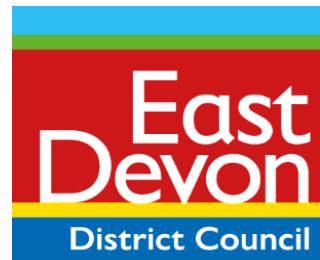


**Agenda for Council  
Wednesday, 10th December, 2025, 6.00 pm**

To: All elected Members of the Council; Honorary Aldermen

**Venue:** Council Chamber, Blackdown House, Honiton

**Contact:** Andrew Melhuish, Democratic Services Manager;  
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Issued Tuesday 2 December 2025



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This meeting is being recorded for subsequent publication on the Council's website and will be streamed live to the [East Devon District Council YouTube channel](#)

Dear Sir/Madam

**Meeting of the Council of the District of East Devon on  
Wednesday, 10th December, 2025 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 that reads "T. Hendren".

Tracy Hendren, Chief Executive

**1 Apologies**

**2 Declarations of interest**

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

**3 Minutes of the previous meeting (Pages 5 - 24)**

**4 Public speaking**

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

**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 25 - 36)**

**9 Reports from the Cabinet and the Council's Committees and questions on those reports (Pages 37 - 111)**

**10 Cranbrook and Surrounding Development Areas Community Governance Review - Draft Recommendations (Pages 112 - 145)**

**11 Recommendation from Licensing & Enforcement Committee - Licensing Act 2003 Statement of Licensing Policy 2026 - 2031 (Pages 146 - 229)**

**12 Recommendation from Cabinet - Leisure Strategy - Addendum (Pages 230 - 252)**

**13 Recommendation from Constitution Working Group - Part 3 Officer Scheme of Delegation (Pages 253 - 293)**

**14 Recommendation from Constitution Working Group - Part 5 - Codes & Protocols: Council's Petition Scheme (Pages 294 - 301)**

**15 Recommendations from the Independent Remuneration Panel (Pages 302 - 306)**

**16 Broadband in East Devon (Pages 307 - 322)**

**17 Motion on Notice - Motion for the Ocean (Pages 323 - 325)**

**Motion 1: Motion for the Ocean**

**Proposed by: Cllr John Heath**

**Seconded by: Cllr Aurora Bailey**

**Motion signed by: Cllrs Geoff Jung, Tim Dumper, Paula Fernley, Olly Davey, Brian Bailey, Charlotte Fitzgerald, Alasdair Bruce, and Marianne Rixon.**

It is the UN Ocean Decade, and the tide is turning on Ocean neglect. Our Ocean and climate are in a state of emergency, and whilst many local authorities have already declared a climate emergency, the Ocean is still missing from many of our climate action plans. By supporting this evidence-based Motion, based on Dr Pamela Buchan's pioneering research on marine citizenship, we can help local and national governments take action to improve Ocean health.

A model 'Ocean Recovery Declaration' – or Motion for the Ocean – seeks to help ALL local governments recognise that the world's Ocean is a fundamental part of climate regulation and that it must be considered as part of an effective climate emergency response. It is vital to ensure that local Councils commit to supporting a more ecologically healthy sea and to rethink how Ocean is taken into account in planning and decision-making at local level.

Many councils up and down the country have supported this important motion. They are too numerous to mention, and I believe that EDDC should add its name to the list. The councils that have so far affiliated to the motion are listed under Motion for the Ocean [Motion-for-the-Ocean-coastal-councils.pdf](#).

We welcome the opportunity to support Devon County Council colleagues in protecting our Oceans, and will work in conjunction with all signatories to play our continued part in improving our seas and oceans.

**18 Appointment of representatives to the Standards Committee (Pages 326 - 329)**

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 Chair 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 Speaking 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 Council held at Council Chamber, Blackdown House, Honiton on 15 October 2025**

#### **Attendance list at end of document**

The meeting started at 6.00 pm and ended at 8.30 pm

#### **29 Apologies**

#### **30 Declarations of interest**

Agenda Item 24 – Outside Body – Woodbury, Exmouth, Budleigh Health and Wellbeing Alliance: Councillor Nick Hookway, Affects Non-registerable Interest, Member of Exmouth Town Council and Devon County Council.

#### **31 Minutes of the previous meeting**

The minutes of the meeting held on 16 July 2025 were confirmed as a correct record.

#### **32 Public speaking**

There was one public speaker, Councillor Roy Collins.

Councillor Roy Collins spoke about the impacts of climate change on national and international food production and urged the Council to stop allocating good quality agricultural land for housing. They further called on the Council to support farmers in East Devon.

The Chair of Council thanked Councillor Roy Collins for his comments which were duly noted.

#### **33 Matters of urgency**

There were no matters of urgency.

#### **34 Announcements from the Chair and Leader**

The Chair of Council invited councillors to observe a minutes' silence to mark the sad passing of Councillor Andrew Toye and former Councillor Graham Troman.

#### **35 Confidential/exempt item(s)**

The Chair of Council confirmed that there were three items of confidential/exempt business that would be dealt with under Agenda Items 26, 27 & 28.

#### **36 To answer questions asked by Members of the Council pursuant to Procedure Rules No. 9.2 and 9.5**

The following Questions on Notice had been submitted and the responses to those questions were submitted to Council. The table below includes any follow up questions submitted at the meeting.

Question	Question from	Question	Response
1	Cllr Stuart Hughes	<p><b>Question to the Chair of Council</b></p> <p>As a serving District Councillor and long-time community advocate, I am concerned by the Council's apparent departure from the respectful tradition of publicly acknowledging the passing of all former members who served with distinction. The recent death of Graham Troman, who represented Sidmouth Sidford for eight years, passed without any formal recognition — despite his dedicated service and local impact.</p> <p>Can the Leader explain whether this reflects a change in Council protocol, and if so, what rationale underpins the decision to no longer honour former Councillors in this way?</p>	<p><b>Chair of Council</b></p> <p>Unfortunately, the Council was not notified of the recent passing of the former councillor.</p> <p>Where a notification of the passing of a former councillor is notified to the Council arrangements will be put in place to mark the sad news. A recent review of procedures has resulted in a protocol being put in place to mark the passing of both former/ current councillors. This protocol ensures that such events are marked, including lowering the flag to half mast at Blackdown House and the Councils' condolences being sent from the Chair of Council, a short statement issued through our Comms Team, and marking the passing of former or current councillors with a minutes' silence being observed at the next available Council meeting.</p> <p>I would welcome councillors notifying the Chair's Office or Democratic Services in such circumstances to ensure the appropriate tributes can be made.</p>

2	Cllr Mike Goodman	<p><b>Question to Portfolio Holder for Finance</b></p> <p>At the cabinet meeting on October 1st, agenda item 10 highlighted the potential challenges for EDDC when setting the budget for 2026. Can I ask the leader will he agree with me that there is a benefit to our council to consider working closely with other Councils in Devon to potentially reduce costs and will he start to discuss these benefits with other districts.</p>	<p><b>Portfolio Holder for Finance</b></p> <p>Yes, working with other Councils is a way to help reduce costs and to give greater resilience, capacity, and capability particular in difficult to recruit to specialist areas.</p> <p>The Council has used this approach in several areas already including the South West Audit Partnership (SWAP) for its internal audit function, STRATA for its IT provision, Devon County Council for procurement services, Teignbridge District Council for coin cash counting and more recently a shared service agreement with BCP (Bournemouth, Christchurch, Poole) for flood and coastal risk management.</p> <p>We will continue with this approach, and it is likely leading up to LGR there will be more opportunities available to us to pursue.</p>
3	Cllr Mike Goodman	<p><b>Question to Portfolio Holder for Council, Corporate Coordination &amp; External Engagement</b></p> <p>In March the Council last formally discussed LGR and various recommendations were agreed by EDDC. Since this, there have been statements made by the leader regarding LGR which are different, could</p>	<p><b>Portfolio Holder for Council, Corporate Coordination &amp; External Engagement</b></p> <p>When the Leader announced his appointments to Cabinet at Annual Council, Members were advised I was taking over the responsibility of working on and being</p>

		<p>the leader please inform members and the public what the current options are and when residents and members will be able to discuss these.</p>	<p>this council's lead Member for Local Government Reorganisation (LGR).</p> <p>Since this council agreed in March that its preferred Devon-wide restructuring model was for a 4-5-1 arrangement officers from this council, along with the other District and Borough Councils in Devon and alongside Torbay Council have been working to develop this model and to evaluate it against the government's six reorganisation evaluation criteria – establishing a single tier of local government; efficiency, capacity and withstanding shocks; high quality and sustainable public services; working together to understand and meet local needs; supporting devolution arrangements and stronger community engagement and neighbourhood empowerment.</p> <p>The 4-5-1 model anticipates unitary authorities being configured as follows;</p> <ul style="list-style-type: none"> <li>4: South Hams, Teignbridge, West Devon and Torbay;</li> <li>5: East Devon, Mid Devon, North Devon, Torridge and Exeter City Council;</li> <li>1: Plymouth City Council.</li> </ul>
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		<p>The work that this council, along with its partner authorities, has undertaken since the Council decision in March has been to build upon, and evaluate the Interim Plan submission (as set out in the 26-page proposal document presented to Council). Members are reminded of the debate and decisions that this council made on 19 March, and which are recorded in Minute 95 of that meeting. Members are also reminded of the documentation that supported the decision</p> <p>—</p> <p><u><a href="#">Agenda for Council on Wednesday, 19th March, 2025, 6.00 pm - East Devon</a></u></p> <p>Currently the publicly announced Devon-wide restructuring proposals have come from Plymouth City Council, Exeter City Council and Devon County Council. Each of their respective proposals may be found on the websites for Plymouth City Council, Exeter City Council and Devon County Council.</p> <p>This council's Members will determine this council's required Devon-wide local government reorganisation</p>
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			<p>submission to government at the Extraordinary Council meeting on 26 November.</p> <p>The government, having at that point received reorganisation submissions from all 11 tier one and tier two Devon councils, has indicated that, at some point before its determination is made probably in the summer of 2026, that there will be a public consultation exercise on all of the proposed options.</p>
<p>Councillor Goodman asked the following follow up question. Could the Portfolio Holder comment on a statement made by the Leader of Council, in response the Portfolio Holder requested that Councillor Goodman submits the statement and the Portfolio Holder would respond.</p>			
4	Cllr Mike Goodman	<p><b>Question to Portfolio Holder for Council, Corporate Coordination &amp; External Engagement</b></p> <p>With the drive by the government to move councils to become a unitary or unitaries, does the Leader agree that Devon becoming unitary should be about improving services for our residents and reducing costs. In no communications have I seen any financial figures that tell residents or members what the savings are if Devon were to have one, two or three unitaries for Devon. Is the Leader able to confirm what the savings are for Devon if we became one unitary, two unitaries or three unitaries.</p>	<p><b>Portfolio Holder for Council, Corporate Coordination &amp; External Engagement</b></p> <p>The government's stated objectives behind requiring councils in Devon to be restructured is in part, as you indicate, to bring about service improvements whilst making better use of resources. This council, along with the other District and Borough Councils in Devon and alongside Torbay Council has over recent months been working to develop restructuring proposals for submission to government that can</p>

		<p>be evaluated against the government's six required reorganisation evaluation criteria – establishing a single tier of local government; efficiency, capacity and withstanding shocks; high quality and sustainable public services; working together to understand and meet local needs; supporting devolution arrangements and stronger community engagement and neighbourhood empowerment.</p> <p>It is through this process that a range of possible Devon-wide restructuring options have been considered by this, and the other District and Borough Councils in Devon and alongside Torbay Council. This work is underpinned by comprehensive financial analysis. The final detailed evaluated proposals will be considered by Council on 26 November as a submission must be made to government by 28 November. This will include the details of expected financial savings.</p> <p>Members will receive an initial briefing on these evaluated proposals on 15 October.</p>
<p>Councillor Goodman asked the following follow up question: Could the Portfolio Holder confirm what are the financial benefits for each option. In</p>		

response the Portfolio Holder confirmed that the submission to Government was being prepared and at the extraordinary full Council meeting on 26 November 2025 the proposals would include financial information to support councillors in their decision making at that meeting.

37 **Reports from the Cabinet and the Council's Committees and questions on those reports**

The Council noted the minutes from meetings of the Cabinet and other committees, including:

- Cabinet – 9 July, 30 July, 3 September & 1 October 2025
- Housing Review Board – 31 July 2025
- Licensing and Enforcement Committee – 16 July 2025
- Licensing and Enforcement Sub Committee – 30 July & 13 August 2025
- Personnel Committee – 10 September 2025
- Planning Committee – 15 July, 19 August & 23 September 2025
- Strategic Planning Committee – 8 July, 2 September & 30 September 2025
- Asset Management Forum – 29 September 2025
- Cranbrook Placemaking Group – 4 August 2025
- Leisure Strategy Delivery Forum – 16 September 2025
- Scrutiny Committee – 10 July & 4 September 2025
- Overview Committee – 17 July 2025
- Audit & Governance Committee – 24 July & 18 September 2025
- South & East Devon Habitat Regulations Executive Committee – 24 July 2025
- Standards Committee – 17 July 2025
- Placemaking in Exmouth Town & Seafront Group – 9 September 2025

38 **Standards Committee - Updated Annual Report**

The Chair of Council presented a report setting the work of the Standards Committee for the civic term 2024/2025.

Council noted the following activity:

- Meetings in 2024/2025
- Monitoring of complaint caseload
- Resolving complaints before they escalate
- Response to Government consultation on changes to the Standards regime
- The appointment of Independent Persons, Independent Representatives and Town/Parish Representatives
- Dispensations granted

The Council welcomed the work of the Standards Committee and how it contributed to and offers direction to shape the governance, culture and ethos of the organisation.

The annual report was duly noted.

39 **Committee Arrangements and Proportionality**

The Council received a report setting out the allocation and appointment of councillors for seats on the Council's committees following a change in membership of the political groupings on the Council.

Council noted that there had been changes made to the Conservative Group and Independent Group and that an ungrouped councillor has joined a political group.

Council were informed that following these changes the number of councillors per group was:

Democratic Alliance Group – 30  
Conservative Group – 14  
Independent Group – 11  
Cranbrook Voice Group – 3  
Independent Councillor Group – 2

Council noted that following an analysis of the committee seat allocation and in consultation and support from the Group Leaders and based on the Local Government and Housing Act 1989 the following entitlement to committee places was:

Democratic Alliance Group – 58  
Conservative Group – 27  
Independent Group – 21  
Cranbrook Voice Group – 6  
Independent Councillor Group – 4

Councillor John Loudoun proposed the recommendations which having been seconded by Councillor Sarah Jackson were put to the vote and carried by a majority show of hands.

**RESOLVED:**

That Council:

1. Notes the political balance of the Council and agrees the proposed allocation of committee places as follows:
  - Democratic Alliance Group – 58
  - Conservative Group – 27
  - Independent Group – 21
  - Cranbrook Voice Group – 6
  - Independent Councillor Group – 4
2. Agrees to delegate authority to the Monitoring Officer in consultation with the appropriate Group Leader to confirm nominations to committees.
3. Agrees to delegate authority to the Monitoring Officer in consultation with the appropriate Group Leader to make in year changes to committee appointments in accordance with the allocation of places to political groups by the Council and the wishes of the relevant political Group Leader.

**Recommendation from Cabinet on 30 July 2025 - Local Development Scheme**

The Portfolio Holder for Place, Infrastructure & Strategic Planning presented recommendations from the Cabinet following their consideration of the Local Development Scheme.

Council noted that the proposed revised Local Development Scheme formed the formal project plan for future local plan production. The revision was necessary to the current Local Development Scheme in light of proposed amendments to the local plan making timetable which now incorporated a second Regulation 19 consultation in the Autumn to

address both the second new community and associated evidence as previously envisaged but also a further iteration of the Local Plan itself.

Councillor Todd Olive proposed the recommendation which having been seconded by Councillor Yehudi Levine was put to the vote and duly carried by a majority show of hands.

**RESOLVED:**

That the Council adopts the Local Development Scheme work programme for planning policy production for East Devon District Council.

41

**Recommendation from Scrutiny Committee - Changes to Agricultural Property Relief and Business Property Relief**

The Chair of the Scrutiny Committee presented a report setting out a recommendation following the committees consideration of a report on the changes to the agricultural relief and business property relief.

Council acknowledged the concerns about the potential impact of the reforms on the farming community in the District, but following further exploration it was clear that there was a paucity of data from which to properly understand the issues below the regional level and supported the comprehensive report from the EFRA Select Committee which helped to demonstrate that this matter was best addressed nationally.

Councillor Mike Goodman proposed the recommendations which having been seconded by Councillor Ian Barlow were carried by a majority show of hands.

**RESOLVED:**

1. That the Council agrees that this issue is best addressed at a national level, taking a lead from the Environment, Food and Rural Affairs Select Committee report; and
2. That the Council agrees that there is continued support for the farming community in the District by pushing for improved consultation, the undertaking of a full impact assessment and consideration being given to both delaying the implementation of the reforms and to alternative proposals.

42

**Recommendation from Cabinet - Recycling & Waste LATCo Funding Mechanism and Governance update**

The Portfolio Holder for Environment – Operations presented recommendations from Cabinet relating to the Recycling and Waste LATCo funding mechanism and governance arrangements.

Councillor Geoff Jung proposed the recommendations which were seconded by Councillor Mike Goodman and having been put to the vote was unanimously carried.

**RESOLVED:**

That Council:

1. Approve the updated Business Case set out in Appendix E of the report.
2. Approve a loan of no more than £2.8 million to the LATCo.

