calls for a new law to guarantee Swift bricks in every new home. The Swift is in decline partly due to loss of habitat and this hollow brick can also be used by other endangered roof nesting birds such as House Martins, Sparrows and Starlings. Would the Portfolio Holder therefore commit to seeking to ensure that the forthcoming East Devon Local Plan contains Swift-friendly policies, in particular a requirement that new buildings will be Swift-friendly?

Answer:

The draft Local Plan which was consulted on earlier this year includes a range of policies designed to protect and enhance habitats and bio-diversity within the district including Policy 91 which among other things requires the provision of at least 1 bird box per new dwelling. It will be for Strategic Planning Committee to consider how these policies should be amended and what is then included in the final draft of the plan which is then taken forward to an examination in public.

Question 16: Procedure Rule 9.2 to the Portfolio Holder for Sustainable Homes & Communities (Councillor Dan Ledger) from Councillor Melanie Martin

Council owned accommodation 'voids' are advertised as available and can be bid on by people desperate for a home when in actual fact they are not available because they are undergoing necessary repairs before they can be let. There have been instances where this situation has gone on for several months and it is frustrating both for people looking for somewhere to live and for the Housing officers whom they liaise with.

Would the Portfolio holder commit to seeking agreement that properties are only placed on the list within one month of them being ready and not several months to a year?

Answer:

At present properties are advertised on Devon Home Choice when we receive notification that the property is to be terminated. When void works are complete and are ready to let shortlisted applicants are contacted and viewings are arranged. At present we are working with our partners to reduce void times and when void performance is improved we will then be in a position to review when properties are advertised on Devon Home Choice.

Question 17: Procedure Rule 9.2 to the Portfolio Holder for Sustainable Homes & Communities (Councillor Dan Ledger) from Councillor Melanie Martin

The situation with 'Voids' has recently come under scrutiny by the Housing Review Board. As of June 2023, EDDC had 187 empty properties undergoing repairs with 30 due to be ready within a week but another 60 coming up for repair. Void repairs have been taking up to an average of six months to be completed but, after an independent review by Echelon and implementation of new processes, the housing Solutions Manager has committed to clearing the backlog by mid-July, then going forward, to turn around a Void in category 1 within 15 days and category 2 within 20 days.

Would the portfolio holder seek agreement for the implementation of SLA's or some other means of accountability to ensure these timescales are adhered to?

Answer:

As outlined in detail to the June Housing Review Board, we are currently working to improve void times across the whole process. Steady progress is being made to clear the backlog and this work is continuing and we are monitoring this closely. Realistic targets can and will be set based on what is achievable given the current market conditions and the factors that are feeding into the challenges we face in this area. Once set, these targets can be monitored and gradually we can begin to set stretching targets so that we can seek continuous

improvement. Given where we are currently, the focus remains on clearing the backlog and establishing the new 'norm' given the considerably higher numbers of voids we are now seeing returned.

**Question 18: Procedure Rule 9.2 to the Leader (Councillor Paul Arnott)
from Councillor Melanie Martin**

Wales has become the first country in the UK to ban the use of snares and glue traps to catch wild animals. The snare has been used to catch rabbits and foxes but is indiscriminate and cannot distinguish between different species of animals such as household pets and protected animals such as badgers. Last year the UK banned glue traps, with exemptions under licence, with pest controllers still able to use them.

The RSPCA is against the use and manufacture of snares, the Welsh government is showing that it is a compassionate country and they say no to these devices which cause immeasurable suffering to animals, we should be following their example.

Would the Leader seek to have snares and glue traps banned without exemptions, on EDDC owned land and show support of a total ban across Devon and England?

Answer:

The Glue Traps (Offences) Act 2022 introduces a number of offences relating to glue traps in England and means that those found to have used a trap could face up to 6 months in prison and/or an unlimited fine. The Act will come into force in the next year or so and we await further guidance from the government. In addition to this, following a petition against the use of snares, the government has launched a call for evidence. We await the outcome of that call for evidence. Both will inform any steps that we take moving forward.

**Summary of recommendations being presented to Council
19 July 2023**

(Minutes in full have been circulated and are available online)

<u>Cabinet – 12th July 2023</u>	
Minute 24 - Revenue and Capital Outturn Report 2022 - 2023	
RECOMMENDED	<p>RECOMMENDED to Council:</p> <ol style="list-style-type: none"> 1. The outturn position for 2022/23 including the implications and proposals relating to the Balances and Reserves held by the Council. 2. The proposed reserve transfers contained within the report and give delegated authority to the Director Finance in consultation with the Finance Portfolio for any amendments to these transfers as additional year end data becomes available. <p>REASON: To accord with the Council's financial regulations, the report presents the outturn position for the Council's approved budgets for the General Fund, Housing Revenue Account and Capital Expenditure. The financial position would align to the Council's Statement of Accounts but the position in the report was presented in a style that accorded to the budget setting and monitoring reports that members receive. Members were asked to note the variations from the budgets identified within the report and consider the final position. It was appropriate at this stage to reflect on the reserves and balances held by the Council and determine if these were the right reserves at the right levels going forward.</p>
Minute 25 - Place & Prosperity Team Resourcing	
RECOMMENDED	<p>RECOMMENDED to Council:</p> <p>that additional revenue budget is secured to;</p> <ol style="list-style-type: none"> a) make the 2 year fixed term Project Manager – Exmouth post permanent at Grade 6. Revenue cost including on-costs of an additional £74,000 per annum from 2024/25 with a pro-rata allowance for latter 3 months of 2023/24, and b) make the Project Officer post full time. Additional revenue cost including on-costs would be £21,000 per annum from 2024/25 with a pro-rata allowance for latter 6 months of 2023/24.

	<p>REASON: To provide an appropriate level of resource to fulfil Service Plan objectives, Council, business, residents and others expectations in Placemaking.</p>
Minute 27- Delivering Environment Act 2021 new duties	
RECOMMENDED	<p>RECOMMENDED to Council:</p> <ol style="list-style-type: none"> 1. The appointment of an Ecology Officer and an Ecology Graduate Apprenticeship role to help enable the Council to meet its new duty for Biodiversity Net Gain; 2. To provide funding for an Ecology Officer role and an Ecology Graduate Apprenticeship role to enable the delivery of the new Environment Act 2021 duties for Biodiversity Net Gain, at a budget of £47,049 per annum for the Ecology officer role and £27,344 for the Graduate Apprenticeship role. To be funded initially from the Government's new burdens payments and the Council's General Fund Revenue budget, whilst this new burdens payment is made available and thereafter by the Council's General Fund Revenue; 3. That a letter is written to our MPs and ministers saying EDDC totally support the Biodiversity Net Gain policies within the Environment Act 2021, but are concerned on the cost implications associated in administering it. Therefore, can an urgent review and implementation of raising the fees for planning applications be carried out, to cover these extra costs, rather than the council looking at service reduction, or increased rate demands? <p>REASON: To be able to meet the Environment Act 2021 duty to deliver Biodiversity Net Gain from November 2023.</p>
Minute 28 - New Council Plan Process	
RECOMMENDED	<p>RECOMMENDED to Council:</p> <p>A budget of £10,000 for this work.</p> <p>REASON: To progress the development of the new council plan with member inclusion and SMT+ support.</p>
Minute 30 - Zed Pods Housing Development	
RECOMMENDED	<p>RECOMMENDED to Council:</p> <p>To approve a capital budget of £302k (to be funded from HRA) for the PCSA and the 'indicative' scheme costs to support the delivery of this scheme.</p>

	<p>REASON: To meet the council's aspiration to build new, carbon neutral homes and increase its housing portfolio, following its district wide depletion due to extensive Right to Buy purchases. There had also been a change in Right to Buy legislation which now requires Local Authorities to build new homes with their receipts rather than acquire homes from the open market, as the council had historically done.</p>
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EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 7 June 2023

Attendance list at end of document

The meeting started at 6.00 pm and ended at 6.43 pm

1 Public speaking

Cllr Steve Gazzard spoke on the subject of Exmouth Town Council expression of interest in taking over the toilet block by the Imperial Recreation Ground in Exmouth. In partnership with Transition Exmouth it had become clear that the building could become more than this and a vision of an Eco Hub was launched. They see this as a once in a lifetime project and needed help to move this forward. Cllr Gazzard asked the following questions and that contact was made to the Town Clerk as a matter of urgency.

1. Can these toilets be removed from EDDC's toilet review?
2. Can the deadline for moving the project forward be extended up to 18 months?
3. Can EDDC join the project and assist with their knowledge, staffing and financial input?
4. Can a meeting of the appropriate Portfolio Holders, the Leader and the Climate officers from EDDC and DCC be arranged to highlight the proposals of this project.

In response the Chair stated he could not answer any operational decisions and would refer them to officers to ensure positive discussions would take place.

2 Minutes of the previous meeting

The minutes of the previous meeting of Cabinet held on 29 March 2023 were agreed.

3 Declarations of interest

Min 6. Minutes of Placemaking in Exmouth Town and Seafront Group held on 14 March 2023.

Councillor Matt Hall, Affects Non-registerable Interest, Relevant Portfolio Holder for this group.

Min 6. Minutes of Placemaking in Exmouth Town and Seafront Group held on 14 March 2023.

Councillor Nick Hookway, Affects Non-registerable Interest, Exmouth Town Councillor.

Min 6. Minutes of Placemaking in Exmouth Town and Seafront Group held on 14 March 2023.

Councillor Olly Davey, Affects Non-registerable Interest, Exmouth Town Councillor.

Min 7. Minutes of Asset Management Forum held on 13 March 2023.

Councillor Matt Hall, Affects Non-registerable Interest, Relevant Portfolio Holder for this group.

Min 7. Minutes of Asset Management Forum held on 13 March 2023.

Councillor Nick Hookway, Affects Non-registerable Interest, Exmouth Town Councillor.

Min 8. Minutes of Poverty Working Panel 20 March 2023.

Councillor Matt Hall, Affects Non-registerable Interest, Works for Exeter City Council.

Min 9. Minutes of LED Monitoring Forum held on 11 April 2023.

Councillor Matt Hall, Affects Non-registerable Interest, Relevant Portfolio Holder for this group.

4 **Matters of urgency**

None

5 **Confidential/exempt item(s)**

None

6 **Minutes of Placemaking in Exmouth Town and Seafront Group held on 14 March 2023**

Members agreed to note the Minutes of Placemaking in Exmouth Town and Seafront Group held on 14 March 2023.

7 **Minutes of Asset Management Forum held on 13 March 2023**

Members agreed to note the Minutes of Asset Management Forum held on 13 March 2023.

8 **Minutes of Poverty Working Panel 20 March 2023**

Members agreed to note the Minutes of Poverty Working Panel 20 March 2023.

9 **Minutes of LED Monitoring Forum held on 11 April 2023**

Members agreed to note the Minutes and recommendation of LED Monitoring Forum held on 11 April 2023.