43

**Recommendation from Cabinet - Financial Outturn for 2024/2025**

The Portfolio Holder for Finance presented recommendations from Cabinet relating to the Financial Outturn for the Council for 2024/2025.

Councillor Sam Hawkins proposed the recommendations which having been seconded by Councillor Kim Bloxham were put to the vote and carried by a majority show of hands.

**RESOLVED:**

That Council approves:

1. The Financial Outturn position for 2024/2025, 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 of Finance in consultation with the Portfolio Holder for Finance for any amendments to these transfers as any additional year end data becomes available.

**44 Recommendation from Cabinet - Delivery Vehicle for Marlcombe**

The Portfolio Holder for Place, Infrastructure and Strategic Planning presented a report setting out the Strategic Outline Business Case for the establishment of a delivery vehicle for the Marlcombe new community.

The Council noted that the strategic outline business case required a budget of £350,000 to enable the development of the business case alongside progressing further technical work, matching potential funding being made available by Homes England.

Councillor Todd Olive proposed the recommendation, which having been seconded by Councillor Nick Hookway was carried by a majority show of hands.

**RESOLVED:**

That Council approve that a budget of £350,000 is made available from the new communities reserve to enable the development of the business case alongside progressing further technical work, matching potential funding being made available by Homes England.

**45 Recommendation from Cabinet - Financial Strategy 2026 onwards (2026 - 2035)**

The Portfolio Holder for Finance presented the draft Financial Strategy for 2026 onwards (2026 – 2035) which included a 10 year Medium Term Financial Plan which looked ahead over that period to give a projection of the Council's financial position with actions needed to ensure financial sustainability and the ability to set annually balanced budgets.

Council noted that the landscape around that Council's finances was completely different from previous years, with the Fairer Funding Review bringing significant reductions from 2026/2027 along with Local Government Reorganisation, which would give the Council only two more years of setting budgets before a successor authority was in place.

Councillors were advised that modelling had been undertaken under the normal premise of 10 years, although the strategy was focused on dealing with the next two years of still being a Council with the effects of significant funding reductions from the Fairer Funding Review.

Council welcomed the strategy which set out details of the key legacy projects the Council wanted to deliver in its remaining time.

Councillor Sam Hawkins proposed the recommendation which having been seconded by Councillor Todd Olive was carried by a majority show of hands.

**RESOLVED:**

That Council adopt the Financial Strategy 2026 onwards (2026 – 2035) and its direction outlined in balancing future budgets.

46 **Recommendation from Constitution Working Group - Councillors' Gifts & Hospitality Protocol**

Council considered recommendations from the Constitution Working Group following their review of the Constitution.

Council noted that the only guidance available to Councillors on the declaring of gifts and hospitality was included in the Councillors' Code of Conduct. It was noted that this guidance was limited in its application and the opportunity had been taken to write a separate protocol.

Council welcomed the protocol which provided more detailed guidance to councillors and co-opted members on the appropriateness of accepting gifts and hospitality and the factors that should be taken into account when making a decision.

Councillor Sarah Jackson proposed the recommendations which having been seconded by Councillor Mike Goodman were carried by a majority show of hands.

**RESOLVED:**

That Council:

1. Approves the Councillors' Gifts and Hospitality Protocol and to include the protocol in the Council's Constitution.
2. Delegates authority to the Monitoring Officer in consultation with the Portfolio Holder for Communications and Democracy to make any minor drafting changes to the protocol prior to the publication of the protocol on the Council's website.

47 **Recommendations from Constitution Working Group - Independent Remuneration Panel Terms of Reference**

Council considered a report setting out recommendations from the Constitution Working Group following a review of the Council's Constitution.

Council noted that the Independent Remuneration Panel, which reviews allowances and subsistence payments to councillors did not currently have a set of terms of reference to support their operation and the Working Group were recommending the inclusion of terms of reference for the Panel.

Councillors welcomed the Terms of Reference for the Independent Remuneration Panel which set out how the panel operated and its core functions and roles and responsibilities.

Councillor Sarah Jackson proposed the recommendations which having been seconded by Councillor Mike Goodman were carried by a majority show of hands.

**RESOLVED:**

That Council:

1. Approves the Independent Remuneration Panel Terms of Reference to be included in the Council's Constitution.
2. Delegates authority to the Monitoring Officer in consultation with the Portfolio Holder for Communications and Democracy to make any minor drafting changes prior to the publication of the Terms of Reference on the Council's website.

48 **Recommendations from Constitution Working Group - Councillor Champion Protocol**

Council considered recommendations from the Constitution Working Group following their review of the Constitution.

Council noted that the Working Group had reviewed the existing Councillor Champion Protocol and were proposing to make minor changes including the addition of a Councillor Champion for Equality, Inclusion and Diversity and changing the wording member to councillor.

Council requested that consideration should be given to other Councillor Champion roles and requested that the Constitution Working Group investigate adding or removing champion roles before submitting a report to the Cabinet.

Council welcomed the proposed changes to the Councillor Champion Protocol and Councillor Sarah Jackson proposed the recommendations and having been seconded by Councillor Tim Dumper were unanimously carried.

**RESOLVED:**

That Council:

1. Approved the Codes & Protocols – Councillor Champions to be included in the Council's Constitution.
2. Delegates authority to the Monitoring Officer in consultation with the Portfolio Holder for Communications and Democracy to make any minor drafting changes to the Councillor Champion Protocol prior to their publication on the Council's website.

49 **Recommendations from Constitution Working Group - Councillor/Officer Relations**

Council considered recommendations from the Constitution Working Group following a review of the Constitution.

Council were advised that following recommendations of External Auditors and feedback from the Peer Challenge team and the Centre for Public Scrutiny the opportunity had been taken to redraft the Council's Councillor/Officer Relations Protocol.

Council welcomed the protocol which explained the roles of Councillors and Officers setting out how they should work together and if any issues arose to whom those issues should be reported.

Councillor Sarah Jackson proposed the recommendations which having been seconded by Councillor Alasdair Bruce were unanimously carried.

**RESOLVED:**

That Council:

1. Approves the Codes and Protocols for Councillor/Officer Relations to be included in the Council's Constitution.
2. Delegates authority to the Monitoring Officer in consultation with the Portfolio Holder for Communications and Democracy to make any minor drafting changes to the protocol prior to its publication on the Council's website.

50 **Wreath Laying Protocol**

Councillor Vicky Johns, Councillor Champion for the Armed Forces Covenant presented a report setting out a protocol to support wreath laying across the district at Remembrance Events.

The Council welcomed the protocol and supported councillors attending, representing and laying a wreath on behalf of the Council.

Councillor Vicky Johns proposed the recommendation which was seconded by Councillor Steve Gazzard and unanimously carried.

**RESOLVED:**

That the Council approves a wreath laying protocol and supports councillors attending, representing and laying a wreath on behalf of East Devon District Council at memorials within their wards.

51 **Appointment of Tenant Representative on the Housing Review Board**

The Council received a report seeking the appointment of a tenant representative to serve on the Housing Review Board.

Council noted that following a recruitment process for the selection of a tenant representative and following an interview of the candidate one candidate was selected for their suitability to serve on the Housing Review Board.

The Chair moved the recommendation which was unanimously supported.

**RESOLVED:** That Sidney Ford is appointed as a Tenant Representative on the Housing Review Board until 30 April 2029.

52 **Outside Body - Woodbury, Exmouth, Budleigh Health & Wellbeing Alliance**

The Council considered whether the Woodbury, Exmouth, Budleigh Health & Wellbeing Alliance should be added to the list of outside bodies and the nomination of a councillor on the outside body.

The WEB Health & Wellbeing Alliance aims to unite voluntary sector and statutory health and social care organisations across Woodbury, Budleigh, Exmouth, and surrounding

villages to improve communication, share good practice, and enhance the health and wellbeing of local communities.

Councillor Nick Hookway proposed that the Woodbury, Exmouth, Budleigh Health and Wellbeing Alliance should be included on the list of outside bodies and proposed that Councillor Charlotte Fitzgerald, having been seconded and put to the vote the recommendation was unanimously carried.

**RESOLVED:**

That the Woodbury, Exmouth, Budleigh Health and Wellbeing Alliance is included on the Council's list of Outside Bodies and that Councillor Charlotte Fitzgerald is appointed to serve on the outside body.

53 **Local Government Act 1972 - Exclusion of the Press and Public**

Councillor Charlotte Fitzgerald moved a motion to pass a resolution under Schedule 12A of the Local Government Act 1972 to exclude the press and public from the meeting, on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of Schedule 12A of the Local Government Act 1972, Paragraph 3 (Information relating to the finance or business affairs of any particular person. The motion was seconded by Councillor Eleanor Rylance and having been put to the vote was unanimously carried.

**RESOLVED:** That the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of Schedule 12A of the Local Government Act 1972, Paragraph 3 (Information relating to the finance or business affairs of any particular person.

54 **Recommendation from Cabinet - Cranbox Update**

Council considered a recommendation from Cabinet on 3 September 2025 in respect of an update on the delivery of the Cranbox scheme.

Councillor Todd Olive proposed the recommendation which having been seconded by Councillor Paul Hayward was carried by a majority show of hands.

**RESOLVED:**

That a budget of up to the amount set out in the exempt report from the Enterprise Zone programme is approved to underwrite the Cranbox project, should it not be able to proceed beyond the Pre Construction Services Agreement.

55 **Recommendation from Cabinet - Cranbrook Leisure Governance & Consultant Procurement**

Council considered a recommendation from Cabinet on 3 September seeking to allocate a budget for the Cranbrook Leisure Governance and Consultant procurement.

Councillor Nick Hookway proposed the recommendation which having been seconded by Councillor Matt Hall was carried by a majority show of hands.

**RESOLVED:**

That a budget of the amount set out in the exempt report is allocated to the Cranbrook Leisure, Health & Wellbeing project from the Enterprise Zone programme, subject to endorsement by the Enterprise Zone Board.

56 **Recommendation from Cabinet - Recycling & Waste LATCo Funding Mechanism and Governance update**

This item was dealt with under Agenda Item 14 in open session.

**Attendance List**

**Councillors present:**

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

**Officers in attendance:**

Simon Davey, Director of Finance  
Tracy Hendren, Chief Executive  
Catrin Stark, Director of Housing and Health  
Melanie Wellman, Director of Governance (Monitoring Officer)  
Andrew Wood, Director of Place

**Councillor apologies:**

J Bailey  
S Chamberlain  
B Collins  
M Hartnell  
M Howe  
D Ledger  
M Martin  
C Nicholas  
S Smith  
J Whibley  
D Wilson

Chair

.....

Date:

.....

# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of the extraordinary meeting of Council held at Council Chamber, Blackdown House, Honiton on 10 November 2025**

### **Attendance list at end of document**

The meeting started at 6.00 pm and ended at 6.48 pm

#### **57 Apologies**

A list of apologies is set out at the end of the minutes.

#### **58 Declarations of interest**

Agenda Item 8 – Cranbrook Leisure Scheme

Councillor Richard Jefferies declared an affects NRI as a Devon County Councillor and left the room during consideration of agenda item 8.

Councillors Jess Bailey and Nick Hookway declared an ORI as a Devon County Councillor.

#### **59 Public speaking**

No members of the public registered to speak.

#### **60 Matters of urgency**

None.

#### **61 Announcements from the Chairman and Leader**

There were no announcements.

#### **62 Confidential/exempt item(s)**

There was one item of confidential/exempt business dealt with under Agenda Item 8.

#### **63 Local Government Act 1972 - Exclusion of Press and Public**

Councillor Charlotte Fitzgerald moved a motion to pass a resolution under Schedule 12A of the Local Government Act 1972 to exclude the press and public from the meeting, on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of Schedule 12A of the Local Government Act 1972, Paragraph 3 (Information relating to the finance or business affairs of any particular person. The motion was seconded by Councillor Eleanor Rylance and having been put to the vote was unanimously carried.

**RESOLVED:** That the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of Schedule 12A of the Local Government Act 1972, Paragraph 3 (Information relating to the finance or business affairs of any particular person.

## **Cranbrook Leisure Centre Review**

The Council considered a recommendation from the Cabinet meeting held on 29 October 2025 relating to the Cranbrook Leisure scheme.

Council requested that a full business case for the scheme would need to be submitted and requested that endorsement of the business case was submitted to a future Council meeting.

Councillor Nick Hookway proposed the recommendation which having been seconded by Councillor Todd Olive was carried by a majority show of hands.

### **RESOLVED:**

That within the scope set out in Recommendations 1 – 3 of the Cabinet report of 29 October 2025 that Council approve a budget of up to the amount set out in the exempt report for the Cranbrook Leisure centre project including the DCC hub or up to the amount set out in the exempt report if the hub does not proceed. A further Cabinet approval will be sought to commit the Capital following completion of a Contractor Procurement exercise and subject to approval of a final business case by Cabinet and endorsement by full Council.

## **Attendance List**

### **Councillors present:**

P Arnott	P Faithfull	R Jefferies
A Bailey	P Fernley	V Johns
B Bailey	C Fitzgerald	G Jung
J Bailey	M Goodman	J Loudoun
I Barlow	A Hall	D Mackinder
K Blakey	M Hall	M Martin
K Bloxham	S Hawkins	T Olive
C Brown	P Hayward	E Rylance
J Brown	J Heath	S Westerman
C Burhop	N Hookway	E Wragg
R Collins	S Hughes	
O Davey	S Jackson	

### **Officers in attendance:**

Simon Davey, Director of Finance  
Tracy Hendren, Chief Executive  
Melanie Wellman, Director of Governance (Monitoring Officer)  
Andrew Wood, Director of Place

### **Councillor apologies:**

V Bonetta  
A Bruce  
M Chapman  
I Chubb  
B Collins

T Dumper  
S Gazzard  
M Hartnell  
M Howe  
F King  
D Ledger  
Y Levine  
T McCollum  
C Nicholas  
J O'Leary  
M Rixson  
J Whibley  
D Wilson

Chair ..... Date: .....

Report to: Council

Date of Meeting 10 December 2025

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



## Questions on Notice

### **Report summary:**

The constitution provides that members of Council may ask: the Chair, the Leader or a Portfolio Holder Member of the Cabinet; or the Chair of any Committee or Sub Committee a question on any matter in relation to which the Council has powers or duties or which affects the district.

A member may only ask a question if either:

- (a) they have given at least 3 working days' notice in writing of the question to the Chief Executive; or
- (b) the question relates to urgent matters, they have the consent of the Chair to whom the question is to be put and the content of the question is given to the Chief Executive by noon on the day of the meeting.

In response to a question on notice an answer may take the form of:

- (a) A direct oral answer;
- (b) Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) Where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

In accordance with the Constitution three questions on notice have been received and they are set out in the report with the responses.

### **Is the proposed decision in accordance with:**

Budget Yes  No

Policy Framework Yes  No

### **Recommendation:**

**To note the responses to the questions on notice.**

### **Reason for recommendation:**

In accordance with the Council's Constitution Rules Part 4, 9.2 Questions on notice at full Council; 9.3 Notice of questions.

Question	Question from	Question	Response
1	Cllr Mike Goodman	<p><b>Question to Portfolio Environment Operations &amp; Portfolio Holder for Environment Nature &amp; Climate</b></p> <p>East Devon is an area of outstanding natural beauty. In November 2023 this was re-named National landscapes. Could I ask if the signs could be changed to reflect the new name.</p>	<p><b>Portfolio Environment Operations &amp; Portfolio Holder for Environment Nature &amp; Climate</b></p> <p>East Devon National Landscape team are currently working with National Highways to get the road signs replaced to reflect the new branding. Changes in National Highway's local resources have caused delays but this work is now moving forward with the replacement plans. The East Devon National Landscape team will update Members with timelines and locations once the replacement programme has been formally signed off. Also to note that all footpath signs have now been updated with the new National Landscape branding.</p>
2	Cllr Mike Goodman	<p><b>Question to Portfolio Environment Operations &amp; Portfolio Holder for Environment Nature &amp; Climate</b></p> <p>Sidmouth Town Council with the Arboretum set a target of planting 14,000 trees they have now achieved this and have come in under budget which is a great achievement for the town. EDDC in June agreed a tree strategy and set a target of increasing tree canopy coverage in the County. Could council have an update on progress made please.</p>	<p><b>Portfolio Environment Operations &amp; Portfolio Holder for Environment Nature &amp; Climate</b></p> <p>First of all, a note of congratulations to Sidmouth Arboretum for achieving their target and helping the district to achieve its 30% Tree Canopy Cover target by 2034. The district currently has a canopy cover of 21.7% set against the canopy cover of 16.7% for England. Therefore, East Devon is well placed to achieve its ambition within the next 10 years of the Strategy's target. It is also important to remind Members that the Tree, Hedge &amp; Woodland Strategy is for East Devon and is a 10 year plan that will require the support and co-operation of organisations such as the National Trust, Woodland Trust,</p>

Forestry Commission, local landowners, Town and Parishes to help us deliver on the 30% canopy cover target. So, the planting that has been achieved in Sidmouth is an excellent example of this wider partnership working for the whole of East Devon.

Cllr Goodman has noted that the Strategy was adopted by Full Council 4 months ago and he will also know that the Strategy's 10-year Delivery Plan was integrated into the existing workstreams of teams such as Countryside, Streetscene and Housing where opportunities lie for tree planting schemes. There has been no additional resource on top of business as usual to deliver the Strategy however we can report steady progress is being made.

The Countryside, Environment & Ecology (CEE) Service have created momentum targeting the next 3 years before LGR with a number of initiatives and projects that will be delivered by both our internal teams and much closer engagement with our communities and partners. The activities that have been developed and are in the pipeline from the THaWS Delivery Plan 2024-2034 are:

- Launch of the East Devon Tree Champion scheme in November which is being led by our Countryside team and this will help us to start a more meaningful engagement with local communities in areas such as tree planting schemes to help us achieve our 30% tree canopy cover target by 2034;
- Internal discussions between Streetscene and Countryside identifying Council owned land where we can create tree

		<ul style="list-style-type: none"> <li>planting schemes again as part of our tree canopy cover target have started and a programme of tree planting working with local communities on suitable land will commence in 2026/27;</li> <li>EDDC's Countryside, Environment &amp; Ecology (CEE) Service as part of the Saving Devon's Treescapes project has developed a business case with EDDC's Green Team to support Broadclyst Community Tree Nursery for 3 years to include opportunities for training other community groups that will help provide trees of local provenance for future local tree planting schemes (a decision is expected in January 2026 on funding);</li> <li>Tree cover in Cranbrook is increasing through development phases – significant quantities of trees will be planted within 78 Ha of SANG (first phase in Reserved Matters planning at the moment). Cranbrook TC have a tree planting programme in Cranbrook Country Park this winter (with 3,500 trees planted last winter).</li> <li>We transferred £25k of S106 funding to Saving Devon's Treescapes to enable them to source match funding for tree planting across Devon, and specifically 3,000 trees in Poltimore/Broadclyst parishes which will be planted on 2-3 sites this winter.</li> <li>We are planting c1,600 trees (in hedgerows/scrub, plus some orchard trees) over next 12-18 months. These are supplied from the Broadclyst nursery. Countryside's Nature Reserves Ranger has organised a volunteer tree</li> </ul>
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planting day on 17<sup>th</sup> December 2025 and all Councillors would be welcome to join in this activity. There will be further opportunities in the new year. In addition Percy Wakley Woods, near Cranbrook, will become our new 5.4Ha woodland SANG within which we will be investing in enhanced management of the woods.

- National Trust Killerton planted circa 70,000 trees last winter, and have a similar number planned for this winter. Their target is 1 million trees by 2030 (they have planted circa 250,000 to date). Their Three Rivers Landscape Recovery project will deliver significant areas of landscape restoration including tree and hedgerow planting which will significantly contribute to the Strategy's 30% Tree Canopy Cover target and the Clyst Valley Regional Park programme has significant tree planting targets to achieve within its masterplan.
- Alongside key partners such as the National Trust there are other landowners such as Clinton Devon Estates who have developed their Heaths to Sea Landscape Recovery schemes and the Luppitt Landscape Recovery scheme which all have significant planting schemes in their 80 year vision that will again move our canopy cover target in the right direction.
- EDDC's SANG strategy for 100Ha of Strategic SANG, plus SANG on major development sites, create opportunities for significant tree planting.

		<ul style="list-style-type: none"> <li>• Exmouth TC have mentioned to our CEE Service that their Rotary Club are looking for sites for more micro-forests which we will be looking to help support and set up once more details are known.</li> <li>• In terms of our management of hedges and woodlands we have recently developed a Seaton Wetland hedgerow management plan and there is a programme of traditional hedge laying training identified within it led by the Countryside team to ensure we are managing our hedgerow network for wildlife as we are doing our woodland Local Nature Reserves at Holyford Woods and Knapp Copse.</li> </ul> <p>The Council's internal teams have made steady progress on several key actions in the Strategy over the past four months, as shown above.</p> <p>However, it is extremely important to reiterate that it is only through active collaboration with partners and local communities that we can meet our 30% Tree Canopy Cover target by 2034. The launch of our Tree Champion scheme is our first significant step to making our communities more resilient when it comes to identifying land for planting and then looking after their newly created woodland.</p>
3	Cllr Mike Goodman	<p><b>Question to Leader of Council</b></p> <p>In March in this chamber the Leader proposed and voted for the 5-4-1 unitary solution for East Devon. In November he worked on and proposed a 9 1 1 solution for Devon, this proposed three unitaries Plymouth, Torbay and the rest of Devon. When</p> <p><b>Leader of Council</b></p> <p>I am very glad to take the opportunity provided by Cllr Goodman to address the matter of LGR, which sits in the wider context of his role as Chair of the Devon Conservatives <a href="#">Mike Goodman   Devon Area</a>. Cllr Goodman has offered implied</p>

	<p>the Devon County Council Cabinet voted Cllr Arnott surprisingly having proposed the motion abstained. This is confusing, can Council and residents be told what the Leader believes is the right solution for East Devon.</p>	<p>criticism of my conduct which he has been aware I have been unable to answer until after submission. <a href="#">Devon authority changes need to be clear and coherent   Sidmouth Herald</a>. It is worth noting that at no time has he attempted to discuss this with me.</p> <ol style="list-style-type: none"> <li>1. The context in which Local Government Reorganisation (LGR) sits is worth recalling. Although Devolution and Strategic Mayoral Authorities were in the July 2024 Labour manifesto, LGR was not. As late as the Local Government Association Conference in Harrogate in October 2024, ministers were denying rumours that LGR would be attempted.</li> <li>2. In December 2024, all councils were written to be MHCLG to say they would be required to prepare outline plans for LGR by March.</li> <li>3. Cllr Goodman's Conservative County administration (he has been Devon chair since January), instead of doing substantial preparatory work, at first attempted in February to cancel the May 2025 County elections which they feared they would lose. (They went on to do so, down from over 40/60 members to 7.) They wanted to turn Devon &amp; Torbay into a single mega-unitary, even though this had explicit dissent from Torbay, which would give cover to their cancelling democracy.</li> <li>4. This outrageous attempt to rob the people of Devon of the right to vote and to earn themselves a further year,</li> </ol>
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perhaps two, of unelected power was denied them by the government. The legacy problem they had thus created is that they had not worked up any credible proposal from Devon CC for the end of March.

5. For the calendar year of 2024, East Devon held the chair of the Devon Districts' Forum. I was able to have many discussions which made a number of risk factors in devising a response from EDDC obvious to me. i) The likely attempt, soon proven, that the Conservatives at DCC would attempt to cancel elections ii) on the basis of conversations and common understanding, that Labour Exeter were likely to come up with a Unitary plan which would hugely disadvantage the people of both East Devon and wider Devon, and that they had the ear of the Labour government iii) that Conservative Torbay's wish was always primarily to stay as a Unitary. This was a febrile set of circumstances in which politically the two traditional parties of power were likely to favour self-interest.

6. This was unacceptable. The chair of the DDF passed to West Devon in January 2025, and I was happy to work with Districts' Leaders and CEOs in the context of the above to devise a plan based not on self-interest but in the public interest. The idea emerged of a) respecting Plymouth's current status b) of 4 councils combining into a new unitary, being South Hams, Teignbridge, Torbay and

West Devon c) of 5 councils combining into a second new unitary, being East Devon, Exeter, Mid Devon, North Devon and Torridge

7. This was devised in good faith, meeting the population numbers seemingly required and having many other strengths. The obvious concern in the 4:5:1 was that Torbay were not very committed to the 4 (ultimately, they did not support it) and that Exeter were wholly uncommitted to the 5 (ultimately, they too did not support the 4:5:1)

8. In April 2025, the government responded to the various draft submissions, stating that they required full and final ideas by the end of November 2025

9. In May 2025, County elections were held. The Conservatives lost control (now 7/60) and Reform are 16/60 with no prospect of an administration. In a scenario very nearly mirroring the Democratic Alliance at East Devon, the Liberal Democrats took control of County with NOC but with good relations with the Greens and Independents.

10. Given my own experience in LGR matters in Devon and as a leader for half a decade, the County Leader asked me to step into the void of the LGR PH at County. This provided me with no conflict of interest, although of course care must be taken. It was known that EDDC would continue to develop the Council instruction to explore 4:5:1.

11. On being re-elected Leader at EDDC for a sixth term in May 2025, I announced that a new Deputy Leader John Loudoun would lead in internal and external discussions around developing 4:5:1. This has been immaculately observed and I give personal thanks to John and our officers for their excellent work.

12. Unfortunately, on taking up my role in late May, just six months ago with submission looming, it soon became apparent that County had been left without any political direction of travel at all by the outgoing Conservatives. My ask of their officers was to look at 4:5:1 as an option, and also to look at a single Unitary respecting the existing Unitaries of Plymouth and Torbay. This ask arose from evidence presented at County of a sincerely perceived risk of disaggregating children's and adults' services into two.

13. While the evidence was being assessed at both the Districts and at County, I am proud that I worked very hard to try and make up for the dreadful democratic deficit looming through the abolition of the Districts by developing the structural and policy concepts for Neighbourhood Area Committees. My intention was and remains that these should be put in place under any future option chosen by the government.

14. By September 2025, it was becoming clear that in all good faith the Districts, under advice from KPMG and others

continued to favour 4:5:1. Meanwhile, the County, itself using sound internal and external advice, favoured 9:1:1. The most fundamental difference in opinions was around interpretation of shared data re social services. There is nothing wrong with such a difference of view which may have arisen from each idea engaging with the data stressing alternative fundamentals. There is nothing awry in this, and it has been common in LGR across England.

15. We then entered the period where submission decisions would need to be made across all Devon authorities. Cllr Goodman errs when he said I “proposed” the idea of 9:1:1 from the County perspective. That was the Leader seconded by another member of Cabinet. I abstained at both councils. I was content to explain the idea of 9:1:1, however, and the people of East Devon and Devon had every right to hear and consider its merits and demerits. Anyone paying attention would have seen my repeated public statements that ONLY 4:5:1 and 9:1:1 observed the key exam question which was that any proposal was required to consider and offer proof that it could work for ALL the authority areas across Devon. I spoke in praise of both proposals only last Friday at DCC Full Council, and have done so consistently including in meetings with DALC and others.

16. To answer Cllr Goodman’s question. Despite his attempts to personalise this in council and in

the press, I am proud that the two councils I have been elected to have acted impeccably in the last six months to devise proposals which consider the common good of all Devonians, and that we have done so in a situation where both the Conservatives and Labour have pursued "I'm alright, Jack" policies and proposals.

17. As he knows, the Secretary of State will now consider which proposals will go to stakeholder consultation in the new year. In my view, it is to be hoped that the SoS has the independence of mind to include both 4:5:1 and 9:1:1 as options. I am pleased that both have been put forward.

Report to: Council

Date of Meeting 10 December 2025

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



## Reports from the Cabinet and the Council's Committees and questions on those reports

### Report summary:

To receive reports from the Cabinet and the Council's Committees and receive any questions on those reports from meetings between 6 October 2025 and 26 November 2025.

Recommendations from Cabinet and the Council's Committees are set out as separate agenda items and contained in the agenda pack.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

To note the reports from Cabinet and the Council's Committees and the responses to any questions raised.

### Reason for recommendation:

In accordance with the Council's Constitution.

Officer: Andrew Melhuish (Democratic Services Manager) – andrew.melhuish@eastdevon.gov.uk

### Portfolio(s) (check which apply):

- Environment - Operations
- Environment – Nature & Climate
- Council, Corporate Co-ordination and External Engagement
- Communications and Democracy
- Economy and Assets
- Finance
- Place, Infrastructure and Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

### Report in full

The minutes from the following meetings are included:

Cabinet – 29 October & 26 November (Extraordinary) 2025  
Licensing and Enforcement Committee – 8 October & 19 November 2025  
Licensing and Enforcement Sub Committee – 8 October 2025  
Planning Committee – 21 October & 18 November 2025  
Strategic Planning Committee – 25 November 2025  
Cranbrook Placemaking Group – October 2025  
Scrutiny Committee – 2 October 2025  
Overview Committee – 30 September 2025  
Audit & Governance Committee – 20 November 2025  
South & East Devon Habitat Regulations Executive Committee – 30 October 2025  
Standards Committee – 20 November 2025  
Placemaking in Exmouth Town & Seafront Group – 20 October 2025  
LATCo Shareholders Committee – 29 October & 19 November 2025  
Poverty Working Panel – 24 November 2025

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**Financial implications:**

None.

**Legal implications:**

None.

# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of the meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 29 October 2025**

### **Attendance list at end of document**

The meeting started at 6.06 pm and ended at 7.00 pm

### **86 Minutes of the previous meeting**

The minutes of the previous meetings of Cabinet held on 1 October 2025 were agreed.

### **87 Declarations of interest**

Min 93. Minutes of Placemaking in Exmouth Town and Seafront Group held on 9 September 2025.

Councillor Brian Bailey, Affects Non-registerable Interest, Member of Exmouth Town Council.

Min 93. Minutes of Placemaking in Exmouth Town and Seafront Group held on 9 September 2025.

Councillor Nick Hookway, Affects Non-registerable Interest, Member of Exmouth Town Council and Devon County Council.

Min 100. Cranbrook Leisure Centre Review.

Councillor Paul Arnott, Other Registerable Interest, Member of Devon County Council.

Min 100. Cranbrook Leisure Centre Review.

Councillor Richard Jefferies, Other Registerable Interest, Member of Devon County Council.

Min 101. Sale of Vacant Plot of Land Off Harepath Road, Seaton.

Councillor Dan Ledger, Affects and prejudicial Non-registerable Interest, Family member owns adjacent land.

### **88 Public speaking**

Four members of the public had requested to speak. It was agreed to take the public speakers at the start of the relevant agenda item, recorded at Minute 95.

### **89 Matters of urgency**

There were none.

### **90 Confidential/exempt item(s)**

There was two items dealt with in this way recorded at Minutes 100 and 101.

### **91 Minutes of Leisure Strategy Delivery Forum held on 16 September 2025**

Members noted the minutes and recommendations of the Leisure Strategy Delivery Forum held on 16 September 2025.

**Minute 24 Update on Cranbrook Leisure, Health and Wellbeing Campus**

That Cabinet endorse the Addendum to the Leisure Strategy.

**92 Minutes of Asset Management Forum held on 29 September 2025**

Members noted the minutes and recommendations of the Asset Management Forum held on 29 September 2025.

**Minute 17 Hayne Lane, Honiton**

That a budget of £30,000 is made available to provide legal and commercial advice to support the delivery of the site.

**93 Minutes of Placemaking in Exmouth Town and Seafront Group held on 9 September 2025**

Members noted the minutes of the Placemaking in Exmouth Town and Seafront Group held on 9 September 2025.

**94 Minutes of Scrutiny Committee held on 2 October 2025**

Members noted the minutes of the Scrutiny Committee held on 2 October 2025.

**95 Minutes of Overview Committee held on 30 September 2025**

Four members of the public spoke on this item. The following points were made:

Sue Dabinett a resident of Kilmington, read out a statement from Helen Sacko the senior public affairs officer of the Kennel Club. The Kennel Club recognised the need to balance the interests of all users of public spaces. However, restrictions on dog walking should always be fair, proportionate and evidence based reflecting the needs of the whole community. There was concern on the impact for elderly and disabled residents many of whom depend on their dogs for companionship, mobility and well-being. Under the Equality Act of 2010 councils had a duty to ensure public spaces remain accessible and inclusive. The Kennel Club supported reasonable exclusions from enclosed play areas or courts provided there was suitable alternative spaces nearby and questioned if a full-time ban on sports fields was necessary. Seasonal or time restrictions supported by clear signage were often far more practical and fairer. Blanket restrictions could cause displacement pushing dog walkers into unsuitable areas and creating new issues. In summary the Kennel Club supported the compromise solution proposed by the Killington community which offered a balanced inclusive and proportionate way forward for all residents.

Yvette Turner a resident of Kilmington, represented the Kilmington Dog Walking Group. She advised that the school and Cricket Club only use a part of the Playing Field during the summer months. There were no suitable alternative areas in Kilmington which elderly or less mobile residents could access to exercise their dogs off-lead safely. Ms Turner outlined a compromise position which would restrict dogs on-leads to the summer months only. Kilmington Dog Walkers Group proposed that the dog on-lead requirement should be removed and a new dog exclusion requirement between 10am and 6pm from 1 May to 30 September was applied. This compromise had worked well in other parts of

Devon. The Group requested Cabinet supported this compromise, so that all residents of Kilmington could properly share in Arthur Hitchcock's generous legacy to enjoy the green open space.

Sandra Ward a resident of Kilmington, highlighted the need for a place where disabled people and those with mobility issues can exercise their dog safely off the lead. Currently disabled people and those with impaired mobility had to use country lanes which can result in dangerous incidents such as Ms Ward had experienced when walking her dog. She stated that the compromise position worked in other parts of the country and to consider the Council's legal obligations and the needs of the whole community. She asked that Cabinet consider the compromise position.

Christopher Miller a resident of Kilmington, stated his house overlooked the recreation field which he had monitored over for the past few months, he said the field was hardly used. The field was empty for most of the day with a few people going there which was a waste of a beautiful green space. EDDC had delivered a consultation recently with many people taking part. The majority of residents had voted for the compromise which had been put forward, he asked Cabinet to consider this. His concern was that a recreation field which was left to all residents of Kilmington, would end up with not being used and that would be a waste of this green space.

The Chair thanked all public speakers for their contribution. He suggested that this item be brought back to Cabinet for officer input to be considered.

Members noted the minutes and recommendations of the Overview Committee held on 30 September 2025, with the deferment of Minute 50.