Minute 45 Options to reduce energy consumption at EDDC swimming pools

Cabinet RESOLVED:

That consultants be appointed to advise Council and LED about the most appropriate way of moving forward for achieving carbon neutral swimming pools and leisure centres.

10 **Minutes of Recycling and Waste Partnership Board held on 20 April 2023**

Members agreed to note the Minutes of Recycling and Waste Partnership Board held on 20 April 2023. Concern was raised over the current Recycling and Waste contract finishing at the end of June with Cabinet not meeting again until mid-July and what, if any, risks this may have for the council. The concern would be raised with relevant officers.

11 **Better Care Fund Financial Assistance Policy**

The Principal Environmental Health Officer Private Sector Housing presented the report. The Housing Grants, Construction and Regeneration The Housing Grant, Construction and Regeneration Act 1996 and The Regulatory (Housing Assistance) (England and Wales) Order 2002 introduced grants and loans for residents to undertake home improvements and adaptations to help restore or enable independent living; privacy; confidence and dignity for individuals and families.

The policy outlined how EDDC Environmental Health Private Sector Housing administered and distributed the budget in the Better Care Fund plan.

Cllr Mike Goodman raised an issue over the Equalities impact assessment stating 'Low impact' for the report. He said this was an important paper helping many people and addressed many equality issues. He asked if these should be recorded in more detail even the positive notes. The Principal Environmental Health Officer Private Sector Housing said the assessment was scored 'Low impact' as this was a transparent policy but agreed that this could have been recorded as such.

RESOLVED:

That the adoption of the East Devon Better Care Fund Financial Assistance Policy, in order to meet the Housing Grant, Construction and Regeneration Act 1996 and The Regulatory (Housing Assistance) (England and Wales) Order 2002, be agreed.

REASON:

The East Devon Better Care Fund Financial Assistance policy ensures that the eligibility; conditions and use of the mandatory and discretionary grants are transparent and reasonable for the applicants.

The East Devon Better Care Fund Financial Assistance policy is consistent with other Council's in Devon and ensures that the determination and application of the grants are consistent.

The policy demonstrates collaborative working with Devon County Council Social Services to deliver the Better Care Fund plan for residents in East Devon.

The policy supports East Devon residents to adapt their home so that it is safer and easier to get around and to use facilities for everyday tasks like cooking and bathing. And to help restore or enable independent living; privacy; confidence and dignity for individuals and families.

Attendance List

Councillors present:

M Rixson
D Ledger
M Hall
O Davey
S Jackson
J Loudoun
N Hookway
P Arnott (Chair)

P Hayward (Vice-Chair)

Councillors also present (for some or all the meeting)

- R Collins
- P Faithfull
- S Gazzard
- M Goodman
- M Hartnell
- B Ingham
- E Rylance
- S Smith

Officers in attendance:

- Matthew Blythe, Assistant Director Environmental Health
- Amanda Coombes, Democratic Services Officer
- Simon Davey, Director of Finance
- Jody Harding, Principal Environmental Health Officer
- Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)
- Andrew Hopkins, Communications Consultant

Councillor apologies:

- G Jung

Chair

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 12 July 2023****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 9.15 pm

12 Public speaking

Aynsley Jones, Cranbrook Community Hub Manager spoke on the item Home Office Asylum Hotel, Hampton by Hilton, Exeter Airport. She was connected to the school mentioned in the report. The school was a multi-agency school with 48 students on its roll seeking asylum. Safeguarding was paramount and everyone's responsibility within the community. They had weekly meetings with families at the hotel and had gathered substantial evidence albeit from talking to the children. Food was considered substandard, the menu didn't change and there was no consideration given to cultural differences. 30% of the children do not eat the food provided at the hotel, with 2 cases of malnutrition. There were no individual cooking facilities or fridges, which impacted the storage of medication and baby milk. Snacks were provided on a first come first served basis, if issued at all. 18% of the students had severe trauma and through the lack of funds could not be adequately supported and 21% had potential undiagnosed SEND. Untrained hotel staff were still triaging medical appointments resulting in residents suffering and not getting the medical attention they required.

Multiple hotel management changes resulted in misinformation or fear. There was no shuttle bus to Exeter or Pinhoe surgery and no provision of over the counter medication. The taxi company used was ineffective with an average waiting time of 4 hours. There was no chaperone on the school bus even with some children being as young as 4 years old. There was no transport for residents to leave the hotel. There was no clear complaints procedure. Each organisation was working independently of each other which resulted in action being slow and issues surrounding accountability and coordination; which the Home office should be doing. There needed to be an independent body to coordinate the wellbeing of the hotel residents. She commended the work being done by Refugee Support Devon, but one welfare officer was just not enough. She wished to see a 40-strong volunteer buddy scheme supported by the Pickwell Foundation with financial support from EDDC and others. This would ensure residents were supported and integrated into the community alongside having health and wellbeing advice.

13 Minutes of the previous meeting

The minutes of the previous meeting of Cabinet held on 7 June 2023 were agreed.

14 Declarations of interest

Min 17. Home Office Asylum Hotel - Hampton by Hilton, Exeter Airport.
Councillor Jess Bailey, Affects Non-registerable Interest, Devon County Councillor.

Min 17. Home Office Asylum Hotel - Hampton by Hilton, Exeter Airport.
Councillor Nick Hookway, Affects Non-registerable Interest, Retired member of the National Education Union.

Min 17. Home Office Asylum Hotel - Hampton by Hilton, Exeter Airport.
Councillor Peter Faithfull, Affects Non-registerable Interest, Member of the Ottery Refugee Response Group.

Min 18. Minutes of Placemaking in Exmouth Town and Seafront Group held on 30 May 2023.

Councillor Nick Hookway, Affects Non-registerable Interest, Is a Exmouth Town Councillor.

Min 18. Minutes of Placemaking in Exmouth Town and Seafront Group held on 30 May 2023.

Councillor Olly Davey, Affects Non-registerable Interest, Is a Exmouth Town Councillor.

Min 25. Place & Prosperity Team Resourcing.

Councillor Olly Davey, Affects Non-registerable Interest, Is a Exmouth Town Councillor.

Min 26. Broadclyst Neighbourhood Plan ('the Plan') to be formally 'made'.

Councillor Eleanor Rylance, Affects Non-registerable Interest, Parish Councillor for Broadclyst and was a member of the Neighbourhood Planning Group.

Min 30. Zed Pods Housing Development.

Councillor Tony McCollum, Affects Non-registerable Interest, Lives in the proposed area referred to in the report - (he left the meeting at this point).

15 **Matters of urgency**

There were none.

16 **Confidential/exempt item(s)**

There is one item which officers recommend should be dealt with in this way Zed Pods Housing Development recorded at Minute 30.

17 **Home Office Asylum Hotel - Hampton by Hilton, Exeter Airport**

The Director Housing, Health & Environment provided a position statement on the background and current issues being experienced by asylum seekers placed in hotel accommodation in the district by the Home Office. The Multi-Agency Coordination Group had been very effective in securing services for asylum seekers under partners control, however, a number of issues outside of EDDC's and partners control had persisted from mobilisation of the hotel. Despite the council's best efforts these concerns centred mainly around the adequacy of food and robust safeguarding arrangements remained issues. The report advocated continuing to work with local partners to ensure that the Home Office responded positively to the issues being raised with them. The report proposed extending the welfare support being provided by Refugee Support Devon to go some way towards improving the situation.

Councillor Kevin Blakey read out a statement that had been approved by all 3 Cranbrook ward members, this is summarised below:

'The recommendation is that Cabinet endorse measures being taken to ensure the Home Office are accountable for providing adequate feeding and safeguarding of the asylum seekers. This is fine so far as it goes but it does not address the real and urgent matter of the provision of inadequate food for the disparate groups of people occupying the hotel.

I have been to the hotel, along with Cllr Kim Bloxham and Cllr Jess Bailey, to observe the foodservice operation. While the residents say that matters have improved with the availability of fresh fruit such as oranges and bananas over the last few weeks; since the local school raised its concerns with us, the main meals remain woefully unappetising to many. There was a lack variety and no provision of fresh vegetables or salads to ensure a healthy and balanced diet. On the occasion we visited, people were taking platefuls of only rice or potatoes, much of which was then thrown away, particularly potatoes that had not had eyes removed before cooking and were pale in colour even though they purported to be roast potatoes.

Meat is an issue. The small amount served sat in bland sauce that some of the residents disliked, the remaining residents could not eat it because their faiths do not permit the consumption of red meats. They will not eat the chicken because, according to all those that we spoke to the meat stinks and they do not believe it is safe or good to eat. Whilst there are certainly cultural issues with food at the hotel, we understand that the children are eating all types of foods at the Cranbrook Education Campus which seems to confirm the problem with the quality of the food being shipped in by the current contractor at the hotel.

Simon Jupp MP has been in touch with the service provider, who told him that they had received no complaints about the food and that all special dietary needs were being met. All the residents we spoke to complained about the food and 2 people who are diabetic have never been offered food appropriate to their medical needs. Perhaps these complaints have never been expressed to the service provider.

Some of those we spoke to reported increasing illness and weight loss. In short, many are suffering from malnutrition. This is not about quantity, it is about the quality, nutritional balance and cultural acceptability of what is offered. Remember that a significant proportion of the residents are children who need suitably balanced food to grow. The monotonous and unappetising offering currently provided is not working.

This is not about providing a restaurant experience for the residents. We are not forgetting that all the residents are waiting for their asylum or residency applications to be determined by the Home Office, who will decide whether they have valid reasons to be in the UK. Whatever the outcomes of their applications, it is clear to us that while they wait for the Home Office decisions, they should be treated humanely and with respect. The rights and wrongs of how the asylum seekers got here is not a matter for us, but in the 21st century the UK has no excuse for treating anybody in such a careless and inappropriate manner. East Devon surely cannot permit poor treatment of our guests, whether they are welcome or not.

The report shows that a grant of £217,500 is available to meet local needs. £31,000 has already been earmarked for transport (actually extending welfare support provision), leaving around £186,000 for other support. First and foremost we believe that the Home Office should cancel the current food supply contract. Sending bulk cooked food over long distances makes no sense financially, environmentally or qualitatively. We suggest that the food should be prepared locally, particularly as this will enable council officers and members to have close contact.

The food does not need to be more expensive than that which is currently provided so we are not suggesting that the Home Office increase the budget, just spend it better. Indeed many of the foods wanted by the residents are cheap to make, particularly meat-free meals with an emphasis on pulses and fresh vegetables. We ask that this council writes to the Home Office urgently to robustly ask for this.

We also note that local schools, particularly the Cranbrook Education Campus, are providing food and even school uniforms with no additional funding. This is clearly unsustainable, and government should provide additional funding for the extra costs incurred by the schools.

Transport is another issue. The fact that the hotel is in an isolated location with no facilities within a walkable distance means that the residents are reliant on buses or taxis to get to schools or doctors. In the case of school transport, some children as young as 4 years are travelling without a chaperone, clearly unacceptable. We suggest that some of the available budget be used to pay for a coordinator to manage all residents' needs, including transport, health and food requirements so that children can get to and from school with appropriate safeguarding and that transport to doctors can be effectively arranged.

In conclusion, EDDC must press the Home Office to make the changes we have suggested. This is a highly emotive matter but I believe the decisions made by Cabinet today should be guided by the humanitarian needs that are pressing here and now. We feel sure you will make the right choices.'

Further discussions included the following:

- Why was the Home Office not providing bus passes and additional support to medical facilities?
- Call on Simon Jupp MP to put pressure on the Home Office to terminate the food contract particularly as the school summer holidays were coming up, so the children would not have access to food from the schools
- Set up a mobile kitchen on site to alleviate the lack of access to kitchen facilities
- Give temporary working permits to those residents that could work
- The need for a Safeguarding Lead to protect young people and vulnerable adults
- The hotel management lacks capability
- The urgency to act and step-up now as the Home Office was not
- The need to hold the Home Office to account
- The need for rapid action – there were residents in the hotel more than capable of cooking for large numbers
- This was shameful and embarrassing – less talk more action
- There were plenty of capable and willing local providers
- Should a Task and Finish Forum be set up to get things done?
- The need for clear communications with the Home Office to what the issues are and to keep up the pressure on issues we cannot control or deliver
- There has been limited sight of the self-audit report from the Home Office

RESOLVED:

1. To delegate authority to the Director of Finance, Director of Housing, Health & Environment in consultation with the Portfolio Holder Finance (Assets) and Portfolio Holder Sustainable Homes and Communities as well Cllrs Bailey, Bloxham and Blakey to spend up to £217k. The spend is to be used for welfare support, transport, kitchens, food contract, healthcare & medication, fridges, hotel management, safeguarding, insurance concerning the use of kitchens and infant food.
2. To send a further letter to the Home Office expressing the council's ongoing concerns, while still putting pressure on the local MP Simon Jupp to take further action with the Home Office

3. To explore the issues of an off-site meeting and the hiring of a co-ordinator type role.

REASON:

To maintain pressure on the Home Office to ensure that asylum seekers in the district are properly fed and safeguarded whilst in their care.

18 **Minutes of Placemaking in Exmouth Town and Seafront Group held on 30 May 2023**

Members agreed to note the Minutes of Placemaking in Exmouth Town and Seafront Group held on 30 May 2023.

19 **Minutes of Housing Review Board held on 15 June 2023**

Members agreed to note the Minutes and recommendations of Housing Review Board held on 15 June 2023.

Cabinet RESOLVED the following:

Minute 10 Results of tenant satisfaction survey

1. The facilitation of a series of focus groups to be held with tenants who have offered to provide further insight and information on their experiences with the housing services. Officers would then review and use these findings to further inform future improvements.
2. The further surveying of tenants over the coming months in order to monitor satisfaction levels more closely and more frequently and as a way of assessing whether levels of satisfaction were improving.

Minute 12 Consumer Standards – self assessment

A joint workshop is undertaken with officers and tenants on receipt of the revised Consumer Standards from the regulator.

Minute 14 Finance report

The Housing Revenue Account and Housing Capital Finance 2022/23 year end outturn report, and approve the reserve recommendations.

Minute 15 Chartered Institute of Housing Qualifications

The approach set out in the report and support the drive towards ensuring officers had or worked towards achieving a relevant professional housing qualification, which would improve the ability to deliver a service that met the needs of the tenants and the standards required by the Social Housing Regulator in a sustainable and timely way.

Minute 16 Subscription for Advantage South West

1. To continue paying the annual subscription to maintain the membership to Advantage South West.
2. In future the decision to continue paying the annual subscription for housing frameworks be delegated to the Assistant Director Housing.

Minute 20 Interim Housing Operations Manager

The recently created Housing Operations Manager position be filled on an interim basis using the individual put forward by a recruitment agency with the additional costs to be financed through the Housing Revenue Account.

20 **Minutes of Asset Management Forum held on 19 June 2023**

Members agreed to note the Minutes of Asset Management Forum held on 19 June 2023.

21 **Minutes of Poverty Working Panel held on 26 June 2023**

Members agreed to note the Minutes of Poverty Working Panel held on 26 June 2023.

22 **Water Safety & Drowning Prevention Policy**

The Beach Safety Officer explained that the MCA code of practice Managing Beach Safety 2019, required that every council with coastal water had a specific policy detailing how they manage coastal risk. Further the National Water Safety Forum's Drowning Prevention Strategy asked all councils to have strategic plans in place to prevent drowning at their beaches and open water sites. As EDDC currently does not have either policy, the policy sought to address these issues.

RESOLVED:

That the EDDC Water Safety and Drowning Prevention Policy be adopted.

REASON:

The MCA code of practice Managing Beach Safety 2019, required that every council with coastal water had a specific policy detailing how they manage coastal risk.

23 **Decarbonising our housing stock and providing affordable warmth for tenants**

The Assistant Director Housing Task Force updated Members on the work with local business Remit Zero who were based at Exeter Science Park. The work was on a proposal to install their 'cylo' product in ten council homes as a way of decarbonising council homes and providing tenants with affordable warmth. Cylo was a ground-breaking technology that provided zero emission affordable heating and hot water. Cylo had the potential to support the decarbonisation of most UK homes and was particularly well suited to homes occupied by those on lower incomes, given its ability to store electrical energy as heat during low-cost periods from the grid and/or generated by local renewables such as solar PV.

RESOLVED:

1. That Support for the Innovate UK funding bid and the council's role as a collaboration partner be agreed.
2. That Funding of the Council's contribution to the bid of up to £108,540 plus recoverable VAT as outlined in the above mentioned bid be agreed.
3. That Regardless of the outcome of the Innovate UK application, commit to funding the project, £475,862 (excluding recoverable VAT) from the HRA, initially authorising the issuing of an order to Remit Zero in the sum of £285,056.7 + VAT to enable the timely delivery of this project ahead of autumn 2023, be agreed.
4. To grant a waiver of Contract Standing Orders for the reasons outlined in the report be agreed.
5. That delegated authority be granted to the Director of Housing, Health & Environment to agree the terms of the contractual arrangements with Remit Zero in consultation with the S151 and Monitoring Officer, be agreed.

6. That delegated authority be granted to the Assistant Director Housing Task Force and Director of Finance in consultation with Portfolio Holder Finance (Assets) and Portfolio Holder Sustainable Homes and Communities to investigate the issue of battery storage, and that members are given to opportunity to view the technology in action to inform members and alleviate any misconceptions.

REASON:

The project would advance the commitment to decarbonise the council's housing stock and provide tenants with affordable warmth.

24 **Revenue and Capital Outturn Report 2022-2023**

The Finance Manager presented his report which set out the revenue budget and capital outturn positions at the end of the financial year. The 2022/23 outturn position of the General Fund was a positive one with a surplus balance for reallocation of £1.367m.

RECOMMENDED to Council:

1. The outturn position for 2022/23 including the implications and proposals relating to the Balances and Reserves held by the Council.
2. The proposed reserve transfers contained within the report and give delegated authority to the Director Finance in consultation with the Finance Portfolio for any amendments to these transfers as additional year end data becomes available.

REASON:

To accord with the Council's financial regulations, the report presents the outturn position for the Council's approved budgets for the General Fund, Housing Revenue Account and Capital Expenditure. The financial position would align to the Council's Statement of Accounts but the position in the report was presented in a style that accorded to the budget setting and monitoring reports that members receive.

Members were asked to note the variations from the budgets identified within the report and consider the final position. It was appropriate at this stage to reflect on the reserves and balances held by the Council and determine if these were the right reserves at the right levels going forward.

25 **Place & Prosperity Team Resourcing**

The Assistant Director Place, Assets & Commercialisation explained to members that the work of the Place & Prosperity Team within the Place, Assets & Commercialisation Team had significantly increased in recent years with many significant and high profile current and pipeline projects insufficiently resourced.

RECOMMENDED to Council:

that additional revenue budget is secured to;

- a) make the 2 year fixed term Project Manager – Exmouth post permanent at Grade 6. Revenue cost including on-costs of an additional £74,000 per annum from 2024/25 with a pro-rata allowance for latter 3 months of 2023/24, and
- b) make the Project Officer post full time. Additional revenue cost including on-costs would be £21,000 per annum from 2024/25 with a pro-rata allowance for latter 6 months of 2023/24.

REASON:

To provide an appropriate level of resource to fulfil Service Plan objectives, Council, business,

residents and others expectations in Placemaking.

26 **Broadclyst Neighbourhood Plan ('the Plan') to be formally 'made'**

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

RESOLVED:

1. That the Broadclyst Neighbourhood Plan be formally 'made'.
2. Noted that once made the Plan will carry full weight in the planning decision making process as part of the statutory development plan for this Neighbourhood Plan Area (the parish of Broadclyst).
3. That Broadclyst Parish Council and their Neighbourhood Plan Steering Group be congratulated on all their hard work in developing the Plan.

REASON:

The Plan received a majority 'yes' vote in the neighbourhood area referendum, as required by the Regulations, and there was no substantive reason not to make the Plan. In addition, to recognise the significant work over a number of years by Broadclyst Parish Council and dedicated volunteers to prepare the Plan.

27 **Delivering Environment Act 2021 new duties**

The report informed Members that the Environment Act 2021 new duty for Biodiversity Net Gain becomes 'live' in November 2023. This would have a significant impact on the workload and ability of the Development Management team and District Ecologist to meet the demand generated by this new process. It was both a complex and technically specialised area of work, which required an additional Ecology Officer and further support, working alongside Development Management to provide advice on the requirements and application of the new regime.

The Portfolio Holder Coast, Country and Environment thanked officers for this report which he really welcomed and totally support its recommendations. He read out the following statement:

'We are required to start delivering the Biodiversity Net Gain duties this November, but we do not have the required experience in the field of Ecology or the knowledge amongst our work force to ensure this is carried out effectively and diligently, as we only have one officer at present to oversee everything. The alternative will be to bring in consultants to consider every application initially over 10 dwellings to check they are compliant and to train our planning team into the very technical aspects of this new ground breaking initiative. To hire consultants will be more costly in the long term, and probably cause delays in approving planning applications.

Why do we need more Ecology expertise?

We actually have 2 major emergencies, our dwindling Nature and our changing Climate. We have declared a Climate Emergency but we have not declared a Nature Emergency. Yet we know that without reversing the dramatic decline in Nature we have little chance in achieving zero carbon any time in the future. Enhancing and reversing the declining trend to Nature goes hand in hand with Climate Change.

Our ecological work already assists on current planning applications plus involved in the multi-agency, multi county River Axe catchment area where at present no building work

can proceed due to nutrient neutrality, plus supporting our already nature recovery work, plus working on a new Devon wide Tree Policy, and shortly our emerging East Devon's Local Nature Recovery Plan. We have talked to Councils who have already been engaged on Biodiversity Net Gain trials and their valued experience says we need more staff. We are only a few months away from the specified launch day and therefore this proposal is most urgent.