**Minute 50 Public Spaces Protection Orders consultation**  
To be deferred to the next meeting of Cabinet.

**Minute 51 Public toilets programme review**

1. That an options appraisal is undertaken to influence direction of travel informed through the debate, to include flexibility around capital expenditure and early engagement with Town and Parish Councils and that the timing of the options appraisal aligns with the forthcoming stewardship report to Cabinet.
2. That Officers have regard to the discussion and comments made by the Overview Committee at its meeting on 30 September 2025.

96

**Community Grant Fund Policy**

The Portfolio Holder Finance introduced the report which set out the new proposed Community Grants Fund Policy. Community grant funding played a key role in helping the voluntary sector uplift and empower the local communities. This grant funding would be available for the voluntary sector, thereby helping support small community projects and community buildings. Funding would be for financial years 2025/26 and 2026/27. In the event of remaining funds or new funding being made available, the scheme would continue into 2027/28.

**RESOLVED that Cabinet;**

1. Adopts the Community Grant Fund policy.
2. Approves the issuing of grants in accordance with the Community Grant Fund policy.
3. Grants delegated authority to the Assistant Director for Revenues, Benefits and Customer Services in consultation with the Chair of the Community Grant Panel as the Portfolio Holder for Finance to make any changes to the policy.

**REASON:**

In agreeing the policy, the Community Grant Fund could be made available for the voluntary sector to apply for much needed funding as this funding had already been earmarked.

97 **Clyst St Mary and Sowton (Bishops Clyst) Neighbourhood Plan (First Review) to be formally made**

The Clyst St Mary and Sowton (Bishops Clyst) Neighbourhood Plan (First Review) had now successfully passed referendum and must be formally 'made' (adopted) by EDDC in order to form part of the development plan, replacing the existing Made Plan from 2017.

**RESOLVED that Cabinet:**

1. Agree that the Clyst St Mary and Sowton (Bishops Clyst) Neighbourhood Plan (First Review) be 'made'.
2. Note 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 parishes of Clyst St Mary and Sowton combined, known as 'Bishops Clyst'), thereby superseding the previously made Plan for the area.
3. Congratulate Bishops Clyst Parish Council and their Neighbourhood Plan Steering Group on this culmination of 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 dedication and hard work by Bishops Clyst Parish Council and dedicated volunteers in preparing the Plan.

98 **Exemption to Contract Standing Orders to appoint specialist underwater contractor**

The report informed Cabinet of an Exemption to Contract Standing Orders approved with regards to appointing specialist underwater contractor to undertake works at the Council's swimming pools.

**RESOLVED that Cabinet;**  
Notes the action taken.

**REASON:**

Under Contract Standing Orders item 2.3.2, Request for Exemption to Contract Standing Orders must be reported to Cabinet for support. "Where the Contract sum is £20,001 or above then the use of the exemption must be reported by the Officer, to the next meeting of the Cabinet for them to note their support for the action taken."

99 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

**RESOLVED that Cabinet:**

That under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the description set page 42

out on the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B).

100 **Cranbrook Leisure Centre Review**

The recommendations as set out in the report were agreed.

101 **Sale of Vacant Plot of Land Off Harepath Road, Seaton**

Councillor Ledger left the room for this debate due to a declaration of interest.

The recommendations as set out in the report were agreed.

**Attendance List**

**Present:**

**Portfolio Holders**

P Arnott	Leader of the Council
S Hawkins	Portfolio Holder Finance
P Hayward	Portfolio Holder Assets and Economy
N Hookway	Portfolio Holder Culture, Leisure, Sport and Tourism
S Jackson	Portfolio Holder Communications and Democracy
G Jung	Portfolio Holder Environment - Operations
D Ledger	Portfolio Holder Sustainable Homes & Communities
J Loudoun	Deputy Leader & Portfolio Holder Corporate, Council & External Engagement
T Olive	Portfolio Holder Place, Infrastructure & Strategic Planning
R Jefferies	Portfolio Holder Environment - Nature & Climate

**Also present (for some or all the meeting)**

Councillor Aurora Bailey

Councillor Brian Bailey

Councillor Ian Barlow

Councillor Kevin Blakey

Councillor Kim Bloxham

Councillor Roy Collins

Councillor Peter Faithfull

Councillor Matt Hall

**Also present:**

**Officers:**

Melanie Wellman, Director of Governance (Monitoring Officer)

Amanda Coombes, Democratic Services Officer

Tim Child, Assistant Director Place, Assets & Leisure

Sharon Church, Benefits Manager

Simon Davey, Director of Finance

Tracy Hendren, Chief Executive

Andrew Wood, Director of Place

Naomi Harnett, Corporate Lead (Interim) – Major Projects & Programmes

Chair

.....

Date:

.....

# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of the meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 26 November 2025**

### **Attendance list at end of document**

The meeting started at 4.05 pm and ended at 5.20 pm

#### **102    Declarations of interest**

Min 106. Local Government Reorganisation - Full Proposal .

Councillor Mike Goodman, declared whilst not an interest, that his son was employed by KPMG but had not been involvement in the drafting of the business case and that he (Cllr Goodman) came to the matter with an open mind free from bias and predetermination.

Min 106. Local Government Reorganisation - Full Proposal .

Councillor Nick Hookway is a county councillor but confirmed that he had been granted a dispensation to enable him to fully take part and that he came to the matter with an open mind free from bias and predetermination.

Min 106. Local Government Reorganisation - Full Proposal .

Councillor Paul Hayward is a county councillor but confirmed that he had been granted a dispensation to enable him to fully take part and that he came to the matter with an open mind free from bias and predetermination.

#### **103    Public speaking**

There were no public speakers.

#### **104    Matters of urgency**

There were none.

#### **105    Confidential/exempt item(s)**

There were none.

#### **106    Local Government Reorganisation - Full Proposal**

The Acting Chair Cllr Loudoun, Deputy Leader, introduced the report reminding members of the process that had been undertaken to get to this submission and future work necessary to get the new arrangements in place for 1 April 2028. He stated the report set out the milestones and decisions that the council had made during the year, with officers having worked alongside their colleagues in six other District Councils and Torbay. They at all contributed to the development of the council's preferred 4-5-1 LGR model, otherwise known as Reimagining Devon.

The Director of Place reported that Cabinet and Council had received a series of reports over the course of the year on the topic of Local Government Reorganisation (LGR) and Devolution. These followed the publication of the English Devolution White paper in December 2024, which committed to ending the current two-tier system of District and County Councils, and the subsequent invitation from the Secretary of State to submit proposals for a single tier of government.

This report represented the culmination of the process that has been undertaken, in collaboration with the other District and Borough Councils across Devon, over the course of this year to respond to this invitation. Support was sought to submit the full proposal for the 4-5-1 model of local government reorganisation in conjunction with a proposed modification (4-5-1+) to extend the current boundary of Plymouth City Council.

The deadline for submission was the 28<sup>th</sup> November and delegation was sought to the Chief Executive in consultation with the Deputy Leader to meet this timeline and to progress work for the implementation of LGR.

The Chief Executive stated this work had been undertaken within a very short timeline but was confident in the robust, balanced and transparent submission presented. She reminded members that 8 local authorities had worked together in producing this proposal which included analysis from 8 chief executives, 8 S151 officers and 8 monitoring officers. She wished to thank Andy Wood, Director of Place for his invaluable effort and lead on behalf of the 8 authorities in getting the submission to this presentation stage.

**RESOLVED that Cabinet;**

1. Subject to Full Council endorsement, approves the submission to the Secretary of State for Housing, Communities and Local Government of the full proposal for the 4-5-1 model of local government reorganisation as set out in 'Reimagining Devon: Believe in Better' as the Council's response to the Secretary of State's invitation.
2. Approve proposing the 4-5-1 + option to the Secretary of State through a modification to extend the current boundary of Plymouth City Council to incorporate parts of four adjacent parishes in South Hams.
3. Invites Full Council to endorse the above proposals to the Secretary of State for Housing, Communities and Local Government.
4. Delegates authority to the Chief Executive in consultation with the Deputy Leader to submit the proposals to the Secretary of State for Housing, Communities and Local Government by the deadline of 28th November 2025.
5. Delegates authority to the Chief Executive in consultation with the Deputy Leader to progress work for the implementation of local government reorganisation, in collaboration with other Devon Councils in advance of a formal decision made as to the preferred option and to support associated consultation.

**REASON:**

To ensure that the Council responded to the invitation to submit proposals for a single tier of local government and continued to influence future local government reorganisation in Devon.

**Attendance List**

**Present:**

**Portfolio Holders**

P Hayward	Portfolio Holder Assets and Economy
N Hookway	Portfolio Holder Culture, Leisure, Sport and Tourism
S Jackson	Portfolio Holder Communications and Democracy
G Jung	Portfolio Holder Environment - Operations
D Ledger	Portfolio Holder Sustainable Homes & Communities
J Loudoun	Deputy Leader & Portfolio Holder Corporate, Council & External Engagement

T Olive

Portfolio Holder Place, Infrastructure & Strategic Planning

**Cabinet apologies:**

P Arnott	Leader of the Council
S Hawkins	Portfolio Holder Finance
R Jefferies	Portfolio Holder Environment - Nature & Climate

**Also present (for some or all the meeting)**

Councillor Aurora Bailey  
Councillor Brian Bailey  
Councillor Ian Barlow  
Councillor Bethany Collins  
Councillor Roy Collins  
Councillor Tim Dumper  
Councillor Peter Faithfull  
Councillor Steve Gazzard  
Councillor Mike Goodman  
Councillor Marcus Hartnell  
Councillor Ben Ingham  
Councillor Fabian King  
Councillor Marianne Rixson  
Councillor Eleanor Rylance

**Also present:**

**Officers:**

Melanie Wellman, Director of Governance (Monitoring Officer)  
Amanda Coombes, Democratic Services Officer  
Simon Davey, Director of Finance  
Tracy Hendren, Chief Executive  
Catrin Stark, Director of Housing and Health  
Andrew Wood, Director of Place  
Chloe Woodman, Assistant Director - Communications, Digital Services and Engagement

Chair

.....

Date:

.....

# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of the meeting of Licensing and Enforcement Committee held at Council Chamber, Blackdown House, Honiton on 8 October 2025**

### **Attendance list at end of document**

The meeting started at 10.00 am and ended at 10.28 am

### **16 Minutes of the previous meeting**

The minutes of the previous meeting held on 16 July 2025 were approved and signed as a true record.

### **17 Declarations of interest**

Minute 21. Hackney Carriage Fare Tariff Review 2025.

Councillor Brian Bailey, Affects Non-registerable Interest, Members of the East Devon taxi trade are known to the Councillor..

### **18 Public Speaking**

The Chair of the East Devon Taxi Association, Mr George Shorters, addressed the Committee and advised that he had met with drivers who were both in support of, or against, the proposed increase in the fare tariff of approximately 2%.

At a meeting of the East Devon Taxi Association, the majority had been in support of the proposed increase. The taxi trade generally supported regular small increases.

The Chair thanked Mr Shorters for his contribution.

### **19 Matters of urgency**

There were no matters of urgency.

### **20 Confidential/exempt item(s)**

There were no confidential or exempt items.

### **21 Hackney Carriage Fare Tariff Review 2025**

The Licensing Officer, Emily Westlake, presented the report. On 16<sup>th</sup> July 2025 the Licensing & Enforcement Committee determined to exercise the Council's powers under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 and approved moving to public consultation on a proposed variation to the East Devon hackney carriage fare tariff.

The proposed fare tariff table was set out at Appendix A of the report and had been chosen from a range of options available. The proposed variation would give effect to a fare rise of approximately 2% across all three tariffs.

Valid objections were received during the public notice period and the Committee was now asked to consider the objections and determine whether it was necessary to make

any modification to the proposed hackney carriage fare tariff before setting a specific date, not later than two months after the first specified date, on which the table of fares should come into force.

The Licensing Officer advised that the first specified date was 13 August 2025, being the last date for objections to be made against the hackney carriage fare tariff, and the table of fares must therefore come into force no later than two months after this date. It was recommended that the Committee agree a date of Friday 10 October 2025 for the amended fare tariff to come into force, either with or without modifications.

The options available to the Committee were set out at section 7.2 of the report. Following the amended fare tariff coming into force, drivers would have a period of three months in which to arrange for meters to be recalibrated.

Responses to questions and discussion included the following points:

- Officers were trying to obtain a third approved garage to undertake meter recalibration, in addition to the approved garages in Exeter and Torquay;
- The soiling charge was currently set at £88, with the proposed amended rate set at £90, although the Committee could consider setting a higher rate;
- It was reiterated that drivers do not have to charge the maximum fares.

The Chair noted that the Committee had previously come to the decision that small year on year increases to the fare tariff would be preferable. The previously considered Guildford Method of calculating the fare tariff took into account all costs of running a taxi, including inflationary costs. The Chair encouraged members of the taxi trade to engage with providing the Council with the necessary information so that a fair system for calculating the fare tariff could be introduced.

The Committee unanimously agreed the following:

**RESOLVED**

That the proposed new hackney carriage table of fares, as published on 30 July 2025, comes into force on 10 October 2025.

**Attendance List**

**Councillors present:**

B Bailey  
K Bloxham (Vice-Chair)  
O Davey  
T Dumper  
P Fernley  
M Rixson  
J Whibley (Chair)

**Councillors also present (for some or all the meeting)**

R Collins

**Officers in attendance:**

Sarah Jenkins, Democratic Services Officer  
Phillippa Norsworthy, Licensing Manager  
page 49

Giles Salter, Solicitor  
Lee Staples, Licensing Officer  
Emily Westlake, Licensing Officer

**Councillor apologies:**

I Barlow  
M Chapman  
S Gazzard  
Y Levine  
C Nicholas  
S Westerman

Chairman ..... Date: .....

# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of the meeting of Licensing and Enforcement Committee held at Council Chamber, Blackdown House, Honiton on 19 November 2025**

### **Attendance list at end of document**

The meeting started at 10.12 am and ended at 10.51 am

### **22 Minutes of the previous meeting**

The minutes of the previous meeting held on 8<sup>th</sup> October 2025 were agreed and signed as a true record.

### **23 Declarations of interest**

There were no declarations of interest.

### **24 Public Speaking**

No members of the public had registered to speak.

### **25 Matters of urgency**

There were no matters of urgency.

### **26 Confidential/exempt item(s)**

There were no confidential or exempt items.

### **27 Committee update report - Licensing Act 2003, Gambling Act 2005, Taxis and General Licensing**

The Licensing Manager presented the report which provided an update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005, taxi and private hire licensing and general licensing including street trading and pavement licensing.

On behalf of the Committee, the Chair thanked Licensing Officers for their work on the recent Ottery Tar Barrels event.

Discussion and responses to questions included the following points:

- With regard to the renewal in 2026 of all pavement licences applied for in 2024 after the implementation of the Levelling Up and Regeneration Act 2023, the Licensing Manager would be keeping staffing levels under review to ensure that there was sufficient capacity to manage the additional workload. It was noted that the Committee would be fully supportive of staff recruitment should the need be identified;
- Concern was expressed that premises holding a pavement licence should be aware of the need and obligation to keep pavements covered by a licence clean and safe. This was noted and Licensing Officers would follow this up where appropriate.

The Committee agreed to note the report.

28

## **Licensing Act 2003 - Review of the Licensing Policy 2026-2031**

The Licensing Manager presented the report which updated the Committee on the outcome of the consultation on the summary administrative review of the Licensing Act 2003, Statement of Licensing Policy 2026 – 2031.

It is a legal requirement of the Licensing Act 2003 for the Council to determine a Licensing Policy to provide a framework for all licence applications regarding the sale of alcohol, the provision of regulated entertainment and the provision of late-night refreshment. The Policy was previously reviewed in 2020 and must be reviewed at least every five years. An amended policy must be adopted by 7 January 2026.

The Licensing Manager highlighted the proposed changes to the policy and advised that no responses to the consultation had been received. Should any changes to guidance or legislation be made as a result of the recent Government call for evidence regarding the proposed reform of the Licensing Framework, a further review of the Statement of Licensing Policy will take place.

In response to a question regarding the proposed introduction of an appropriate fee for film classification procedures, it was noted that, in some instances, it can take two Licensing Officers several hours to watch films to determine the classification. The introduction of a fee was therefore considered to be appropriate and was consistent with other licensing authorities.

### **AGREED**

The Committee agreed to note the outcome of the consultation undertaken on East Devon District Council's proposed summary administrative review of the Licensing Act 2003 Statement of Licensing Policy 2026 – 2031.

### **RECOMMENDATION TO COUNCIL**

That the proposed Licensing Act 2003 Statement of Licensing Policy be adopted by the Council for the period of 7 January 2026 to 6 January 2031.

29

## **Review of the Street Trading Policy**

The Licensing Officer presented the report which set out the reasons for a review of the Street Trading Policy and sought approval from the Committee to move to a public consultation on the draft revised policy.

The current version of the Policy (version 5) came into effect on 1 May 2023. There is no statutory requirement to review a street trading policy, however, Officers were of the opinion that numerous areas for amendment had become apparent since the last policy came into effect. The proposed draft amended policy therefore fully updates the policy and provides additional information in areas where officers had identified that further information would be worthwhile.

It was noted that no changes are proposed to the designation of streets listed in the policy and that proposed amendments are limited to the content of the policy.

The proposed consultation period would be 10 weeks commencing on 24 November 2025, should the Committee be minded to agree.

In response to questions, it was noted that pre-ordered goods and delivery of these would not require street trading consent. Ice-cream vans do not fall into this category and therefore would require consent.

The proposed standard conditions and terms clarified the requirements for street traders to provide waste bins and the removal and disposal of waste.