This proposal includes an Ecology Graduate Apprenticeship which fits neatly into our desire to "grow our own" quality knowledgeable staff for our future needs. I propose the recommendation but would like to add a further recommendation. That we write to our MPs and ministers saying we totally support the Biodiversity Net Gain policies within the Environment Act 2021, but are concerned on the cost implications associated in administering it. Therefore, can an urgent review and implementation of raising the fees for planning applications be carried out, to cover these extra costs, rather than the council looking at service reduction, or increased rate demands?'

Cllr Matt Hall did not take part in the debate and vote due to his planning work outside the district.

RECOMMENDED to Council:

1. The appointment of an Ecology Officer and an Ecology Graduate Apprenticeship role to help enable the Council to meet its new duty for Biodiversity Net Gain;
2. To provide funding for an Ecology Officer role and an Ecology Graduate Apprenticeship role to enable the delivery of the new Environment Act 2021 duties for Biodiversity Net Gain, at a budget of £47,049 per annum for the Ecology officer role and £27,344 for the Graduate Apprenticeship role. To be funded initially from the Government's new burdens payments and the Council's General Fund Revenue budget, whilst this new burdens payment is made available and thereafter by the Council's General Fund Revenue;
3. That a letter is written to our MPs and ministers saying EDDC totally support the Biodiversity Net Gain policies within the Environment Act 2021, but are concerned on the cost implications associated in administering it. Therefore, can an urgent review and implementation of raising the fees for planning applications be carried out, to cover these extra costs, rather than the council looking at service reduction, or increased rate demands?

REASON:

To be able to meet the Environment Act 2021 duty to deliver Biodiversity Net Gain from November 2023.

28 New Council Plan Process

The Chief Executive's report was provided to get agreement on the process for developing a new council plan. It included a draft timetable for that process.

RESOLVED:

1. That the suggested approach to the development of the new council plan including the member workshops with support from external consultants, be agreed.
2. To agree the timetable for the development of the new council plan.
3. That the continuation of the three council priorities with the inclusion of a fourth covering central services, be agreed.

RECOMMENDED to Council:

4. A budget of £10,000 for this work.

REASON:

To progress the development of the new council plan with member inclusion and SMT+ support.

29 **Local Government (Access to Information) Act 1985 - Exclusion of Press and 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).

30 **Zed Pods Housing Development**

The report sought approval to enter into a fully compliant Pre-Construction Services Agreement with Zed Pods Ltd. This would be procured via the South West Procurement Alliance Framework.

The Chair of Council, Cabinet, members and officers applauded and thanked Jo Garfoot for her dedicated hard work in introducing this brilliant project. The Leader also wished to thank Jo and officers as well as the Portfolio Holder Sustainable Homes and Communities for getting this project to this stage.

RESOLVED:

1. Subject to legal and financial due diligence, that the compliant Direct Award of a contract to Zed Pods Ltd (via the South West Procurement Alliance (SWPA) Framework to deliver the full Pre-Construction Service Agreement (PCSA) works on our behalf, be agreed.
2. That the fully resolved scheme and final ratified costs to be brought back to Cabinet for final approval and budget allocation upon completion of the PCSA works, be agreed.
3. EDDC writes to the Government requesting the revision of legislation regarding the issue of Right to Buy.

RECOMMENDED to Council:

4. To approve a capital budget of £302k (to be funded from HRA) for the PCSA and the 'indicative' scheme costs to support the delivery of this scheme.

REASON:

To meet the council's aspiration to build new, carbon neutral homes and increase its housing portfolio, following its district wide depletion due to extensive Right to Buy purchases. There had also been a change in Right to Buy legislation which now requires Local Authorities to build new homes with their receipts rather than acquire homes from the open market, as the council had historically done.

Attendance List

Present:

Portfolio Holders

M Rixson
G Jung

D Ledger
M Hall
O Davey
S Jackson
N Hookway
P Arnott
P Hayward

Cabinet apologies:

J Loudoun

Also present (for some or all the meeting)

Councillor Jess Bailey
Councillor Ian Barlow
Councillor Kevin Blakey
Councillor Kim Bloxham
Councillor Roy Collins
Councillor Peter Faithfull
Councillor Tony McCollum
Councillor Todd Olive
Councillor Eleanor Rylance

Also present:

Officers:

Peter Blyth, Beach Safety Officer
Tim Child, Assistant Director Place, Assets & Commercialisation
Amanda Coombes, Democratic Services Officer
Simon Davey, Director of Finance
Will Dommett, District Ecologist
Jo Garfoot, Assistant Director Housing Task Force
John Golding, Director of Housing, Health and Environment
Andrew Hopkins, Communications Consultant
John Symes, Finance Manager
Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)

Chair

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Planning Committee held at Otter Room/Clyst Room, Blackdown House, Honiton on 24 April 2023

Attendance list at end of document

The meeting started at 2.00 pm and ended at 5.05 pm.

In the absence of the Vice Chair, Councillor Sarah Chamberlain, the Committee agreed to Councillor Olly Davey being Vice Chair for this meeting.

118 Minutes of the previous meeting

The minutes of the Planning Committee held on 28 March 2022 were confirmed as a true record.

119 Declarations of interest

Minute 121. 22/1954/MOUT (Major) EXMOUTH LITTLEHAM.

Councillor Olly Davey, Affects Non-registerable Interest, had met with some of the objectors for this application and had also attended a presentation where the scheme was outlined.

Minute 121. 22/1954/MOUT (Major) EXMOUTH LITTLEHAM.

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the constitution Councillors Eileen Wragg, Colin Brown, Olly Davey, Bruce De Saram, David Key, Richard Lawrence, Geoff Pratt and Philip Skinner advised receiving lobbying emails in respect of this application.

Minute 122. 22/0783/MFUL (Major) WHIMPLE & ROCKBEARE.

Councillor Olly Davey, Affects Non-registerable Interest, Member of Devon Wildlife Trust.

Minute 122. 22/0783/MFUL (Major) WHIMPLE & ROCKBEARE.

Councillor Philip Skinner, Affects Non-registerable Interest, as Ward Member had met with different people at different times about this application.

Minute 122. 22/0783/MFUL (Major) WHIMPLE & ROCKBEARE.

Councillor Richard Lawrence, Affects Non-registerable Interest, as Ward Member had been in contact with people about this application.

Minute 122. 22/0783/MFUL (Major) WHIMPLE & ROCKBEARE.

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the constitution Councillors Eileen Wragg, Colin Brown, Olly Davey, Bruce De Saram, David Key, Richard Lawrence, Geoff Pratt and Philip Skinner advised receiving lobbying/information emails in respect of this application.

The Chair sought advice from the Planning Solicitor for clarification in the constitution about Members meeting with objectors, supporters or attending presentations. In response the Planning Solicitor advised that to safeguard members it was encouraged that members should only attend formal site visits or officer led presentations for any planning application.

120 Planning appeal statistics

The Committee noted there were no appeal decisions received for this month.

121 **22/1954/MOUT (Major) EXMOUTH LITTLEHAM**

Applicant:

Littleham 2010 Ltd., c/o Bell Cornwell.

Location:

Douglas Gardens, Douglas Avenue, Exmouth.

Proposal:

Outline application with all matters except access reserved for up to 44 residential units including demolition of 76 Douglas Avenue, open space provision, drainage and the creation of a linking pedestrian access.

RESOLVED:

1. The appropriate assessment forming part of the report be adopted.
2. Approve as per officer's recommendation with delegated authority to Assistant Director – Strategic Planning and Development Management in consultation with the Chair and Ward Members to amend Condition 9 to make it clear that notwithstanding the submitted drainage details there shall be no discharge of surface water to the combined sewer.

122 **22/0783/MFUL (Major) WHIMPLE & ROCKBEARE**

Applicant:

Aura Power Developments Limited.

Location:

Land east of Rutton Farm, Rull Lane, Whimple, EX5 2NX.

Proposal:

Construction and operation of a ground mounted solar farm, with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, ancillary equipment, landscaping and associated development.

RESOLVED:

Deferred to allow negotiations with the applicant to seek to secure amendments to minimise the visual impact of the development when viewed from the road to the south of the site.

123 **22/1761/FUL (Minor) WOODBURY & LYMPSTONE**

Applicant:

Mr R House.

Location:

Land at Venmore Barn, Woodbury, EX5 1LD.

Proposal:

Conversion and extension of existing buildings to create two residential dwellings, construction of six dwellings with associated landscaping, infrastructure and works and demolition of existing buildings.

RESOLVED:

Approved contrary to officer's recommendation with delegated authority to Assistant Director – Strategic Planning and Development Management in consultation with the Chair and Ward Members to draft appropriate planning conditions and subject to an appropriate Section 106 agreement to secure required planning obligations.

Members gave greater weight to the site being brownfield and the scheme including the conversion of the two existing buildings (in line with Policy D8) and applying the tilted balance as there is no five year land supply.

124 **22/1279/FUL (Minor) BUDLEIGH & RALEIGH**

Applicant:

Clinton Devon Estates.

Location:

Land at Frogmore Road, East Budleigh.

Proposal:

Demolition of detached garage and erection of proposed detached dwelling.

RESOLVED:

Approved as per officer's recommendation.

Attendance List

Councillors present:

E Wragg (Chair)

C Brown

O Davey

B De Saram

S Gazzard (abstained from voting on applications 22/1954/MOUT & 22/0783/MFUL as he had not attended the site inspections)

D Key

R Lawrence

G Pratt

P Skinner

Councillors also present (for some or all the meeting)

N Hookway

G Jung

Officers in attendance:

Ed Freeman, Assistant Director Planning Strategy and Development Management

Wendy Ormsby, Development Manager

Damian Hunter, Planning Solicitor

Wendy Harris, Democratic Services Officer

Councillor apologies:
S Chamberlain
K Bloxham
A Colman
M Howe
G Pook
E Rylance
T Woodward

Chairman

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Planning Committee held at Otter Room/Clyst Room, Blackdown House, Honiton on 25 April 2023

Attendance list at end of document

The meeting started at 10.00 am and ended at 5.00 pm. A brief adjournment took place at 11.25 am and reconvened at 11.30 am. A further adjournment took place at 1.00 pm and reconvened at 2.00 pm.

125 Declarations of interest

Minute 126. 22/0406/MOUT (Major) CRANBROOK.
Councillor Kim Bloxham, Affects Non-registerable Interest, Cranbrook Town Councillor.

Minute 126. 22/0406/MOUT (Major) CRANBROOK.
Councillor Richard Lawrence, Affects Non-registerable Interest, Ward Member as part of the land runs into Whimble and known to applicant as used to work with spouse.

Minute 126. 22/0406/MOUT (Major) CRANBROOK.
In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution Councillors Eileen Wragg, Kim Bloxham, Oly Davey advised receiving lobbying email in respect of this application.

Minute 127. 23/0047/FUL (Minor) BROADCLYST.
Councillor Sarah Chamberlain, Affects Non-registerable Interest, Broadclyst Parish Councillor and Ward Member.

Minute 129. 22/2782/FUL (Minor) DUNKESWELL & OTTERHEAD.
Councillor Colin Brown and Councillor David Key, Affects Non-registerable Interest, Ward Member.

Minute 130. 23/0504/FUL (Minor) EXMOUTH LITTLEHAM.
Councillor Bruce De Saram, Affects Non-registerable Interest, Ward Member, member of Place Making Delivery Group formerly known as Queens Drive Delivery Group and land owned by East Devon District Council.

Minute 130. 23/0504/FUL (Minor) EXMOUTH LITTLEHAM.
Councillor Oly Davey, Affects Non-registerable Interest, Exmouth Town Councillor and member of Place Making Delivery Group formerly known as Queens Drive Delivery Group.

Minute 130. 23/0504/FUL (Minor) EXMOUTH LITTLEHAM.
Councillor Steve Gazzard, Affects Non-registerable Interest, Exmouth Town Councillor and member of the Place Making Delivery Group.

Minute 130. 23/0504/FUL (Minor) EXMOUTH LITTLEHAM.
In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution the Chair, on behalf of the Committee, advised that the Council owned the land in relation to this application.

Non-Committee Members

Minute 134. 22/1645/FUL (Minor) OTTERY ST MARY.

Councillor Peter Faithfull, Affects Non-registerable Interest, Ottery St Mary Town Council representative for the Feoffee Community Centre and a member of the Ottery St Mary refugee group that use the building.

The Planning Solicitor sought clarification from Councillor De Saram in relation to his comments set out on page 287 of the agenda regarding application 23/0504/FUL.

Councillor De Saram confirmed that he had come to the committee with an open mind and was prepared to listen to representations from all parties before reaching a final conclusion in respect to this application.

126 **22/0406/MOUT (Major) CRANBROOK**

Applicant:

Persimmon Homes.

Location:

Land at Cobdens, north of London Road, east of Cranbrook.

Proposal:

Outline planning application for up to 1,435 new residential dwellings, a neighbourhood centre with a maximum of 750 sqm gross ground floor space (Use Classes E and sui generis (hot food takeaways and pubs/bars)), a three form entry primary school (Use Class F1) with associated nursery provision (Use Class E) and community room (Use Class F2), a 50 space special educational needs school (Use Class F1), alternative natural green space, drainage basins, landscaping, place of worship (Use Class F1), parsonage, cemetery, 10 serviced pitches for gypsies and travellers, demolition of four barns and associated infrastructure with all matters reserved except for principal vehicular access off London Road to the south, connection to Phase 1 to the west and vehicular access to the serviced pitches for gypsies and travellers off London Road to the south east.

RESOLVED:

1. That the appropriate assessment set out in appendix 2 of the report be adopted.
2. Approved as per officer's recommendation with delegated authority to the Assistant Director – Planning Strategy and Development Management in consultation with the Chair and Ward Members to make changes/additions to conditions as follows:
'Amend or add conditions to:
(a) Require a timescale for providing street lighting and;
(b) Require details to ensure safe pedestrian access for all is available to occupied dwellings during the construction phase.'

127 **23/0047/FUL (Minor) BROADCLYST**

Applicant:

Mr Gary Moore (Land and Planning Consultancy).

Location:

The Gardens, Blackhorse, EX5 2FT.

Proposal:

Construction of five bungalows with associated access, parking and landscaping and demolition of existing stable building.

RESOLVED:

Approved as per officer's recommendation.

128 **22/1377/FUL (Minor) NEWBRIDGES**

Applicant:

Mr & Mrs D Branker.

Location:

Site of Spillers Cottage, Shute, EX13 7QG.

Proposal:

Construction of a dwelling (retrospective) for occupation while the dwelling permitted under reference 21/0535/VAR is constructed, after which the first dwelling will be demolished.

RESOLVED:

Refused as per officer's recommendation.

129 **22/2782/FUL (Minor) DUNKESWELL & OTTERHEAD**

Applicant:

Mr & Mrs Phillips.

Location:

Holmsleigh, land and buildings, Monkton, EX14 9NP.

Proposal:

Retrospective application for the temporary siting of a static caravan as a rural worker's dwelling.

RESOLVED:

Approved as per officer's recommendation.

130 **23/0504/FUL (Minor) EXMOUTH LITTLEHAM**

Applicant:

Mr Gerald Mills.

Location:

Queen's Drive Space, Queen's Drive, Exmouth, EX8 2AY.

Proposal:

Use of land for outdoor sport and recreation purposes, specifically for external hire for the running of exercise classes.

RESOLVED:

Approved as per officer recommendation.

131 **22/2409/MFUL (Major) BUDLEIGH & RALEIGH**

Applicant:

Mrs Mari Webster.

Location:

Higher Hawkerland Farm, Sidmouth Road, Aylesbeare, EX5 2JW.

Proposal:

Proposed solar farm development with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing CCTV, ancillary equipment, landscaping and biodiversity enhancements.

RESOLVED:

Approved as per officer's recommendation.

132 **22/0395/FUL (Minor) COLY VALLEY**

Applicant:

Mr Bernard Vanier.

Location:

The Oaks, Holyford Lane, Colyford, EX24 6HW.

Proposal:

Change of use of land to garden and construction of building to form artist studio/workshop and garden machinery store for use incidental to the enjoyment of the main dwelling house and associated works, including retention of earthworks, level changes and Devon Bank, hardstanding and installation of gates and landscaping (part retrospective).

RESOLVED:

1. The appropriate assessment to adopted.
2. Approved as per officer's recommendation.

133 **22/2632/FUL (Minor) COLY VALLEY**

Applicant:

Deborah Rymer

Location:

Clarkham Cottages, Swan Hill Road, Colyford, EX24 6QG.

Proposal:

Construction of one dwelling, means of access and associated works.

RESOLVED:

Approved as per officer's recommendation.

134 **22/1645/FUL (Minor) OTTERY ST MARY**

Applicant:

Mr Keith Taylor.

Location:

9 Mill Street, Ottery St Mary, EX11 1AA.

Proposal:

Construction of three detached dwellings to rear of The Old Manse with associated amenity space and parking.

RESOLVED:

1. That the Habitat Regulations Appropriate Assessment be adopted;
2. Approved as per officer's recommendation.

135 **22/2305/FUL (Minor) OTTERY ST MARY**

Applicant:

Trustees of Ottery Feoffee Charity.

Location:

Ottery Feoffee Day Centre, Brook Street, Ottery St Mary, EX11 1EZ.

Proposal:

Replacement of community centre with four residential flats (almshouses) with associated development to include access, landscaping and drainage.

RESOLVED:

1. That the Habitat Regulations Appropriate Assessment be adopted;
2. Approved contrary to officer's recommendation for the following reasons:
 - Sufficient evidence has been provided to demonstrate compliance with Strategy 32 of the East Devon Local Plan and there are a number of other community facilities in Ottery St Mary;
 - The sequential test with regard to flood risk is met because the applicant who is providing social housing has no other land available to them to deliver this particular and specialised form of housing;
 - The scale, design and appearance is now acceptable and has no significant adverse impacts on the Conservation Area;
 - There is adequate space around the building to secure adequate amenity for existing and future residents;
 - The social benefits outweigh any harm.
3. Delegated authority to the Assistant Director – Planning Strategy and Development Management in consultation with the Chair and Ward Members to draft appropriate planning conditions.

Attendance List

Councillors present (for some or all the meeting)

E Wragg (Chair)

S Chamberlain (Vice-Chair)

K Bloxham

C Brown (left the meeting at 3.10 pm)

O Davey

B De Saram

S Gazzard

D Key
R Lawrence
G Pratt (present for the afternoon session only)
P Skinner

Councillors also present (for some or all the meeting)

I Chubb
P Faithfull
N Hookway
T Wright

Officers in attendance:

Damian Hunter, Planning Solicitor
Wendy Ormsby, Development Manager
James Brown, New Community Officer, Development Management
Wendy Harris, Democratic Services Officer

Councillor apologies:

A Colman
M Howe
G Pook
E Rylance
T Woodward

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 13 June 2023****Attendance list at end of document**

The meeting started at 10.10 am and ended at 4.30 pm. The meeting was briefly adjourned at 12:30 pm and reconvened at 12:41 pm. The Chair adjourned the morning session at 1.41 pm and reconvened for the afternoon session at 2.18 pm.

1 Minutes of the previous meeting

The minutes of the Planning Committee held on 24 April and 25 April 2023 were confirmed as true records.

2 Declarations of interest

Minute 5. 22/0783/MFUL (Major) WHIMPLE & ROCKBEARE.

Councillor Sarah Chamberlain, Affects and prejudicial Non-registerable Interest, known to the applicant.

Minute 5. 22/0783/MFUL (Major) WHIMPLE & ROCKBEARE.

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the constitution Councillors Eileen Wragg, Sarah Chamberlain, Brian Bailey, Ian Barlow, Colin Brown, Steve Gazzard, Anne Hall, John Heath, Mike Howe, Henry Riddell, Simon Smith advised of lobbying in respect of this application.

Minute 6. 22/2120/MFUL (Major) EXMOUTH TOWN.

Councillors Brian Bailey, Steve Gazzard and Daniel Wilson, Affects Non-registerable Interest, Exmouth Town Councillor.

Minute 6. 22/2120/MFUL (Major) EXMOUTH TOWN.

Councillor Colin Brown, Affects Non-registerable Interest, had dealings with the applicant in the past.

Minute 6. 22/2120/MFUL (Major) EXMOUTH TOWN.

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the constitution it was advised all Committee Members had been lobbied in respect of this planning application.

Minute 7. 23/0405/FUL (Minor) EXMOUTH TOWN.

Councillors Brian Bailey and Daniel Wilson, Affects Non-registerable Interest, Exmouth Town Councillor.

Minute 7. 23/0405/FUL (Minor) EXMOUTH TOWN.

Councillor Steve Gazzard, Other Registerable Interest, holds a charity event on the Strand in memory of late daughter to help raise money for research.

Minute 7. 23/0405/FUL (Minor) EXMOUTH TOWN.

The Chair, on behalf of all Committee Members, Affects Non-registerable Interest, land is owned by EDDC.

Minute 9. 22/1839/MRES (Major) WOODBURY & LYMPSTONE.
Councillors Brian Bailey, Steve Gazzard and Daniel Wilson, Affects Non-registerable Interest, Exmouth Town Councillor.

Minute 9. 22/1839/MRES (Major) WOODBURY & LYMPSTONE.
Councillor Ian Barlow, Affects Non-registerable Interest, a friend owns land at the garden centre next to the application site.

3 **Annual appeals report**

The Development Manager presented an update report that gave Members an overview of the current planning appeal decisions situation for the period 1 April 2022 to 31 March 2023.

Members' noted that the East Devon appeal statistics graph showed a lower figure for planning appeals compared to the national appeal statistics graph and were pleased to note that out of the 47 appeals received only 23.4% had been allowed compared to 41.9% the previous year. Members' also noted that these figures showed that not only had the council met its set indicator of 70% but also was below the national average figure.