**AGREED**

The Committee agreed to approve moving to a public consultation on the revised draft Street Trading Policy and that the draft Policy document be returned to the Committee for further consideration following the public consultation.

30 **Ratification of response to Government consultation on reform of the licensing system**

The Chair introduced the report and noted that the Government had provided a very short timescale for responses to the consultation on reform of the licensing system. The Chair thanked the Licensing Manager for her help with technical aspects of the consultation and thanked members of the Committee for their email comments and for attending the online meeting to discuss the response.

Members of the Committee had generally agreed that promoting economic growth was not compatible with licensing objectives.

**AGREED**

The Committee agreed to ratify the response, set out at Appendix 1 of the report, to the Government call for evidence to inform the development of a modern, proportionate and enabling licensing system.

**Attendance List**

**Councillors present:**

K Bloxham (Vice-Chair)

M Chapman

O Davey

T Dumper

S Gazzard

Y Levine

M Rixson

S Westerman

J Whibley (Chair)

**Councillors also present (for some or all the meeting)**

R Collins

**Officers in attendance:**

Sarah Jenkins, Democratic Services Officer

Phillippa Norsworthy, Licensing Manager

Giles Salter, Solicitor

Lee Staples, Licensing Officer

Emily Cozens, Paralegal

**Councillor apologies:**

I Barlow  
P Fernley  
C Nicholas

Chair ..... Date: .....

# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of the meeting of Licensing and Enforcement Sub Committee held at Tale Room, Blackdown House, Honiton on 8 October 2025**

### **Attendance list at end of document**

The meeting started at 11.30 am and ended at 12.48 pm

### **17 Minutes of the previous meetings held on 30 July and 13 August 2025**

The minutes of the meetings held on 30 July and 13 August 2025 were agreed and signed as a true record.

### **18 Declarations of interest**

There were no declarations of interest.

### **19 Matters of urgency**

There were no matters of urgency.

### **20 Confidential/exempt items**

There was one confidential item at minute 23.

### **21 Review of premises licence Anchor Inn, Sidmouth (reconvened from 30 July 2025)**

The Chair introduced the members of the Sub Committee and advised that this was the reconvened meeting following the adjournment of the initial hearing on 30 July. At the meeting on 30 July all parties had been given the opportunity to put their case to the Sub Committee. The purpose of the reconvened meeting was to consider the additional information received since the adjournment of the hearing on 30 July.

Present at the meeting were: Mr Steven Chalkley, applicant for the review; Mr Stephen Spencer, accompanying Mr Chalkley; Mr Trevor Fudge, premises licence holder; Ms Michelle Anning, accompanying Mr Fudge; Ms Denise Thomas, interested person.

The legal advisor, Giles Salter, advised that all parties would be notified of the decision within five working days.

The Licensing Manager, Phillipa Norsworthy, introduced the report which included the additional information received and the evaluation by the Environmental Health Officer of the music noise levels generated from the Anchor Inn beer garden during Sidmouth Folk Week events.

The Environmental Health Officer, Ian Winter, provided a summary of his report following monitoring of noise levels at the Anchor Inn during Sidmouth Folk Week, with the aim of forming an acceptable balance of allowing events to continue without causing unfair disturbance for local residents.

The Environmental Health Officer responded to questions from Councillors and it was noted that effective control of noise levels from the sound desk was necessary.

The Sub Committee noted the submission from the applicant for the review. The Environmental Health Officer had previously responded to the applicant. The response was read out. It was noted that due to the inflexibility of the location, setting acceptable noise levels going forwards would mitigate noise disturbance.

The Chair thanked everyone for attending the meeting and advised that all parties would be notified of the decision within five working days.

22 **Exclusion of press and public**

RESOLVED:

That under Section 100 (A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the description set out in the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B).

23 **Taxi driver suitability (from 10 September)**

The purpose of the item was to determine whether the person named in the report is a fit and proper person to continue to be licensed as a Hackney carriage driver.

The Chair introduced the members of the Sub Committee and the officers in attendance.

The driver and a supporting person were in attendance.

The Legal Advisor, Giles Salter, outlined the procedure to be followed.

The Licensing Officer, Lee Staples, presented the report and outlined the reasons why the matter had come before the Sub Committee.

The Licensing Officer responded to questions from members.

The driver had no questions for the Licensing Officer.

With the agreement of the Chair, the supporting person, on behalf of the driver, addressed the Sub Committee and presented the driver's case.

The driver and the supporting person responded to questions from members.

The Chair thanked the driver and the supporting person for attending and advised that the Sub Committee would retire to make its decision, which would be notified in writing within five working days.

The driver and supporting person left the meeting.

**Attendance List**  
**Councillors present:**

K Bloxham (Vice-Chair)  
O Davey  
J Whibley (Chair)

**Councillors also present (for some or all the meeting)**

B Bailey  
P Faithfull  
M Rixson

**Officers in attendance:**

Sarah Jenkins, Democratic Services Officer  
Phillippa Norsworthy, Licensing Manager  
Giles Salter, Solicitor  
Ian Winter, Environmental Health Officer  
Zoe Jones, Licensing Officer

**Councillor apologies:**

Y Levine

Chair

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Date:

.....

# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 21 October 2025**

### **Attendance list at end of document**

The meeting started at 10.00 am and ended at 3.10 pm. The meeting was adjourned for lunch at 1.50 pm and the afternoon session reconvened at 2.32 pm.

### **35 Minutes of the previous meeting**

Deferred to the next meeting to allow for the correction of an error.

### **36 Declarations of interest**

Minute 40. 23/2627/MFUL (Major) WOODBURY & LYMPSTONE.

In accordance with the Code of Good Practice for Councillors and Officers dealing with planning matters as set out in the Constitution, the Chair, Councillor Olly Davey, on behalf of the Committee, advised lobbying in respect of this application.

Minute 41. 25/1487/PIP (Other) CLYST VALLEY.

Councillor Mike Howe, Affects Non-registerable Interest, Ward Member.

### **37 Matters of urgency**

There were no matters of urgency.

### **38 Confidential/exempt item(s)**

There were no confidential or exempt items.

### **39 Planning appeal statistics**

The Committee noted the appeal statistics report. The Development Manager gave a brief update on the ongoing appeals noting that two appeals submitted by FWS Carter & Sons (references 24/F0114 and 22/F0379) were being heard this week at a public inquiry. The Committee also noted that the Planning Inspector had decided to consider two battery storage appeals (reference 24/0096/MFUL and 24/2067/MFUL) through a combined public inquiry rather than by written representations as originally indicated in the report.

### **40 23/2627/MFUL (Major) WOODBURY & LYMPSTONE**

#### **Applicant:**

Goosemoor Ltd.

#### **Location:**

Land north-east of Parkfield Cottages, Pink House Corner, Lympstone.

#### **Proposal:**

Construction of proposed 'Educatering' facility (Use Class E(g) and B8) including parking, access, area for growing crops and landscaping.

**RESOLVED:**

Refused in accordance with officer recommendation.

41 **25/1487/PIP (Other) CLYST VALLEY**

**Applicant:**

Mr Ian White (RBL Homes).

**Location:**

Land adjoining Shepherds Court, Lower Lane, Ebford.

**Proposal:**

Permission in principle for the erection of 5 self-build dwellings.

**RESOLVED:**

1. The Appropriate Assessment be adopted.
2. Deferred for a site visit to enable Members to fully consider the impact on the character of the area.

42 **25/1279/OUT (Other) DUNKESWELL & OTTERHEAD**

**Applicant:**

Mr M Hale (All Trust).

**Location:**

Honiton Inn, Awliscombe, Honiton, EX14 3PJ.

**Proposal:**

Demolition of existing public house and erection of 5 dwellings (outline planning application with all matters reserved).

**RESOLVED:**

Approved with conditions in accordance with officer recommendation.

43 **25/0057/OUT (Minor) WEST HILL & AYLESBEARE**

**Applicant:**

Mr Paul Hunt.

**Location:**

Land adjoining West Hayes, Eastfield, West Hill, EX11 1GG.

**Proposal:**

Outline application for the erection of 9 dwellings, including 4 affordable dwellings and associated parking. Approval sought for access, appearance, layout and scale (matters reserved for landscaping).

**RESOLVED:**

Deferred for a site visit to allow Members to fully understand the impact on the character of the area.

**Attendance List**

**Councillors present (for some or all the meeting)**

B Bailey  
I Barlow  
K Bloxham  
M Chapman  
B Collins  
O Davey (Chair)  
P Faithfull  
D Haggerty  
M Howe  
S Hughes  
Y Levine  
S Smith  
E Wragg (Vice-Chair)

**Councillors also present (for some or all the meeting)**

R Collins  
B Ingham  
G Jung

**Officers in attendance:**

Ed Freeman, Assistant Director Planning Strategy and Development Services  
Damian Hunter, Planning Solicitor  
Wendy Ormsby, Development Manager  
Wendy Harris, Democratic Services Officer  
Gareth Stephenson, Principal Planning Officer

**Councillor apologies:**

C Brown  
S Chamberlain  
S Gazzard

Chairman .....

Date: .....

# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 18 November 2025**

### **Attendance list at end of document**

The meeting started at 10.00 am and ended at 4.15 pm. The meeting was adjourned for lunch at 12.30 pm and reconvened at 1.30 pm.

### **44 Minutes of the previous meetings**

The minutes of the Planning Committee meetings held on 23 September and 21 October 2025 were confirmed as true records.

### **45 Declarations of interest**

Minute 52. 25/1638/FUL (Minor) NEWTON POPPLEFORD & HARPFORD

In accordance with the Code of Good Practice for Councillors and Officers dealing with planning matters as set out in the Constitution, the Chair, Councillor Olly Davey, on behalf of the Committee, advised lobbying in respect of this application.

Minute 54. 25/1409/FUL (Minor) EXMOUTH TOWN

In accordance with the Code of Good Practice for Councillors and Officers dealing with planning matters as set out in the Constitution, the Chair, Councillor Olly Davey, on behalf of the Committee, advised lobbying in respect of this application.

Minute 53. 25/1034/FUL (Other) BEER & BRANSCOMBE

In accordance with the Code of Good Practice for Councillors and Officers dealing with planning matters as set out in the Constitution, Councillors Brian Bailey and Ian Barlow advised lobbying in respect of this application.

### **46 Matters of urgency**

There were no matters of urgency.

### **47 Confidential/exempt item(s)**

There were no confidential or exempt items.

### **48 Planning appeal statistics**

The Committee noted the appeal statistics report and received brief updates on two appeals allowed. The Development Manager highlighted planning application 24/2515/PIP – land at Slade Farm, Slade Road, Ottery St Mary explaining that while the Inspector acknowledged some landscape harm and amenity impacts, significant weight was placed on the Council's inability to demonstrate a five-year housing land supply. Applying the titled balance, the Inspector concluded that the development was sustainable overall.

Members were reminded that the second appeal concerned Salcombe Regis Camping and Caravan Park, Salcombe Regis. The applicant appealed against a condition restricting stays to no more than 25 weeks in any 12-month period. The Inspector found

the condition to be unreasonable and unnecessary, noting that the Council's standard wording lacked precision and enforceability because it did not require the site owner to record arrival and departure dates. Costs were also awarded against the Council.

49

## **25/0057/OUT (Minor) WEST HILL & AYLESBEARE**

Councillors Kim Bloxham, Bethany Collins and Mike Howe did not participate in the discussion or vote on this application as they had not attended the site visit.

**Applicant:**

Mr Paul Hunt.

**Location:**

Land adjoining West Hayes, Eastfield, West Hill, EX11 1GG.

**Proposal:**

Outline application for the erection of 9 dwellings, including 4 affordable dwellings and associated parking. Approval sought for access, appearance, layout and scale (matters reserved:landscaping)

**RESOLVED:**

The Appropriate Assessment be adopted.

**RECOMMENDED:**

That the Council advises the Planning Inspectorate that members were minded to refuse planning permission for the following reasons set out below, with the precise wording to be delegated to the Assistant Director – Planning Strategy and Development Management:

1. Outside the built-up area boundary, contrary to Strategies 1, 2, 6 and 7 of the East Devon Local Plan
2. Loss of trees and future pressure to fell trees adversely impacting on the amenity and wooded character of the area, contrary to D1, D3 and NP26 of the East Devon Local Plan.
3. Adverse impact on protected species and biodiversity.
4. In the absence of a signed Section 106 Agreement, no mechanism to deliver affordable housing.

50

## **25/1487/PIP (Other) CLYST VALLEY**

Councillors Kim Bloxham and Bethany Collins did not participate in the discussion or vote on this application as they had not attended the site visit.

**Applicant:**

Mr Ian White (RBL Homes)

**Location:**

Land adjoining Shepherds Court, Lower Lane, Ebbord.

**Proposal:**

Permission in principle for the erection of 5 self-build dwellings.

**RESOLVED:**

1. The Appropriate Assessment be adopted.
2. Approved in accordance with officer recommendation.

51 **25/1180/FUL (Minor) NEWTON POPPLEFORD & HARPFORD**

**Applicant:**

Mrs Karin Boase.

**Location:**

Elmside, Newton Poppleford, EX10 0BY.

**Proposal:**

Part retrospective full planning application: Proposed incidental outbuilding (garage/workshop) and change of use of paddock to residential use and retention of existing access.

**RESOLVED:**

Approved with conditions in accordance with officer recommendation.

52 **25/1638/FUL (Minor) NEWTON POPPLEFORD & HARPFORD**

**Applicant:**

Beverley Raw.

**Location:**

29 Glebelands, Newton Poppleford, EX10 0HB.

**Proposal:**

Proposed raised ridge level to create first floor living space, rear dormers and change of external materials. Relocation of front door and porch and construction of raised decking to the rear.

**RESOLVED:**

Approved with conditions in accordance with officer recommendation.

53 **25/1034/FUL (Other) BEER & BRANSCOMBE**

**Applicant:**

Jurassic Saunas.

**Location:**

The Sea Shanty, Branscombe, EX12 3DP.

**Proposal:**

Change of use of land for the siting of a mobile sauna unit (retrospective)

**RESOLVED:**

Deferred to request updated Flood Risk Assessment and Flood Warning and Evacuation Plan.

54 **25/1409/FUL (Minor) EXMOUTH TOWN**

**Applicant:**

Mr Mark Williams.

**Location:**

Flat 1, 8 Church Street, Exmouth, EX8 1PE.

**Proposal:**

Proposed change of use from a residential garden to a beer garden for the adjoining public house including new boundary fences and existing boundary wall increased in height.

**RESOLVED:**

Approved with conditions in accordance with officer recommendation subject to the deletion of Condition 6 relating to hours of use.

**Attendance List**

**Councillors present (for some or all the meeting)**

B Bailey  
I Barlow  
K Bloxham  
C Brown  
B Collins  
O Davey (Chair)  
M Howe  
S Hughes  
S Smith  
E Wragg (Vice-Chair)

**Councillors also present (for some or all the meeting)**

J Bailey  
C Burhop  
R Collins  
J Heath

**Officers in attendance:**

Wendy Harris, Democratic Services Officer  
Andrew Digby, Senior Planning Officer  
Jill Himsworth, Planning Officer  
Damian Hunter, Planning Solicitor  
Emerald McGuire-Febey, Assistant Planning Officer  
Wendy Ormsby, Development Manager

**Councillor apologies:**

S Chamberlain  
M Chapman  
P Faithfull  
S Gazzard  
Y Levine

Chairman ..... Date: .....

# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of the meeting of Strategic Planning Committee held at Council Chamber, Blackdown House, Honiton on 25 November 2025**

### **Attendance list at end of document**

The meeting started at 10.05 am and ended at 2.12 pm

### **28 Minutes of the previous meeting**

The minutes of the previous meeting held on 30 September 2025 were confirmed as a true record.

### **29 Declarations of interest**

Minute 33 East Devon Local Plan – Second stage of Regulation 19 Consultation  
In accordance with the Code of Good Practice for Councillors and Officers dealing with planning matters as set out in the Constitution, Councillors B Bailey, O Davey, P Fernley, C Fitzgerald, and G Jung advised of lobbying in respect of this item.

### **30 Public speaking**

Nigel Humphrey spoke in relation to the Regulation 19 process credibility and the Local Plan. He challenged why only statutory bodies comments from the February round of consultation had been considered, and why no responses had been provided to comments from the public. If such public comments were not taken into account, then why should the public comment again on this next round of consultation. He asked the Council to provide the evidence of comments made by the public on the consultation, and to also regularly inform the public about the consultation. He advised the committee that the Local Plan statements were ambiguous or unclarified. He asked that the wording relating to Exmo20 buffer zone should explicitly state that no development should take place, in order to protect and preserve the habitat of the area and that he had corresponded repeatedly on this issue.

John Hamill spoke about the work involved in revising the plan, and that he could see some adjustments in line with previous concerns raised, including for Exmo20 but also asked that for paragraph 9 relating to this buffer zone that the wording be amended to state that no development of any kind should take place in that zone.

Thomas Shillitoe advised the committee that the Water Cycle Study took no account of Sandy Bay Town, or the dumping of sewage in the sea. He asked the committee to reject the study as he considered it was flawed. He also spoke of the plan being non-compliant, which he had repeatedly warned the committee about, and asked that the committee used the headroom within the plan to make the necessary changes. He also spoke on Exmo20, which he felt should be removed from the plan, and called for a further consultation period on the plan as in its current form it had many issues to be resolved.

Iestyn John spoke on behalf of his clients Clinton Devon Estates in relation to Exmo 18 and spoke of the potential of the development of the business park, but of the added journey for users of the park with the access as planned. He asked for consideration to be given, as on previous occasions, to including access via Salterton Road to avoid the additional 1.4mile round trip.

Andrew Tyerman, representing Escape Exmouth, outlined a number of issues with the Water Cycle Study including gaps and mistakes. He felt that the poor performance of South West Water was not correctly reflected in the study, reminding the committee that the current network was not coping with demand. The storm overflow information views were not accurate, there was no mention of the OFWAT settlement, nor the high pollution rate, nor the increase in demand due to the build of Cranbrook. There were no national comparison trends, assumptions in the study were incorrect, and a reference to the completion of Exmouth works was not correct, as those would not be completed until 2030 at the earliest. He asked the committee to pause and consider further work on this information.

Peter Williams, representing the OVA, outlined the exceeding capacity of sewage works at both Feniton and Honiton, with waste discharge going into the River Otter, exceeding capacity by 40%; Honiton was in breach of phosphate limits in discharge too, as proved by the condition of the river. With the housing increase in Honiton and Feniton areas, there was a need for an increase in capacity of 73% just to maintain adequate levels for Honiton, and 25% for Feniton. He asked the committee to require South West Water to bring forward their plans for improvement works to rectify the current situation.

The Assistant Director – Planning Strategy and Development Services responded, covering:

- Open and transparent reporting to the Committee, and public consultation;
- All comments considered and taken into consideration and acted on where appropriate as documented in previous reporting to the committee;
- Reminding the committee on the Exmo20 site and previous decision by the committee to retain it in the plan whereby no residential development was to be included within 400m of the Pebblebed Heaths in order to prevent wildlife predation by pets, which would not arise from employment development; and the further work needed for mitigation under the Habitat Regulations but that the impact on the Pebblebed Heaths had been identified at an early stage;
- Reminding the committee on site Exmo18 and the concern on the impact on the setting of the National Landscape, the significant level differences on site and the concern of the visual impact on the entrance to the town;
- Water Cycle Study focus to look at baseline now and look forward for the impact when planned development happens, and the recommendation in the report for further work in this area.

Cllr Roy Collins spoke on statistics relating to diminishing farmland, quoting 25% of farmland would be gone by 2050. He related a recent review he made of a planning application for solar panels, and spoke about world shortages of beef, rainforests being destroyed for the production of avocados, and weather patterns impacting food production worldwide.

### 31 **Matters of urgency**

There were no matters of urgency to discuss.

### 32 **Confidential/exempt item(s)**

There were no confidential or exempt items to discuss.

33

## **East Devon Local Plan - Second Stage of Regulation 19 Consultation**

The Assistant Director – Planning Strategy and Development Services presented a report that sought approval for the second stage of consultation on the East Devon Local Plan, under plan making Regulation 19. It was suggested that the consultation would run for 8 weeks starting on Friday, 28 November 2025 and ending at midday on Monday, 26 January 2026.

The Committee's attention was drawn to the redrafted Local Plan text showing tracked changes from the first consultation stage appended to the report noting that the consultation would invite comments on the revised plan and accompanying policies map.

The report also referenced new technical studies used to refine the plan and updates to the evidence base. It includes details on the Infrastructure Delivery Plan, Statements of Common Ground, consultation arrangements and examination and adoption processes.

A revised Statement of Community Involvement was also presented to Committee for approval which outlined the policy for consulting the community on planning policy documents and planning applications in East Devon. In line with the Statement of Community Involvement it was proposed to run an online workshop for Town and Parish Council's to set out the proposed second Regulation 19 Consultation to help encourage people to respond in the most productive way possible.

The Committee acknowledged that the Local Plan was based on a large amount of supporting evidence and new evidence documents including:

- Technical reports in respect of Marlcombe
- Highway and transport assessment
- Pebblebed Heaths air quality reporting
- Water cycle study
- National Landscape paper
- The revised flood risk topic paper
- The self-build topic paper
- Archaeological assessments

Questions from the committee on the documentation planned for consultation, and responses from the Assistant Director – Planning Strategy and Development Services, included:

- Confirmation that sustainable travel options were also the ambition for employment sites;
- Policy CC06 confirmed as requiring justification for demolition;
- Further discussion could be had with South West Water (SWW) on the Water Cycle Study (WCS) 50% reduction in leakages being a realistic target;
- Confirmation that conservation designation has extensive guidance, and that due to the uniqueness of each case, a scoring mechanism as used for tree preservation was not practical;
- Mitigation measures for the Pebblebed Heath would be considered through the Habitat regulations in considering how to manage vehicles travelling through that area;
- The plan contained reference to rainwater harvesting under Policy AR02 to include measures for harvesting wherever possible;

- The local authority had no control over water company connection charges to developers; this was not covered by s106 agreements;
- Parking standards were clarified for both residential and commercial development.

### **Site Exm20**

This site had been debated at a previous meeting of the committee on 2 September 2025 and a decision made to include in the settlement boundary but with no residential development within 400m of the Pebblebed Heaths. It was suggested that employment provision should also be excluded within the 400m zone but members were advised that the current wording while not precluding employment uses does prevent uses that would be harmful to the heaths and its biodiversity.

Discussion took place on the issues with that site, and if the decision previously made by the Committee at their September meeting should be revisited. On balance, with a reminder of the application process in place to assess any harm to the Heath, the committee did not revisit their previous decision to include the site in the plan.

### **Site Exmo18**

Clarification was sought on the rationale for not permitting access from Salterton Road to the site. The committee were reminded of the location, being the entrance to the town, and the changing topography that would lead to extensive engineering works on the changing levels that could impact on the National Landscape designation in that area. The committee discussed the option of a secondary access with suitable mitigation, in order to alleviate the potential increase in distance to access the site from the business park, with an agreement reached as set out in resolution 7 below.

### **Water Cycle Study**

The recommendation set out in the report sought agreement for further consideration by the Committee following the consultation period, and after further discussion with South West Water (SWW) on the independent findings. It was confirmed that there was no control on water usage for existing dwellings that fell under the power of the local authority. Members were invited to email any further local evidence of concerns on capacity to the team to include in discussions with SWW.

Discussion by the committee covered the need to further discuss the findings of the study, along with local evidence of capacity levels being well below what was required – for example in Honiton. If there were no plans by SWW for investment to resolve those capacity issues, then there were grounds for delaying development. The option of using Grampian conditions to prohibit a development from being occupied until suitable water and sewage infrastructure is put in place is one way of dealing with applications in the meantime.

The Leader reminded the committee of previous engagement with SWW as set out in the study document, and the previous motion from the Council of no confidence in SWW. He commended the work of officers in trying to secure information but considered that there may be a role for the Scrutiny Committee to take SWW to account.

### **RESOLVED that the Strategic Planning Committee:**

1. Approved the revised local plan text and Policies Map for consultation, and agreed to the second round of Regulation 19 consultation starting on, or as soon as possible after, the 28<sup>th</sup> November 2025 and on this basis for consultation to conclude on the 26<sup>th</sup> January 2026;

2. Grants delegated authority to the Assistant Director – Planning Strategy and Development in consultation with the Portfolio Holder for Place, Infrastructure and Strategic Planning, to make minor amendments to the local plan text and Policies Map to finalise formatting and to correct any factual errors and address inconsequential anomalies in order to finalise the plan ahead of the start of consultation;
3. Endorsed the draft Infrastructure Delivery Plan and approved it to form part of the overall material that supports, and is available at, the time the local plan consultation commences;
4. Noted the ongoing work on production of Statements of Common Ground and granted delegated authority to the Assistant Director – Planning Strategy and Development in consultation with the Portfolio Holder for Place, Infrastructure and Strategic Planning, to finalise these statements and send them out to signatory partners seeking their comments/feedback and agreement;
5. Agreed to adopt the updated Statement of Community Involvement and agreed to its use forthwith;
6. Agreed that a further report on the Water Cycle Study be brought to the committee following consultation, to enable discussion of its implications with the benefit of responses from consultees and further engagement with South West Water.
7. Agreed to amend the wording in the revised local plan, in relation to site Exmo 18, to read as “to avoid adverse landscape and visual impacts on the National Landscape and its setting, primary vehicular access should be taken from the Liverton Business Park. Any secondary access from Salterton Road should be carefully designed and screened to minimise any impacts on the setting of the National Landscape”.

34

## **Heritage Strategy 2024 - 2042**

The Assistant Director – Planning Strategy and Development Services report sought members' agreement for the Heritage Strategy for East Devon to go out for public consultation that would run alongside the second Regulation 19 Local Plan consultation.

The new strategy would retain the original format while offering an overview of East Devon's historic environment, highlighting its significance and benefits. It also identifies key heritage issues and sets objectives supported by a detailed action plan.

The objectives were split into three themes:

- Theme A describes our historic environment and provides information on its designated and undesignated heritage assets and their significance;
- Theme B sets out current policies and programmes relating to development management, conservation areas and heritage assets at risk, including our statutory duties;
- Theme C looks at the value of our heritage as a part of sustainable development, and the social, economic and environmental benefits it provides for East Devon. The impact and influence of other policies are considered as well as how we work with our communities and partners

If agreed, the strategy would go out to public consultation alongside the Local Plan Regulation 19 consultation on the same timeframe.

In response to a question, the Assistant Director – Planning Strategy and Development Services confirmed that the strategy would also cover local lists of heritage value.

**RESOLVED that the Strategic Planning Committee** agreed the draft Heritage Strategy for public consultation to align with the second Regulation 19 Local Plan consultation.

35

## **Housing Monitoring Update to Year Ending 31 March 2025**

The Assistant Director – Planning Strategy and Development Services presented the report outlining the latest monitoring figures on housing completions and the calculation of the five-year housing land supply, in accordance with the National Planning Policy Framework updated in December 2024.

Members noted that there were a total of 10,674 net dwelling completions, including 690 completed during the monitoring year. This figure falls short of the adopted Local Plan target of 950 dwellings per year.

Officers advised that the Council currently has a housing land supply of 3.50 years. As this falls short of the required five-year supply, appropriate weight must be given to this shortfall when determining planning applications, including both full and reserved matters. The Council would be able to demonstrate, through the formulation of the new Local Plan, that the required level of supply could be reached.

The committee discussed:

- The national picture impacting on housing delivery, including cost of materials, skilled trades and lack of surveyors;
- Demonstrating through local plan allocations such as Marlcombe and the Cranbrook extension that increasing the number of dwellings is happening in the District;
- There may be benefit in opening dialogue with developers to get a clearer picture on why existing sites are slow to process, and what options are open to the Council, working with partnership agencies, to help facilitate an increase in growth.

**RESOLVED that the Strategic Planning Committee:**

1. **Noted the residential dwellings completion data and future projections for the district, including comments on future supply risks detailed in section 5 of the Housing Monitoring Update report;**
2. **Noted the district Five Year Housing Land Supply position and impact on decision making as set out in the report;**
3. **Noted that the Housing Monitoring Update will be published on the Council's website.**

## **Attendance List**

**Councillors present:**

B Bailey  
K Blakey  
O Davey  
P Fernley  
M Howe (Vice-Chair)  
B Ingham  
G Jung  
D Ledger  
Y Levine

T Olive (Chair)  
H Parr  
P Faithfull  
C Fitzgerald

**Councillors also present (for some or all the meeting)**

P Arnott  
R Collins

**Officers in attendance:**

Matthew Dickins, Planning Policy Manager  
Ed Freeman, Assistant Director Planning Strategy and Development Services  
Damian Hunter, Planning Solicitor  
Debbie Meakin, Democratic Services Officer

**Councillor apologies:**

J Bailey  
P Hayward

Chair

.....

Date:

.....

# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of the meeting of Cranbrook Placemaking Group held at Conference Room, Younghayes Centre, Cranbrook on 6 October 2025**

### **Attendance list at end of document**

The meeting started at 9.30 am and ended at 11.42 am

#### **23 Minutes of the previous meeting**

The minutes of the previous meeting held on 4 August 2025 were agreed as a correct record.

#### **24 Apologies**

Apologies for absence are set out at the end of the minutes.

#### **25 Declarations of Interest**

There were no declarations of interest.

#### **26 Public speaking**

There were no members of the public present.

#### **27 Matters of urgency**

There were no matters of urgency.

#### **28 Confidential/exempt items**

There were no confidential or exempt items.

#### **29 Discussion with the New Community partners - no paper**

This item was a verbal update with the Cranbrook New Community Partners (the Consortium).

The following items were discussed:

Cllr Bloxham raised concerns over the recent power and water outage that had occurred following a leak on Younghayes Road leading to a large number of households and businesses being without power and water. It was noted that a temporary repair had been made and a generator erected on site to provide power. The Group felt that engagement and communication with local residents and businesses was poor and the consortium agreed that they would discuss the issues raised with energy providers Eon to ensure impacts during the ongoing repairs was minimised.

The Group raised further concerns around broadband connectivity in the Phase 1 development which had led to impacts to the doctors surgery and town council for a number of days. The Group were concerned that cabling and routers required upgrading and there had been a lack of investment and maintenance of existing services. The

Group further expressed concern regarding the cost of broadband for Phase 1 residents and the consortium agreed that this and the issues raised would be investigated and an update provided at a future meeting.

The Group also raised issues with the Persimmon and Wimpey developments where roads had yet to be completed and there were a number of raised ironworks around the road network and works to complete sewer connections. The consortium confirmed that a programme of works was in place for Phase 2 and the current focus was on working with South West Water to see the completion of works to the sewers. The consortium further confirmed that the programme of works for Phase 2 & 3 would see the completion of sewers, street lights and finishing work to tarmac roads. The Chair requested that the Director of Place contacts SWW to discuss progressing works to the sewers.

The consortium advised the Group that works to provide six playparks was out to tender and it was hoped that contractors would be appointed in 2 weeks. The Group welcomed this update but it was felt that there was further work required around elements of the S106 agreement and a Deed of Variation to support this. The consortium agreed to arrange a meeting between Devon County Council and East Devon District Council to work towards achieving a successful outcome on elements of the S106 and Deed of Variation.

**RESOLVED:**

That the update is noted and the following actions were agreed:

1. Consortium - that they would discuss the issues raised with energy providers Eon to ensure impacts during the ongoing repairs was minimised.
2. Consortium – cost of broadband and impacts from having no broadband to be investigated and an update provided at a future meeting.
3. Director of Place – to arrange a meeting with South West Water to discuss the works required to complete the sewer work at Phase 2 & 3.
4. Consortium – to arrange a meeting with Devon County Council and East Devon County Council to progress the S106 and Deed of Variation.

30

## **Community development**

The Director of Place presented a report setting out how best to support the social development of Cranbrook as a strong and resilient community.

The Group acknowledged that there was now a need to reinvigorate the Wellbeing Cranbrook programme. It was noted that this was best achieved through working collaboratively with a range of partners and the Group supported that a civic collaboration agreement would be developed to achieve this.

The Group discussed the current position in relation to funding and hosting of the Community Wellbeing & Activity Organiser and Community Connector roles and supported that Option 2 which would utilise the reserve and the balance of the Move More Cranbrook budget and the balance of the Programme Management and Connecting Communities elements of the Move More Cranbrook budget should be used to support this. The Group hoped that this could lead to a Youth Worker role being included in any proposals working with Devon County Council and the Town Council around the family hub. The Chair suggested that this would require a joint approach and the Group welcomed that the Chair as Portfolio Holder for Place, Investment and Strategic Planning along with the Portfolio Holder for Sustainable Communities would contact the Director for Public Health and Portfolio Holder for Public Health at Devon County Council to raise these issues.

**RESOLVED:**

That the Group:

1. Supports reestablishing the Wellbeing Cranbrook programme.
2. Supports the creation of the Community Wellbeing & Activity Organiser and Community Connector roles.
3. Notes the current position in relation to potential funding for and hosting of these roles and identifies the preferred option to utilise the reserve and the balance of the Move More Cranbrook budget and the balance of the Programme Management and Connecting Communities elements of the Move More Cranbrook budget is used to support this.
4. Supports exploring the development of a civic agreement with key partners to provide a framework to support ongoing community development.

**RECOMMENDATION TO EDDC CABINET:**

**To support the approach set out in the report to reestablish the Wellbeing Cranbrook programme and the creation of the Community Wellbeing & Activity Organiser and Community Connector roles.**

31

**Stewardship of Suitable Alternative Natural Green Space**

The Green Infrastructure Project Manager (EDDC) presented a report setting out the proposed approach to the management of 78Ha of Suitable Alternative Natural Greenspace (SANG) which would be delivered across the four Cranbrook expansion areas.

The Group noted that the preferred approach for the appointment of the 'Responsible Organisation' for adoption and future management of SANG in these expansion phases of Cranbrook was agreed with the developers in accordance with an order of priority which aligned with other public open spaces and community assets within Cranbrook with the aim of providing a consistent approach to management of open spaces.

The Group supported the recommendations noting the EDDC Cabinet's resolution on 30 July regarding stewardship of public amenities, and in particular the vital role that effective stewardship of public amenities played in supporting the establishment of sustainable communities and recommended that Cabinet approve the following recommendations:

**RECOMMENDATION TO CABINET:**

**RESOVLED:**

1. That Cabinet approve the preferred approach for the order of priority for the appointment of the 'Responsible Organisation' for adoption and future management of Suitable Alternative Natural Greenspace (SANG) in the expansion phases of Cranbrook (in line with other public green spaces and community assets), as follows:
  - i. Cranbrook Town Council in the first instance (subject to Governance Review in relation to the area currently within the Whimple Parish)
  - ii. The District Council (or future Unitary authority)
  - iii. An appropriate public body, charitable trust or CIC that is suitable for the management of SANG (e.g. Land Trust/English Estates), in consultation with Cranbrook Town Council
2. That Cabinet approve the following proposed selection criteria, which are set out as the Council's expected consistent approach when (in conjunction with developers) determining who should be the Responsible Organisation for each phase and in future S106 agreements.