From further analysis of the application type these included four hearings all of which had been dismissed, 16 minor applications of which 80% had been dismissed and no awards of costs made either for or against the council.

Questions and comments raised by Members included:

- Clarification was sought on the total costs spent on the 47 appeals. In response the Assistant Director – Planning Strategy and Development Management advised that cost implications usually only occurred when dealing with Planning Inquiries as this involved external consultants. There were no inquiries last year but two are coming up this year which could cost between £20k-£30k each just for the barristers with additional costs if further external witnesses are needed.
- It was suggested that a record should be kept on the costs accumulated for officers' time and resources.
- Clarification was sought on how many times costs had been awarded against the council recently. The Assistant Director – Planning Strategy and Development Management referred to the annual monitoring reports and advised there had been no significant costs awarded against the council recently.

4 **Planning appeal statistics**

The Committee noted the planning statistics report setting out two appeal decisions both of which had been dismissed and 14 appeals in progress which included an appeal for the installation of a battery energy storage system (application 22/2216/MFUL) and the construction and operation of a ground mounted solar farm (application 22/0990/MFUL) which will use the Public Inquiry method. Both appeals are scheduled to be heard in September this year.

5 **22/0783/MFUL (Major) WHIMPLE & ROCKBEARE**

Applicant:

Aura Power Developments Limited.

Location:

Land east of Rutton Farm, Rull Lane, Whimble, EX5 2NX.

Proposal:

Construction and operation of a ground mounted solar farm, with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, ancillary equipment, landscaping and associated development.

RESOLVED:

Approved as per officer's recommendation.

6 **22/2120/MFUL (Major) EXMOUTH TOWN**

Applicant:

Churchill Retirement Living.

Location:

Jewson Ltd., Fore Street, Exmouth, EX8 1HX.

Proposal:

Redevelopment for 54 retirement living apartments and 6 retirement living cottages, including communal facilities, access, car parking and landscaping and 178sqm of commercial use (Class E).

RESOLVED:

Refused contrary to officer's recommendation.

Members considered that that proposal would not achieve a balanced community and would lead to a loss of employment land without the site having been marketed for at least 12 months to explore options for the retention of the site for its current or a similar use contrary to Strategy 4 and 32 of the Local Plan and Policy EE3 of the Exmouth Neighbourhood Plan. In addition the failure to provide a policy compliant level of affordable housing as set out in Policies H2 of the Local Plan and Exmouth Neighbourhood Plan means the social benefits of the scheme weigh less favourably in the planning balance.

7 **23/0405/FUL (Minor) EXMOUTH TOWN**

Applicant:

Mr Gerald Mills (EDDC).

Location:

Strand Gardens, The Strand, Exmouth.

Proposal:

Change of use of land for the siting of tables and chairs in association with adjoining businesses between Easter and the end of September until 2025.

RESOLVED:

Approved as per officer's recommendation.

8 **23/0703/FUL (Minor) DUNKESWELL & OTTERHEAD**

Applicant:

Mr & Mrs Plowden.

Location:

The Cottage, Stockland, EX14 9DS.

Proposal:

Changes to front elevation, partial raising of existing sunroom roof and relocation of front door.

RESOLVED:

Approved as per officer's recommendation.

9 **22/1839/MRES (Major) WOODBURY & LYMPSTONE**

Applicant:

3West Group Ltd.

Location:

Goodmores Farm, Dinan Way, Exmouth.

Proposal:

Partial reserved matters application (layout, scale, appearance and landscaping) pursuant to outline planning permission 14/0330/MOUT for 32 houses, 24 apartments (with bin and cycle stores), a fibre cabinet associated roads and parking.

RESOLVED:

Approved as per officer's recommendation.

10 **22/2121/MFUL (Major) WOODBURY & LYMPSTONE**

Applicant:

FWS Carter & Sons Ltd.

Location:

Land opposite Greendale Business Park, Woodbury Salterton.

Proposal:

Proposed new haulage trailer storage facility/compound.

RESOLVED:

Refused as per officer's recommendation.

11 **23/0298/FUL (Minor) WOODBURY & LYMPSTONE**

Applicant:

FWS Carter & Son.

Location:

Greendale Farm Shop, NHS Drive Through Vaccination Centre, Sidmouth Road, Farringdon, EX5 2JU.

Proposal:

Proposed replacement building for Vaccination Centre.

RESOLVED:

Refused as per officer's recommendation.

12 **23/0401/OUT (Minor) WOODBURY & LYMPSTONE**

Applicant:

Councillor Philip Jordan

Location:

Exton Lodge, Mill Lane, Exton, EX3 0PJ.

Proposal:

Outline proposal for a single dwelling with all matters reserved other than access.

RESOLVED:

Refused as per officer's recommendation.

Attendance List

Councillors present (for some or all the meeting)

B Bailey

I Barlow

C Brown

S Chamberlain (Vice-Chair) left the Chamber for application 22/0783/MFUL and did not take part in discussions or vote.

S Gazzard left the Chamber for application 23/0405/FUL and did not take part in discussions or vote.

A Hall

J Heath

M Howe

H Riddell

S Smith

D Wilson

E Wragg (Chair)

Councillors also present (for some or all the meeting)

O Davey

N Hookway

R Jefferies

G Jung

T Olive

Officers in attendance:

Ed Freeman, Assistant Director Planning Strategy and Development Management

Wendy Ormsby, Development Manager

Damian Hunter, Planning Solicitor

Wendy Harris, Democratic Services Officer

Tom Winters, Economic Development Officer

Councillor apologies:

- A Bruce
- F Caygill
- Y Levine
- E Rylance

Chairman

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Sub Committee held at Clyst Room, Blackdown House, Honiton on 24 April 2023

Attendance list at end of document

The meeting started at 9.28 am and ended at 11.02 am

32 Minutes of the previous meeting

The minutes of the previous meeting held on 6 April 2023 were agreed and signed as a true record.

33 Declarations of interest

There were none.

34 Matters of urgency

There were no matters of urgency.

35 Confidential/exempt items

There were no confidential / exempt items.

36 Determination of an application to vary a premises licence to allow the addition of an external bar to the premises' outside consumption area at The Puffing Billy, Station Road, Exton, EX3 0TR.

The meeting was a hearing under the Licensing Act 2003.

The Chair introduced the members of the Sub Committee.

The Sub Committee's legal advisor, Giles Salter, outlined the procedure for the meeting.

The Sub Committee considered the application for the variation of a premises licence to allow the addition of an external bar to the premises' outside consumption area at The Puffing Billy, Station Road, Exton, EX3 0TR.

The applicant, present and entitled to make representations was St Austell Brewery Co Ltd, represented by Mr Ewen Macgregor of TLT Solicitors. Also present and representing St Austell Brewery Co Ltd were Charlotte Bowden and Theo Rihl (The Puffing Billy) and Andre Quibell, Regional Business Manager.

The Licensing Authority had received representations from several local residents who had given notice that they did not wish to attend the hearing.

The Licensing Authority had not received any representations from responsible authorities regarding this application.

The Licensing Officer, Phillippa Norsworthy, summarised the application and confirmed that no further information relating to the application had been received since publication of the report.

In response to a question from the Sub Committee, it was confirmed that neither the Licensing Department nor Environmental Health had received any complaints concerning noise, or disturbance in the area where the bar is to be situated.

The applicant's representative had no questions for the Licensing Officer.

The applicant's representative made the case for the application and highlighted the following points:

- The application is for an external bar in an existing garden area where people can already consume alcohol; if the application is refused, people will still be permitted to sit outside and drink.
- There has been a single instance of someone urinating in a hedge; this was during the pandemic when restrictions meant that people had to wait longer than usual to access the toilets.
- The pub is central to the community, and food driven with a split in favour of dry sales over wet sales.
- An outside bar would stop people carrying their drinks along the footpath, and be safer and more enjoyable for families who don't want to leave young children in order to go to the bar.
- The appearance of external bars and beer gardens has happened, and the brewery has made numerous applications up and down the country.
- There will always be someone positioned behind the bar when it is open for the sale of alcohol; their presence will ensure supervision of the garden, where currently there is none.
- All products will be brought inside when the bar is not operational, and the bar will be inaccessible to customers.
- If the application is granted, there will be additional security coverage with CCTV in the external bar and garden area.
- Of those who have written in concerning the application, the balance is in favour.
- National guidance indicates that responsible authorities are the primary source of information; and there have been no representations from responsible authorities in relation to this application.

Members of the Sub-Committee put questions to the applicant's representative who made the following points in reply:

- Stock will be brought into the external bar at the start of the trading day from the kitchen and cellar, via a door behind the external bar.
- There will be two members of staff in the outside area during service; one as bar staff, the other serving food.
- Whilst the pavement along the front of the front is narrow, and vehicles park right up to it, there have been no problems with access for wheelchair users or pushchairs.
- It is not intended to have outside entertainment.
- The pub is currently recruiting for supervisors and managers to ensure appropriate staffing levels.
- It was confirmed that all alcohol including optics will be removed from the external bar at the end of the evening.

The applicant's representative made a final statement which included the following point:

- Three conditions were offered with the application, and his clients were happy for these to be added onto the licence if the application is granted.

The officers and the applicant's representatives left the meeting room. The Sub-Committee members remained in the room to make their decision.

The officers and the applicant's representatives returned to the meeting room.

The Sub-Committee was minded to grant the application with the condition that two members of staff are designated to the outside area at all times, during the external bar's operating hours.

37 **Determination of an application for the grant of a time limited premises licence to permit the provision of regulated entertainment and the supply of alcohol for consumption ON and OFF the premises at The Ham Recreation Ground, Sidmouth as part of Sidmouth Folk Week**

The Sub Committee considered an application for the grant of a time limited premises licence to permit the provision of regulated entertainment and the supply of alcohol for consumption on and off the premises at The Ham Recreation Ground, Sidmouth as part of Sidmouth Folk Week.

The applicant, present and entitled to make representations was Mr John Braithwaite for Sidmouth Folk Week Productions Ltd.

A local resident, Mr Pemberton, had made representations but had not given notice that he wished to attend the hearing. The Licensing Officer, Lesley Barber, shared with the applicant and the Sub Committee an email from Mr Pemberton which had come to her attention immediately before the hearing and to which there had not been time to respond, concerning his attendance.

The Licensing Authority had not received any representations from responsible authorities regarding this application.

The Licensing Officer summarised the application and stated that Mr Pemberton's representation was accepted because it referenced public nuisance. The licensable activities are to cease at 11pm and the closing time will also be 11pm; she highlighted this because it was the basis of Mr Pemberton's representation but was not the reason why the representation was accepted, and the finish times are the same as for previous years.

The Sub Committee had no questions for the Licensing Officer.

The applicant had no questions for the Licensing Officer.

The applicant made the case for the application and highlighted the following points:

- The festival has been running for 68 years, with a professional team in place.
- The organisers have appropriate facilities for the general public to feed back to them before and during the event.
- There were no complaints of nuisance or noise during the event last year.
- No evidence has been provided in respect of the representation on the grounds of public nuisance, so presumably no evidence exists.
- One resident has indicated that he is much happier during folk week than during normal weekends, because of the security in place and people are not able to make a lot of noise, keeping residents awake on The Ham.