- i. An appropriate constituted organisation in public ownership with capacity and suitability to manage SANG in perpetuity
- ii. A suitable financial plan to ensure in perpetuity funding, which takes a cautious/low risk approach to investment
- iii. A clear approach to public accountability to ensure that future management of the SANG can respond to community issues/concerns.
- iv. That management costs for SANG in each phase of Cranbrook are based on an approved detailed landscape plans, specification, SANG management plan and a cost schedule which sets out the areas/features being delivered within the SANG and the estimated timescale for their capital replacement (and costs thereof)
- v. Consideration of how added value will be achieved (e.g. wider public health and wellbeing, education, sustainability and biodiversity benefits).
- vi. How the organisation will contribute to achieving a consistent management of SANG within Cranbrook.

3. Agree to delegate authority to the New Community Manager and Green Infrastructure Project Manager to prepare a model of an outline specification and management plan which sets out the approach and requirements for SANG Management in Cranbrook.

## 32 **Allocation and spending of Category 4 Infrastructure contributions**

The Group agreed to defer this item to allow sufficient time for Devon County Council to review the mechanism for allocation spend of Category 4 infrastructure contributions.

To support this the Group agreed that an informal meeting of the Group should take place in early November before submitting a full report to the Strategic Planning Committee on 4 November 2025.

### **RESOLVED:**

That Agenda Item 10 is deferred.

## 33 **Energy Service Company (ESCO) for the expansion areas - verbal update**

The Group received a verbal update on the progress with the provision of an energy service company for further stages of Cranbrook development.

The Group noted that technical work was progressing and this would be followed by a marketing exercise in November with a tender being issued for the contract during December/January.

### **RESOLVED:**

That the update be noted.

## 34 **Community Governance Review - verbal update**

The Group received an update on progress with the Community Governance Review that was currently underway.

The Group noted that 68 representations had been received in response to the consultation process which would end on 24 October 2025.

A further update would be provided once the consultation process had concluded.

**RESOLVED:**

That the verbal update on progress with the Community Governance Review is noted.

35

**Implementation Plan**

The Group received an Implementation Plan for the proposal to deliver a leisure, health and wellbeing scheme for Cranbrook.

The Group noted that EDDC intended to make a Cabinet decision on 29th October 2025 to set the scope of the project together with a capital envelope for the works to deliver Cranbrook Leisure, Health & Wellbeing Campus. This decision would provide a commitment for EDDC to deliver the leisure scheme with a certain accommodation mix for an agreed budget.

The implementation plan set out the various timelines for delivery of the campus scheme and it was noted that Devon County Council would be seeking agreement from its Cabinet to commit to partner with EDDC on their leisure building project and contribute up to £3m of dedicated Section 106 contributions to deliver the community space as part of an integrated services offer.

The Group welcomed the progress on delivering this facility and noted the details set out in the Implementation Plan.

**RESOLVED:**

That the Implementation Plan be noted.

36

**Forward Plan**

The Group received the Forward Plan.

**RESOLVED:**

That the Forward Plan is noted subject to adding an update on interim provision for health services at Cranbrook and to receive a report on the Category 4 funding mechanism.

**Attendance List**

**Councillors present:**

K Blakey (EDDC)

K Bloxham (EDDC)

T Olive (EDDC)

Henry Gent (DCC)

**Councillors also present (for some or all the meeting)**

None.

**Officers in attendance:**

Andrew Wood, Director of Place (EDDC)

Thea Billeter (EDDC)

Paul Osborne (EDDC)

Nicola Wilson (Principal Planning Officer DCC)  
Janine Gardner (Clerk to Cranbrook Town Council)  
Alexandra Robinson (Deputy Clerk to Cranbrook Town Council)  
Andrew Melhuish (EDDC)

**Councillor apologies:**

S Hawkins (EDDC)  
L Bayliss (DCC)

Chair ..... Date: .....

# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of the meeting of Scrutiny Committee held at Council Chamber, Blackdown House, Honiton on 2 October 2025**

### **Attendance list at end of document**

The meeting started at 6.00 pm and ended at 6.40 pm

### **21 Minutes of the previous meeting**

The minutes of the previous meeting held on 4 September 2025 were agreed and signed as a true record of the meeting.

### **22 Declarations of interest**

There were no declarations of interest in items on the agenda.

### **23 Public speaking**

There were no public speakers.

### **24 Matters of urgency**

There were no matters of urgency.

### **25 Confidential/exempt item(s)**

There were no confidential or exempt items.

### **26 Decisions made by Cabinet called in by Members for scrutiny in accordance with the Overview and Scrutiny Procedure Rules**

There were no decisions made by Cabinet called in by Members for scrutiny.

### **27 Finance Report: Agency and Consultant Expenditure for 2023/2024 and 2024/2025**

The Principal Accountant, Melissa Muir, presented the report which summarised directorate oversight of consultant, specialist advice and agency staff spending for 2023/2024 and 2024/2025.

Expenditure within the Council is carefully managed and monitored to ensure it is incurred solely when necessary. This includes providing coverage for staff absences, supplementing capacity when permanent recruitment is not feasible, or acquiring additional skills and expertise on a temporary basis.

The employment of agency workers and consultants differs across directorates, accounting for approximately 16% of the Council's total workforce. Procedures are followed to regulate spending and allocate resources where required.

The significant work undertaken within the Housing and Health Directorate during this period to reduce the reliance on agency staff and improve the stability of the service through the recruitment of permanent staff is of note.

Responses to questions and discussion included the following points:

- Regarding setting aside a percentage of the budget for a capital project to cover agency and consultancy costs, this depends on the individual project and estimates of what would be required;
- It was noted that the use of agency staff and consultants where necessary provided best value for the Council;
- Current in-year monitoring of expenditure had not indicated any specific concerns;
- Year on year expenditure fluctuates depending on the nature of projects and requirements at the time;
- It was noted that there are still some legacy payments relating to the relocation to Blackdown House. Officers would provide further details following the meeting;
- The question was raised as to whether local government reorganisation would result in greater reliance on agency staff and it was noted that budget setting would be undertaken in the usual way;
- Officers would look into benchmarking against other comparable local authorities in order to keep best practice under consideration;
- Within the Place Directorate, the main driver of the expenditure on consultants and agency staff was the capital projects such as repairs to Exmouth sea wall.

The Chair thanked the Principal Accountant and the Finance Manager for the report and for attending the meeting.

It was agreed to note the report.

28

## **Work programme 2025 - 26**

The work programme was discussed and the following points were noted:

- Councillors were not putting forward items for the work programme. This could be construed that Councillors were content that matters did not require scrutiny;
- Items for the work programme ideally required a six month lead time;
- The number of scheduled meetings was questioned as to whether there were too many and it was noted that most Scrutiny Committees would expect to hold four meetings per year;
- There was a need to decide how to engage Portfolio Holder reporting to the Committee;
- There was frustration when meetings were cancelled at very short notice with little or no explanation;

The following changes were agreed to the work programme:

- To cancel the meeting scheduled for 6 November due to there being no items for the agenda;
- To move the UKSPF evaluation report from the 5 February to 5 March 2026;
- To retain the meeting scheduled for 4 December, but to cancel the meeting should no items of business come forward in sufficient time.

With the above changes, the work programme was agreed.

## **Attendance List**

### **Councillors present:**

I Barlow

K Blakey  
J Brown  
B Collins  
M Goodman (Chair)  
A Hall  
M Hall  
V Johns  
Y Levine  
D Mackinder (Vice-Chair)

**Councillors also present (for some or all the meeting)**

C Brown  
R Collins  
J O'Leary

**Officers in attendance:**

Sarah Jenkins, Democratic Services Officer  
Melissa Muir, Principal Accountant  
John Symes, Finance Manager  
Melanie Wellman, Director of Governance (Monitoring Officer)  
Anita Williams, Principal Solicitor (Deputy Monitoring Officer)

**Councillor apologies:**

M Chapman  
O Davey  
M Hartnell  
J Whibley

Chair ..... .

Date: .....

# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of the meeting of Overview Committee held at Council Chamber, Blackdown House, Honiton on 30 September 2025**

### **Attendance list at end of document**

The meeting started at 6.00 pm and ended at 9.50 pm

### **44 Minutes of the previous meeting held on 17 July 2025**

The minutes of the previous meeting were agreed as a true record.

### **45 Declarations of interest**

Minute 50. Public Spaces Protection Orders consultation.

Councillor Brian Bailey, Affects Non-registerable Interest, Exmouth Town Councillor.

Minute 50. Public Spaces Protection Orders consultation.

Councillor Daniel Wilson, Affects Non-registerable Interest, Exmouth Town Councillor.

Minute 50. Public Spaces Protection Orders consultation.

Councillor Marcus Hartnell, Affects Non-registerable Interest, Seaton Town Councillor.

Minute 50. Public Spaces Protection Orders consultation.

Councillor Matt Hall, Affects Non-registerable Interest, Exmouth Town Councillor and dog owner.

Minute 50. Public Spaces Protection Orders consultation.

Councillor Tim Dumper, Affects Non-registerable Interest, Exmouth Town Councillor.

Minute 51. Public toilets programme review.

Councillor Brian Bailey, Affects Non-registerable Interest, Exmouth Town Councillor.

Minute 51. Public toilets programme review.

Councillor Daniel Wilson, Affects Non-registerable Interest, Exmouth Town Councillor.

Minute 51. Public toilets programme review.

Councillor Matt Hall, Affects Non-registerable Interest, Exmouth Town Councillor.

Minute 51. Public toilets programme review.

Councillor Steve Gazzard, Affects Non-registerable Interest, Exmouth Town Councillor.

Minute 51. Public toilets programme review.

Councillor Tim Dumper, Affects Non-registerable Interest, Exmouth Town Councillor.

### **46 Public Speaking**

Seven members of the public had registered to speak. It was agreed to take the public speakers at the start of the relevant agenda item.

### **47 Matters of urgency**

There were no matters of urgency.

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

There were no confidential or exempt items.

49 **Blackdown Hills National Landscape Annual Review and Management Plan**

The Blackdown Hills National Landscape Manager, Tim Youngs, presented the Annual Review and update on progress being made with reviewing the Management Plan 2025 – 2030. It provided an opportunity for the Committee to understand the work programmes and activities that had been carried out by the Blackdown Hills National Landscape team over the last 12 months and also to hear about the plans for 2025/26 and how they align with the Council's own priorities for the environment. The Blackdown Hills National Landscape team is hosted by Devon County Council, with East Devon DC (along with Mid Devon DC and Somerset Council) as key match funding partners, alongside Defra. The Management Plan 2025 – 2030, including the Delivery Plan, would be published imminently.

In response to a question regarding soil loss and soil entering rivers due to agricultural activity, the Manager advised that advice was available for farmers to assist with promoting crop management to minimise soil loss.

That Overview Committee noted the Blackdown Hills National Landscape Annual Review report 2024/25 and update on the Management Plan Review 2025-2030.

The Chair thanked Mr Youngs for attending the meeting.

50 **Public Spaces Protection Orders consultation**

Five members of the public had registered to speak on this item. The following points were made by the members of the public:

Martin Huscroft represented Kilmington Cricket Club and advised that the Club had seen a large reduction in recorded dog fouling incidents following the introduction of the PSPO. The continuation of the dogs on leads PSPO was supported as it would positively address the issues of dog fouling and dogs running free and causing a nuisance.

Ash Cook represented the Kilmington Playing Field Committee and noted that the Playing Field was distinct from the Kilmington Recreation Ground which was referred to in the consultation. It was requested that any further final PSPO document referred to the Playing Field. The Playing Field Committee opposed the introduction of dogs off leads for a large part of the day, as this would inevitably result in increased dog fouling with the associated risks to public health, including the potential for dog attacks which was a growing national problem. The Playing Field Committee supported retaining the current dogs on leads PSPO.

Yvette Turner represented the Kilmington Dog Walking Group and advised that the school and Cricket Club only use a part of the Playing Field during the summer months. There are no suitable alternative areas in Kilmington which elderly or less mobile residents can access to exercise their dogs off lead safely. Off lead exercise is also highly beneficial for dogs' well-being. Ms Turner outlined a compromise position which

would restrict dogs on leads to the summer months only: Kilmington Dog Walkers Association proposed that the dog on lead requirement should be removed and a new dog exclusion requirement between 10am and 6pm from 1 May to 30 September is applied. This compromise had worked well in other parts of Devon and the Dog Walking Group requested the Committee to support the compromise.

Sandra Ward highlighted the need for a place where disabled people and those with mobility issues can exercise their dog safely off the lead. Currently disabled people and those with impaired mobility have to use country lanes which can result in dangerous incidents such as Ms Ward had experienced when walking her dog. The compromise position worked in other parts of the country and took account of the Council's legal obligations and the needs of the whole community.

Robert Kathro addressed the Committee with regard to Exmouth Donkey Field and Exmouth beach. Mr Kathro advised that he had regularly observed dogs off lead on the beach during restricted times and had submitted complaints in previous years. Mr Kathro had been advised by the Council that his complaints would be treated as vexatious. A volunteer survey this summer had witnessed 53 dogs off lead on Exmouth beach and members of Mr Kathro's family had personally experienced a distressing incident involving a dog off lead. A compromise position for Exmouth beach could include a stretch which prohibited dogs at all times to enable everyone to enjoy use of the beach.

Angela Ashwin also addressed the Committee and expressed concern that local people are unable to use the beach anymore due to the large number of dogs. The time restriction prohibiting dogs between 10am and 6pm during the summer season is not relevant for local people who use the beach outside those times. Beach activities such as lying on the sand, picnics and children playing are being made impossible due to the intrusion of dogs and dog faeces left behind. Requests to owners to remove their dog have been met with an abusive response. Ms Ashwin asked the Committee to ensure that the beach is kept for the citizens of Exmouth to enjoy without the problems which dogs are causing.

The Chair thanked the public speakers for their contributions.

The Portfolio for Environment – Operational, Cllr Geoff Jung, commended the report to the Committee.

The Assistant Director – Environmental Health introduced the report and provided a short presentation which highlighted key points.

The Council currently has three PSPOs in place covering dog control, seashores and promenades and anti-social behaviour dating back to 2023. The Council has carried out a review of these PSPOs to ensure that the three-year review period is met and to assess if the controls are still required and if so whether they need to be amended. This included public consultation. It is recommended that the evidence supports the ongoing use of PSPOs but changes to existing controls require three new orders.

Responses to questions and discussion included the following points:

- The public might be interested to understand the differences in the figures for 2024 and 2025 as shown in the presentation;
- Concern was expressed about dog owners not abiding by the rules on Exmouth beach;
- Insufficient enforcement capacity is a major issue;
- Dog owners who have a disability should be supported;
- Fines should be issued in order to communicate the messaging clearly;

- People should be the priority rather than dogs;
- The impact of aggressive dog behaviour or dog faeces can be long-lasting;
- Messaging in tourist areas should be clear to ensure that visitors are aware of controls;
- It was noted that no fixed penalty notices had been issued in the previous two years as personal details of those involved could not be collected;
- Officers' concern to ensure the safety of EDDC staff was noted following aggressive abuse towards an EDDC officer from a member of the public on Exmouth beach;
- Mixed messaging and variations in the timings of controls across the district may lead to confusion;
- It is important that dogs are socialised properly and have sufficient exercise to prevent problems occurring;
- Only a small minority of dog owners do not act responsibly;
- It should be borne in mind that dog owners visiting Exmouth to exercise their dogs also contribute to the local economy;
- Residents of Kilmington have to access the Playing Field via narrow lanes and footpaths could be improved to enable greater access for disabled people;
- A very clearly defined demarcation between dog-friendly and prohibited areas on Exmouth beach, using obvious landmarks such as the lifeboat station, could be beneficial;
- Any changes to controlled areas on Exmouth beach should take account of life-guarded areas for swimmers.

The following recommendations were agreed:

#### **RECOMMENDED TO CABINET:**

1. That the evidence supports the ongoing need for public space protection orders in relation to the control of dogs, seashores and promenades and anti-social behaviour and consumption of intoxicating substances;
2. That Cabinet discharge the three Public Spaces Protection Orders from 2023 in March 2026;
3. That Cabinet approves three new East Devon Public Spaces Protection Orders for 2026 as attached to the report, with the exception of the PSPO for Exmouth seafront which the Overview Committee recommends should remain as it currently stands and that further consultation should be undertaken, if necessary, with a view to extending and clearly defining the areas where dogs are either permitted or prohibited.

51

#### **Public toilets programme review**

Two public speakers had registered to speak for this item.

Cllr Graham Deasy, representing Exmouth Town Council, advised that the Town Council had growing concerns regarding the review which had resulted in a shortfall of facilities for Exmouth. Existing facilities are struggling to remain serviceable and the Town Council would like to see additional and larger public toilet blocks. The Town Council seeks to promote Exmouth as a welcoming tourist destination but has received many complaints, including from international visitors, regarding the condition of the facilities. This is damaging the town's reputation and negatively impacting those wanting to visit the town, including local sports groups, which then has an unwanted negative impact on

the local economy. The Town Council was of the view that the review was based on outdated information and urged EDDC to work with the Town Council moving forwards.