- The applicant is concerned that Mr Pemberton appears to be taking an intimidatory stance; he outlined an exchange which he understands took place in the street between Mr Pemberton and a resident who supports the festival, which the applicant stated indicates more malice from Mr Pemberton than is appropriate for an issue of this nature.

In response to a question from a member of the Sub Committee, the legal advisor highlighted that there had been no concerns raised by statutory officers. He added that decisions had to be made on evidence and in this instance there is none; Mr Pemberton's points are speculative, with no evidence of any public nuisance having occurred.

The applicant made a final statement which included the following points:

- The whole basis of the representation is that the event organisers are seeking to extend the times for licensable activities, when this is not the case; the same conditions for entertainment and alcohol have been in place for the last 8 years.
- Some pubs have licences going on to 1pm; the festival's programmes are generally timed to finish at 10.30pm but some leeway is needed up to 11pm.
- The organisers will reviewing all policies with Police Licensing during the next 12 months, to ensure they are in tune with them.

The officers and the applicant left the meeting room. The Sub-Committee members remained in the room to make their decision.

The officers and the applicant returned to the meeting room.

The Sub-Committee was minded to grant the application. The event is appreciated, professionally run, and good for the local economy.

Attendance List

Councillors present:

K Bloxham (Chair)

A Dent

T Wright

Officers in attendance:

Lesley Barber, Licensing Officer

Sarah James, Democratic Services Officer

Phillippa Norsworthy, Licensing Officer

Giles Salter, Solicitor

Lee Staples, Senior Licensing Manager

Chair:

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Sub Committee held at Tale Room, Blackdown House, Honiton on 22 May 2023

Attendance list at end of document

The meeting started at 9.30 am and ended at 1.32 pm

38 Election of Chair for this meeting

Cllr Kim Bloxham was elected Chair for this meeting.

39 Minutes of the previous meeting

The minutes of the previous meeting held on 24 April 2023 were agreed and signed as a true record.

40 Declarations of interest

Cllr Maddy Chapman – Minute 6 – Member of Exmouth Town Council.

Cllr Olly Davey – Minute 6 - Member of Exmouth Town Council. The application is in the Member's ward and the applicant is known to the Member on Council business. The Member has played music in a pub owned by the applicant. One of the objectors, Nicky Nicholls, responding on behalf of Transition Exmouth, is known to the Member. The Member is also a member of Transition Exmouth.

Cllr Olly Davey – Minute 7 – the Member lives close enough to the application location to hear events occasionally.

41 Matters of urgency

There were no matters of urgency.

42 Confidential/exempt items

There were no confidential / exempt items.

43 Determination of an application for the grant of a premises licence to allow the supply of alcohol for consumption OFF the premises only on 3rd June & 4th June 2023 from a trailer bar located at Orcombe Point, Exmouth.

The meeting was a hearing under the Licensing Act 2003.

The Chair introduced the members of the Sub Committee.

The Sub Committee's legal advisor, Giles Salter, outlined the procedure for the meeting.

The Sub Committee considered the application for the grant of a premises licence to allow the supply of alcohol for consumption OFF the premises only on 3rd June and 4th June 2023 from a trailer bar located at Orcombe Point, Exmouth.

The applicant, present and entitled to make representations, was Oliver Bainbridge of The Can Do Pub Company Ltd.

Also present, and entitled to make representations, was Debra Quine of Bumble and Sea Café, Orcombe Point, Exmouth.

The Licensing Authority had not received any representations from responsible authorities regarding this application.

The Licensing Officer, Lesley Barber, advised that the objections were relevant to all four licensing objectives. Comments from the Police, Exmouth Town Council and the East Devon Beach Safety officer were contained in the report.

In response to questions from Members, the Licensing Officer advised the following:

- The current application is for two days in order to test out the proposal's suitability. A new application would be required for any additional dates.
- The dates of 3rd and 4th June had no specific significance.
- Monitoring of the situation would be by way of any Police report and visits by the Licensing Officer if the pop-up bar is in situ.
- Regarding the Public Space Protection Order, the only response from the Police to date was set out within the report.

In response to a question from the applicant, the Legal Advisor advised that it was the Sub Committee's prerogative to decide what weight to give to representations where the objector was not present at the hearing.

The applicant made his case for the application and highlighted the following points:

- The idea for the application had come from Lyme Regis Brewery which operates a similar event in Lyme Regis. Many local craft breweries operate in this way along the coast.
- The applicant cited a similar offering on the seafront at Hangtime by way of an example of a well run event.
- The applicant was aware of concerns regarding alcohol consumption on the beach and noted that the Police would not have agreed to the application last year. However, now that the covid pandemic and resulting problems had passed, the Police were happy for the applicant to apply and had no objections.
- The applicant noted the experience of the Strand in Exmouth where the presence of licencees had, in his view, improved the area, due to having responsible people on hand to act should any issue arise. The applicant was of the view that, should the application be granted, this could also have the same beneficial effect at Orcombe Point.
- The applicant had held a licence for 25 years with an exemplary record.
- The type of client buying the applicant's craft beer was not the same type of person who typically caused anti-social alcohol related problems on Exmouth beach.
- The applicant advised that beer would be sold in reusable cups which were more sustainable and resulted in significantly less waste.
- Should the application be granted, the two days would be used to gather evidence. The Police would not allow another application should issues arise as a result of this application being granted.

The Licensing Officer advised that Hangtime, referred to by the applicant, has, on occasion, been granted Temporary Event Notices for the consumption of alcohol in a

defined area on the premises. The sale of alcohol by Budgens seafront store is only one part of the business.

The interested party, Debra Quine, put questions to the applicant and the responses included the following:

- The applicant was of the view that the application could result in an improvement to the area at Orcombe Point, rather than a risk. Having responsible people on site would be positive rather than negative.
- The applicant regarded 7pm as the most appropriate time to finish the sale of alcohol as, in his view, the risk of anti-social behaviour increased after 9pm.
- Other locations on the seafront had been considered, but were not appropriate due to local sensitivities and potential conflicts. Queen's Drive had also been considered, however, there was already a bar selling the applicant's craft beer at the site.
- If the application is successful, the applicant was intending to apply for further pop-up events over the summer period.
- The reusable cups would be branded and clearly identifiable should they be left at the site. The applicant would be happy to conduct a beach clean at the end of each day.
- The applicant confirmed that the trailer would be moved off site each day.
- The applicant wished to record that his intention was to provide a pop-up offering only.
- The applicant was not aware of Exe Watersports which has a licence to be on the Orcombe Point part of the beach over the summer.
- Provision of a portaloos had not been considered as the intention was to provide a pop-up only.
- The applicant confirmed that 'Challenge 25' would be in operation.
- There would be a small silenced generator on site should the application be granted.

The interested party, Debra Quine, made her case and highlighted the following points:

- The interested party's business, Bumble & Sea, has never applied for a licence due to having spoken to the Police regarding anti-social behaviour in the area.
- Bumble & Sea staff have dealt with significant levels of anti-social and threatening behaviour which resulted in the café being closed while staff had to wait for the Police to arrive.
- The interested party was of the view that the applicant runs a very good business with a great product but that the proposed pop-up bar is in the wrong location.
- Should the application be granted, the applicant would leave the site at 7pm, however, Bumble & Sea staff would not leave until 9pm and would therefore have to deal with any resulting anti-social behaviour.
- It was noted that there is no street lighting at Orcombe Point and that the nearest toilets are some 600-700 metres away, by the lifeboat station, and too far for Bumble & Sea staff to walk.
- There was concern that the pop-up bar would create the impression that Orcombe Point was a good place for alcohol consumption.
- Exe Watersports worked with vulnerable children and this should be borne in mind when considering the application.

Members and the applicant had no questions for the interested party.

In his closing statement, the applicant re-iterated that, should the application be granted, this would help to improve the situation with anti-social behaviour at Orcombe Point for the reasons already outlined. Granting the application would enable evidence to be gathered and this approach had the support of the Police. None of the responsible bodies had any concerns regarding the application.

The Chair thanked everyone for attending and advised that the decision would be notified in writing within five working days.

This item finished at 10.34am and the meeting was then adjourned until 1pm.

44 **Determination of an application for the grant of a time limited premises licence to allow the exhibition of films, indoors and outdoors, the provision of live music, outdoors, the provision of recorded music, indoors and outdoors and the supply of alcohol ON the premises only at Lympstone Manor Hotel, Courtlands Lane, Exmouth, EX8 3NZ.**

The Sub Committee considered an application for the grant of a time limited premises licence to allow the exhibition of films, indoors and outdoors, the provision of live music outdoors, the provision of recorded music, indoors and outdoors and the supply of alcohol ON the premises only at Lympstone Manor Hotel, Courtlands Lane, Exmouth, EX8 3NZ.

The applicant, present and entitled to make representations was Lympstone Manor Ltd, represented by Mr Steve Edwards, Operations Director and Mr Alexander McEwen, General Manager and DPS.

The applicant had no witnesses to call.

The Licensing Authority had received two representations from local residents who had given notice that they did not wish to attend the hearing.

The Licensing Authority had received representations from East Devon District Council's Environmental Health Service and Exmouth Town Council's Planning Committee, who were not present.

The Sub Committee's legal advisor outlined the procedure for the meeting.

The Licensing Officer, Phillippa Norsworthy, summarised the application. Since the publication of the report, a response to the Notice of Hearing had been received from a local resident and had been circulated to all parties. The Police had reached an agreed position with the applicant.

Since the publication of the report, the applicant had come to an agreed position with the Environmental Health Service, details of which had been published with the report at Appendix D. The applicant had produced a Noise Management Plan (NMP) to the satisfaction of the Environmental Health Officer which had been circulated to the Sub Committee members in advance of the meeting. It had been agreed that music would stop at 11.00pm.

The Sub Committee had no questions for the Licensing Officer.

The applicant had no questions for the Licensing Officer but wished to clarify that the agreed position with the Environmental Health Service, as set out in the NMP, was to stop live music only at 11.00pm, but not recorded music.

The applicant made the case for the application and highlighted the following points:

- Up to 2,000 tickets were available for the event but to date only 400 had sold and the applicant considered it unlikely that actual numbers would reach anywhere near 2,000.

- Event parking was restricted to 230 cars, and spaces had to be booked in advance; ticket buyers were made aware of this via the website, social media, and at the point of ticket purchase. Those not arriving by car would be pedestrian, with access routes from Exmouth and Exeter on the cycle path and from the Rivermead Avenue bus stops. There might also be a Dartline coach but this was yet to be confirmed.
- The applicant recognised the importance of correct traffic management with minimal disruption to local residents. Event stewards would be positioned appropriately in order to syphon off event traffic via a one way system. There would be no road closures.
- WT Consultancy would be delivering an event Risk Management Plan.
- One representation referred to a 12-hour period of live or recorded music; this would not be the case, since the music stage would not start until 5.00pm.
- The music stage would be built in the bottom paddock, positioned in such a way that the sound would travel towards Exmouth rather than up the hill to the path of local residents.
- The applicant had given careful consideration to all areas and the owner felt there was enough interest to host an event of this nature again in the future.

Members of the Sub Committee put questions to the applicant who made the following points in reply:

- On exit, event traffic would be directed down Courtlands Lane, right at Longbrook Lane and out at the traffic lights by Saddlers Arms, meaning that traffic would miss out the village, for the most part.
- The music between 5.00pm to 11.00pm would be a combination of live bands and recorded music with a DJ.
- In the event that people arrive in cars having not pre-booked parking, stewards would be briefed to direct them around the one way system and advise them to park in Exmouth, from where they could catch a bus to Lymington.
- At the meeting of Safety Advisory Group, the applicant would agree with the Police Licensing Officer the date by which the number of SIA stewards would be agreed, based on expected numbers attending the event.
- The event had run previously in 2017 and 2018, albeit on a smaller scale; the applicant's representatives were not aware of any complaints or concerns arising from these events, or from other events that had taken place at the venue with outside music.

The legal representative stated that he was not aware of any complaints for Lymington Manor, since it was licensed.

In a closing statement, the applicant's representative reiterated that they were very aware of the need to respect local residents and the licensing objectives, and they would ensure the event was staffed accordingly.

The Chair thanked everyone for attending and advised that the decision would be notified in writing within five working days.

Attendance List

Councillors present:

K Bloxham (Chair)

M Chapman (left the meeting at 10.34am)

O Davey

Officers in attendance:

Lesley Barber, Licensing Officer (left the meeting at 10.34am)

Sarah James, Democratic Services Officer (joined the meeting at 1pm)

Sarah Jenkins, Democratic Services Officer (left the meeting at 10.34am)

Phillippa Norsworthy, Licensing Officer (joined the meeting at 1pm)

Giles Salter, Solicitor

Melanie Wellman, Director of Governance & Licensing (Monitoring Officer) (left the meeting at 10.34am)

Chair

Date:

Report to: Council

Date of Meeting 19.07.2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Appointments to Panel's Forums, Joint and Outside Bodies

Report

At the Annual Council meeting on May 2023, Members invited the Monitoring Officer to bring a report to this Council meeting, regarding the composition of Panel's Forums, Joint and Outside Bodies and whether reference to "members" included portfolio holders, particularly where cabinet members were separately referred to.

This report updates members on both the constitutional requirements and previous custom and practice and invites members to consider whether the current arrangements should be altered. In the event that members are minded to continue with the current arrangements, it also invites the Council to agree changes to the constitution so that the definition of "member" in terms of appointments to Panel's, Forums, Joint and Outside Bodies is clear.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

1. To note the content of the report.
2. To consider whether any changes are needed to the constitution and/or current custom and practice.
3. To delegate authority to the monitoring officer to amend the Constitution to include a definition of "member" in terms of appointments to Panel's, Forums, Joint and Outside Bodies, either in line with previous custom and practice or as determined by the Council in 2 above.

Reason for recommendation:

To ensure that there is clarity in the constitution and that Panels, Forums, Joint and Outside Bodies include sufficient representation.

Officer: Melanie Wellman – Director of Governance and Licensing and Monitoring Officer

Portfolio(s) (check which apply):

- ☐ Climate Action and Emergency Response
- ☐ Coast, Country and Environment
- ☒ Council and Corporate Co-ordination
- ☒ Democracy, Transparency and Communications
- ☐ Economy and Assets
- ☐ Finance

- ☐ Strategic Planning
- ☐ Sustainable Homes and Communities
- ☐ Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information None

Link to [Council Plan](#)

Priorities (check which apply)

- ☐ Better homes and communities for all
- ☐ A greener East Devon
- ☒ A resilient economy

Background

At the Annual Council meeting on May 2023, Members invited the Monitoring Officer to bring back a report to this Council meeting regarding the composition of Panel's Forums, Joint and Outside Bodies to address whether reference to "members" included portfolio holders. Appendix A sets out relevant paragraphs of the Council Constitution in relation to such appointments. Appendix B includes relevant extracts from reports to previous Annual Council meetings.

Definition of "member" and whether it includes cabinet members/portfolio holders

Neither the Constitution nor previous Annual Council reports define the meaning of "member" in the context of appointments to Panels, Forum, Joint and Outside Bodies.

Where there is a separate reference to a cabinet member/portfolio holder, it would be reasonable to interpret it as meaning that cabinet members are being separately identified and subsequent reference to members does not include cabinet members. This interpretation would ensure that there is not a dominance of portfolio holders and that the wider membership (outside of the cabinet) are given the opportunity to sit on these bodies.

However, what is clear from a review of Council reports since 2019, is that custom and practice has been as follows:

1. **Cabinet members only:** Where the membership of a particular body was made up solely of cabinet members, that is clearly stated;
2. **Members only:** Where a particular body is made up of member(s) only, without a reserved seat or role for a cabinet member, all members have been considered for appointment i.e. the definition of member has been interpreted as meaning any member (including cabinet members).
3. **Cabinet Members and Members:** Where the membership of a particular body is made up of cabinet members and members this is stated by identifying how many cabinet members are placed on the body. "Member" has been interpreted as also including, at least in some instances, "portfolio holders", in addition to the cabinet members who have been separately identified.

For example, at the 2019 meeting, a number of cabinet members were appointed to Panels, Forums and Outside Bodies. For clarity, the Portfolio Holders (PFH) that municipal year were: Cllr

Ingham, Cllr Bond, Cllr Thomas, Cllr Blakey, Cllr Armstrong, Cllr Jung, Cllr Bailey, Cllr Millar and Cllr Pook.

Members attention are drawn to the following examples in the minutes:

Minute Item 16

Cabinet Members and Members:-

5. CIL Working Group – Cllr Jung (PFH) was appointed as a Member (in addition to other named cabinet members)
- 14b Greater Exeter Strategic Plan Joint Advisory Forum - Cllr Jung (PFH) was appointed as a Member in addition to the named portfolio holder
21. Sidmouth Beach Management Plan – Cllr Pook (PFH) was appointed as a Member in addition to the named portfolio holder

Members only:

6. Disciplinary Panel – Cllr Armstrong (PFH) was appointed
15. LED Management Ltd – Cllr J Bailey (PFH) was appointed
- 24 STRATA Joint Scrutiny Committee – Paul Millar (PFH) was appointed

At the same meeting, a number of cabinet members were appointed to Outside Bodies

Minute Item 17

Members only:

2. Devon and Exeter Area Retail Working Party – Cllr Bond (PFH) was appointed
5. East Devon AONB Partnership – Cllr Pook (PFH) was appointed
6. East Devon Citizens Advice Bureau – Cllr Armstrong (PFH) was appointed
8. Action East Devon – Cllr Armstrong (PFH) was appointed
12. Queens Drive Exmouth Community Interest Company Directors – Cllr Millar (PFH) was appointed

Conclusion

It is clear from the Constitution that:

- Panels or Forums set up by Overview and Scrutiny cannot include Cabinet Members
- Panels or Forums set up by the Cabinet can include Cabinet Members
- The terms of reference and responsibilities of a Panel or Forum will be defined when they are set up and may specify the make-up of the Panel or Forum.

It is clear from previous reports that, in terms of custom and practice at EDDC, :-

- political balance is applied to Panels and Forums “where possible”
- Political balance is not applied to outside bodies
- Where there has been reference to members only (and not cabinet members) the word “member” has been interpreted as including portfolio holders
- Where there has been separate reference to cabinet members and members, members has been interpreted (in a number of instances) as including portfolio holders, despite other portfolio holders having also been appointed as cabinet members.

In the circumstances, the Monitoring Officer is satisfied that the appointments made at Full Council in May 2023 were in accordance with the Constitution and previous custom and practice.

It is believed that the reason for this wide interpretation is due to the difficulties that have been experienced, in some cases, in appointing to Panels and Forums, Joint and Outside Bodies. Leaving the interpretation of “member” wide to include all members (whether portfolio holders or not) ensures that the entire membership are capable of appointment and is less likely, therefore, to lead to vacant positions.

Members are invited to consider the report and determine whether any changes to the constitution or current custom and practice are required and to delegate authority to the monitoring officer to update the constitution so that the definition of member is clear.

Financial implications:

There are no financial implications directing arising from this report.

Legal implications:

The legal issues are dealt with in the body of the report.

Extracts from the Constitution

2.11. Panels and Forums

2.11.1 Panels and forums may be either permanent or ad hoc groups set up to assist and advise Cabinet or any of the Overview and Scrutiny Committees to deal with such matters as they may deem necessary within their remit or to deal with matters referred to them by the Cabinet.

2.11.2. Panels and Forums will normally consist of 7 Councillors, with a quorum of 3.

2.11.3. Members of the Cabinet are not permitted to form part of a Panel or Forum appointed by any of the Overview and Scrutiny Committees but may be called upon attend to provide explanation or advice. A Cabinet Member may form part of a Cabinet appointed Panel or Forum.

2.11.4. The terms of reference and responsibilities of a Panel or Forum will be defined when they are set up; there shall be explicit consideration whether any specific restriction in terms of eligibility of Members to sit on the panel or in its terms or reference or operation would be helpful in managing potential conflicts of interest, or public perceptions of conflict of interest.

Outside bodies

7.1. At the 2012 Annual Council meeting, it was agreed that formal appointment of councillor representatives to outside bodies would only be made where the outside body met one or more of the following criteria:

- a) The Council makes a financial contribution to the outside body;
- b) There is a clear need for the business of the outside body to be reported back to Council;
- c) The Council has a partnership relationship with the outside body.

7.2. Councillors appointed are required to engage with the relevant Portfolio Holder to ensure information is both fed back, and fed into, each outside body, panel and forum that meets the criteria (a-c) above.

1. Annual meeting of the Council

1.2. Selection of Councillors on Committees and Outside Bodies.

1.2.1. At the annual meeting, the Council meeting will:

- d. receive nominations of Councillors to serve on each committee and outside body; and
- e. appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.

Extract from report to Annual Meeting of the East Devon District Council on 23 May 2012

Scope of Sections 15-16 of the 1989 Act

The above provisions affect appointments to Committees, Sub-Committees and specified joint bodies. It is not a legal requirement for the political balance rules to apply to the Cabinet.

*.....**In addition the political balance rules are applied to some advisory panels/forums but not to appointments to outside bodies***

The same wording was used in the May 2013, 2014, 2015, 2017 and 2018 Annual Reports.

Extract from report to Annual Meeting of the East Devon District Council on 22 May 2019

Scope of sections 15-16 of the 1989 Act

The above provisions affect appointments to committees, sub-committees and

some specified joint bodies. It is not a legal requirement for the political balance rules to apply to the Cabinet.

In addition, the political balance rules are applied to some advisory panels/forums where possible but not to appointments to outside bodies