Cllr Dianne Conduit, representing Exmouth Town Council, informed the Committee that she had received many complaints during this year, particularly from women and those caring for small children. The impact assessment which had formed part of the review was out of date in the post covid pandemic era. Cllr Conduit expressed concern regarding the public toilet provision at Foxholes which had been problematic: money had been taken although the public could not access the toilets; people had been locked in; disabled people had difficulty accessing the toilets and the design did not meet the needs of stoma users. There was a lack of confidence in the facilities at Foxholes. There had also been public health issues when the facilities at The Maer had been closed.

The Chair thanked the public for their contributions.

The report was introduced by the Portfolio Holder for Economy and Assets, Cllr Paul Hayward, who advised that the review and provision of the service was challenging and complex.

The Assistant Director – Place, Assets and Leisure, Tim Child, presented the report which followed on from a Spotlight Briefing to the Overview and Scrutiny Committees on 15 July. A key milestone has been reached in the programme for delivery against the outcomes of the 2021 Public Toilets Review. Phase 1 of the planned investment programme has now been completed alongside the transfer of some facilities to Town and Parish Councils and the sale, lease or closure of others.

The report also considered the current context for the delivery of the Public Toilets programme, including the challenges associated with the Medium Term Financial Plan and the backdrop of the forthcoming local government reorganisation [LGR], and considered the options for moving forward whilst also reflecting on learnings from the first phase.

The outcomes of the Spotlight Session were as follows:

1. Overview Committee to receive a report and make recommendations on the way forward;
2. The Scrutiny function to be satisfied by a cross-party Members group with oversight of project as it moves forward.

This report addressed the first outcome and provided Overview Committee with the opportunity to influence direction of travel and a more detailed options appraisal to inform Cabinet decision making.

The Assistant Director advised that it would be a significant budgetary ask to complete the programme in its current form and that any legacy as regards LGR needs to be balanced against budgetary restraints.

Responses to questions and comments on responses included the following points:

- There have been teething issues with the delivery of facilities which has not been unexpected. The programme follows a model of delivery which was being rolled out in other parts of the country;
- In light of incidences where people have been locked into cubicles, concern was expressed as to whether sufficient research was carried out given that there have been similar issues in other areas. Sound proofing of cubicles was a real concern if the user was in difficulty;

- Overall the number of faults and complaints have been low when compared with the level of use;
- Improved signage had been installed to assist users and it was noted that some issues were not due to a fault, but to incidences where the public were uncertain as to how to use the facility;
- Capital receipts from the sale of sites had gone back into general reserves;
- The first phase of delivery had to include Exmouth, Seaton and Budleigh due to the timescale around Government funding for the adult Changing Places facilities;
- The second phase of delivery would be based on need which included consideration of the state of specific buildings;
- Steamer Steps/Cliff Path site in Budleigh was on the list for rebuilding, but it was noted that this site would be challenging due to its location and constraints for installing a modular building;
- Administration of introducing and operating a discount scheme for local people would be costly and complex and no recommendations had, as yet, been made;
- Industry advice had been to move away from using radar keys which also have an administrative burden. All new toilet blocks had at least one accessible cubicle;
- Of the 11 remaining sites, the majority of these were currently planned to be new buildings;
- Concern was expressed regarding the ease of use of stoma facilities, although this may depend on the type of stoma. Officers would consider this issue further going forwards;
- A good facility at the Exmouth gateway site was desperately needed. It was noted that this site was not a Category A site and had never been identified to be kept open during the 2021 review so that there was no capital budget for this site. More recently the decision had been taken to retain this site, therefore, a revenue budget only was available and it was now doubtful whether any upgrades could be delivered ahead of LGR due to the lack of capital budget;
- Concern was expressed that the Council was considering expenditure on buildings which were only 7-10 years old;
- Consideration of the options available going forwards would determine whether further public consultation would be required, however, there would be time constraints due to the imminent approach of LGR;
- Discussions had commenced with Town and Parish Councils regarding the transfer of assets ahead of reorganisation;
- The design concept for the next phase of delivery was in place and therefore ready to apply for planning permission. Consultation with Ward Members would take place prior to seeking planning permission. If that approach was not going to be adopted, an options appraisal would be required as soon as possible with a view to a report to Cabinet at the end of this year, or early next year;
- There was concern regarding the timescales for LGR as toilet facilities would eventually transfer to another body such as a Town or Parish Council. Strong engagement with local councils at this stage could save time and money in the long run;
- Cabinet had received a report at the end of July on the stewardship of public amenities going forwards, with a further report due at the end of the year, which would address safeguarding amenities for the future. This timescale would align with the intention to submit an options appraisal on public toilets to Cabinet, should that be agreed as the way forwards;
- Councillors were advised that the anticipated S.24 notice at the end of next year would severely limit the Council's expenditure;
- There was concern that the timing of LGR does not align with the budget setting process for local councils. Currently Town and Parish Councils do not have data on the running costs of public toilets which were more of a liability than an asset;
- It was requested that consultation with Ward Members should include all members of a town with more than one ward.

During the debate, the following points were included:

- It was suggested that the capital amount available could be divided between the remaining facilities in the next phase of the review and transferred to Town and Parish Councils with the asset itself, for them to consider the options most suitable for their parish's needs. The legality of this as an option would need to be considered;
- The agreement between Exmouth Town Council and EDDC with regard to the maintenance of the toilets at The Maer was working well;
- The Exmouth Placemaking project with Exmouth Town Council would potentially provide the Town Council with the scope to enable keeping the station toilet facilities in place;
- Noted that EDDC can offer its services to Town and Parish Councils to keep amenities such as toilets operational;
- It was noted that Budleigh Salterton Town Council wants the Cliff Path site to remain on the phase 2 list;
- There are examples of unitary authorities not closing toilet facilities and other options were available and should be considered to ensure viability going forwards;
- Planning conditions could ensure that supermarkets and large commercial premises provide toilet facilities;
- The provision of public toilets should be put at the forefront of discussions on asset transfer with Town and Parish Councils;
- An options appraisal should be kept as wide and flexible as possible and should align with the timing of the forthcoming stewardship report to Cabinet.

It was agreed to recommend the following to Cabinet:

#### **RECOMMENDED TO CABINET**

1. That an options appraisal is undertaken to influence direction of travel informed through the debate, to include flexibility around capital expenditure and early engagement with Town and Parish Councils and that the timing of the options appraisal aligns with the forthcoming stewardship report to Cabinet, and
2. That Officers have regard to the discussion and comments made by the Overview Committee at its meeting on 30 September 2025.

52

#### **Work Programme 2025 - 2026**

It was suggested that the Committee could consider the care and maintenance of ancient trees in the District. A proposal form would be submitted.

With this addition, the Work Programme, as published, was agreed.

#### **Attendance List**

##### **Councillors present:**

B Bailey  
B Collins  
R Collins  
T Dumper (Vice-Chair)  
A Hall (Chair)  
M Hall  
M Hartnell  
D Mackinder  
H Riddell  
D Wilson

**Councillors also present (for some or all the meeting)**

I Barlow  
S Gazzard  
S Jackson  
G Jung  
M Martin  
P Hayward

**Officers in attendance:**

Matthew Blythe, Assistant Director Environmental Health  
Tim Child, Assistant Director Place, Assets & Leisure  
Andrew Hancock, Assistant Director StreetScene  
Andrew Melhuish, Democratic Services Manager  
Anita Williams, Principal Solicitor (Deputy Monitoring Officer)  
Andrew Wood, Director of Place

**Councillor apologies:**

P Fernley  
J Heath  
Y Levine

Chair

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Date:

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# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of the meeting of Audit and Governance Committee held at Council Chamber, Blackdown House on 20 November 2025**

### **Attendance list at end of document**

The meeting started at 2.32 pm and ended at 4.18 pm

### **23 Minutes of the previous meeting**

The minutes of the Audit and Governance Committee held on 18 September 2025 were confirmed as a true record.

### **24 Declarations on interest**

There were none given.

### **25 Public speaking**

There were no members of the public wishing to speak.

### **26 Matters of urgency**

There were none.

### **27 Confidential/exempt item(s)**

There was one verbal update dealt with in this way.

### **28 Internal Audit Activity Progress Report – Quarter 2 2025/26**

Connor McLaughlin Nester - Principal Auditor, SWAP presented the report which outlined progress in delivering the 2025/26 Internal Audit Plan and provided a summary of outstanding internal audit actions as of 24 October 2025.

There was overall encouragement from Members and officers to the decline in the list of actions taken and that there were no high operational risks. It was requested that older actions were completed first and to only extend deadline dates under extraordinary circumstances.

#### **RESOLVED:**

That the progress against the 2025/26 Internal Audit Plan as of 24 October 2025 and the findings reported be noted.

### **29 External Audit Progress report and sector updates**

Peter Barber, Key Audit Partner - Grant Thornton provided progress in the delivery of the responsibilities of the external auditor. It included a series of sector updates in respect of emerging issues for consideration.

There was discussion concerning information deadline dates to Grant Thornton from the council. Peter Barber confirmed the change in the way Grant Thornton and officers worked together was much better and that the processes were very involved.

The Finance Manager wished to thank the Finance Team for their hard and challenging work towards completing the audits. The team was working well with the auditors and although there were sometimes genuine delays, they were confident in getting this completed on time.

The Chair thanked and congratulated both the teams from EDDC and Grant Thornton for working well together especially as the backstop had created more work.

**RESOLVED:**

That the External Audit Progress report and sector update be noted.

30

**Strata Annual Internal Audit report 2024/25 - DAP**

Jo McCormick from DAP presented the report which provided a summary of the performance against the Internal Audit plan for the 2024/25 financial year. It highlighted the key areas of work undertaken and summarised the main findings and recommendations aimed at improving controls. The overall Annual Assurance Opinion on the overall adequacy and effectiveness of the Authority's Internal Control Environment was provided. Based on work performed to date during 2024-25 and experience from previous years, the Head of Internal Audit's Opinion on the adequacy and effectiveness of internal control framework was one of 'Reasonable Assurance'.

Discussion included the fact that specialist IT auditors from DAP were tasked with the Strata audits. The committee was advised that the Strata Joint Executive Committee, the Strata Joint Scrutiny Committee and the Information Governance Board all played a key part in ensuring accountability for managing information security and strategic risks. There was concern that IT was the largest corporate risk, but it was not clear where the responsibility finally lay. The Finance Director agreed that he, DAP and SWAP needed to liaise to get clarity to what each partner covers to get an overview of delivery of secure services.

**RESOLVED:**

That the Strata Annual Internal Audit report 2024/25 be noted.

31

**Partnership Register annual review**

Partnership information for the 2025/26 financial year until March 2026 was supplied to allow the Committee to monitor the status of the council's partnerships. This followed the year-end review of partnerships by responsible officers for 2024/25.

**RESOLVED:**

That the report for review in line with the current policy be noted.

32

**Audit and Governance Forward Plan**

Audit and Governance Committee Forward Plan items to be considered at the next committee included:

- Risk Policy update

- Statement of Accounts Annual Government Statement 2024/25
- External Auditor's Audit Findings report
- 'Time for change' - External Auditor updates
- Annual Report - Delivery Plan for Fraud, Corruption & Compliance Strategy
- Financial Monitoring report update 2025/26 and Treasury Position Review
- External Audit Accounts 2024/25 verbal update
- Information Governance Board Annual report
- Strata reporting lines update

33 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

34 **Review of confidential internal audit reports - verbal update**

A brief oversight of this issue was given.

**Attendance List**

**Councillors present:**

I Barlow  
C Burhop (Chair)  
R Collins  
O Davey (Vice-Chair)  
C Fitzgerald  
M Goodman  
F King

**Councillors also present (for some or all the meeting)**

J Loudoun

**Officers in attendance:**

Robert Wood, Independent Person  
Amanda Coombes, Democratic Services Officer  
Peter Barber  
Simon Davey, Director of Finance  
Tracy Hendren, Chief Executive  
Joanne McCormick  
Connor McLaughlin Nester, Principal Auditor  
John Symes, Finance Manager  
Melanie Wellman, Director of Governance (Monitoring Officer)

**Councillor apologies:**

K Bloxham  
Y Levine

Chair

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Date:

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# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of the meeting of South and East Devon Habitat Regulations Executive Committee held at Council Chamber, Blackdown House on 30 October 2025**

### **Attendance list at end of document**

The meeting started at 2.00 pm and ended at 2.50 pm

### **9 Minutes of the previous meeting held on 24 July 2025**

Minutes of the South East Devon Habitat Regulations Executive Committee meeting held on the 24 July 2025 were confirmed as a correct record.

### **10 Declarations of interest**

None.

### **11 Public speaking**

None.

### **12 Matters of urgency**

None.

### **13 Confidential/exempt items**

### **14 2024-25 Annual Business Plan - Annual report**

The approved plan released funding for new projects estimated at £110,499. Ongoing projects included the continued funding of keystone mitigation measures, such as the Delivery Manager, Wildlife Wardens and Project Officer (DLD).

New measures included:

- Increased resource for Devon Loves Dogs;
- Recruitment of SANG and Infrastructure Projects Co-ordination Officer
- New South East Devon Visitor Survey
- Replacement of Exe Estuary patrol boat. Clarification was sought on the disposal of the existing boat; the Delivery Manager advised that the boat would be retained for four months while the new arrangement was being bedded in, and following the 12 month pilot period, the Executive Committee would be presented with options on sale or re-use of the craft.
- Hedging at Imperial Recreation Ground, Exmouth
- Audit and redesign of information boards at Dawlish Warren
- Monitoring of Petalwort translocation scheme
- Repairs and improvements at the Warren.

The report before the Executive Committee set out the progress on the plan, including;

- The Visitor Survey running until April 2026;
- Awaiting confirmation of insurance cover for new Patrol Boat, following delivered staff training;

- Hedge planting at Imperial Ground, Exmouth on hold due to further works required of the revetment, which requires approval of a grant funding application;
- Installation of new signs at Dawlish Warren expected by the end of 2025;
- Rescheduled survey for the Petalwort translocation monitoring programme, now taking place in November 2025.

**RESOLVED** that the Executive Committee:

1. Notes the progress made in delivering the 2024/25 annual business plan.
2. Notes the status of mitigation measures from each of the plans, as well as explanations given for measures subject to delay and revised completion dates.

## 15 **Habitat Mitigation Team update**

The extensive report gave the Executive Committee a month by month account of the events and initiatives undertaken by the Wildlife wardens; and work by the Project Officer and Assistant Project Officer of Devon Loves Dogs.

The Executive committee welcomed the breadth of activities undertaken and the continued efforts of both teams.

**RESOLVED** that the Executive Committee note the update.

## 16 **Communications report**

The report set out data from the key performance indicators relating to the South East Devon Wildlife website and social media reach. Digital communications are delivered by the Wildlife Wardens and Project Officer during any stakeholder engagement.

There had been an adoption of a campaigns approach for more targeted messaging, and QR codes for tracking and measurement; an example being the successful social media reach of almost 20K on Boxing Day 2024. An operational review of communications activity across the team takes place bi-monthly.

**RESOLVED** that the Executive Committee note the results of the communications report for the period of September 2024 to August 2025.

## 17 **Finance report**

The report set out the reviewed developer contributions held on account from the previous strategy applied to the funding framework identified in the new Strategy, which allocates Strategic Access Management and Monitoring (SAMM) mitigation measure costs across the following four categories:

- All sites (staffing, operational, project, monitoring and support costs)
- Exe Estuary specific
- East Devon Pebblebed Heaths specific
- Dawlish Warren specific

“All sites” represents 93% of total costs, and sufficient funds were in place to cover those for at least the next five years. The funds on account for the three specific sites were recommended to be first used to reserve the overall costs of the five-year business plan

(plus contingency) for those sites, in addition to the five-year “All sites” costs. Future contributions are then calculated according to the cost categories. The report set out the allocation of existing funds and updated per dwelling cost of the new Strategy, alongside the five year forecast of income/housing delivery for the four categories.

The shift in approach would allow the partnership to shift funds between the “All sites” category and site specific categories if extra investment is needed in one or more areas at a given time.

In response to a question on funding from CIL or s106 money, the committee were assured that once the payments were made by the developer, the funds were committed and therefore could not be clawed back.

**RESOLVED** that the Executive Committee:

1. Notes the update on the overall financial position including contributions received, expenditure and anticipated contributions (from signed S106 and CIL);
2. Notes the assessment of the partnership’s financial position, apportioning of those funds in line with the updated strategy and identification of the appropriate planning obligation contribution rates across the region;
3. Requests the partner authorities to revise planning obligations for habitat regulations mitigation contributions to match those shown in Table 2 of the report, index-linked on an annual basis.

18

## **2025-26 Annual Business Plan and 5 Year Delivery Plan**

The report set out the detail of the 2025/26 Annual Business Plan and Five Year Delivery Plan.

The recommendations in the Plan included:

- New post of Team Leader – Wildlife Wardens
- New post of Wildlife Warden
- Additional warden vehicle
- Devon Loves Dogs operations/development
- Wildlife Wardens operations/development
- Production of monitoring strategy
- Redesign and print of campaign banners “No BBQs at the Warren”
- Review of existing education work and production of new materials
- Trial scheme of shared use of patrol boat, as previously agreed by the Executive Committee in July 2025;
- Repair/replace/maintenance of Exe Wildlife Refuge buoys
- Improved signage/banners for Exe Estuary
- Exe monitoring vantage point count
- Visitor centre and gateway interpretation at Dawlish Warren
- Fencing at Dawlish Warren
- Additional dog bins on the Pebblebed Heaths
- Review of dog walking management on the Pebblebed Heaths
- Fire Strategy work for the Pebblebed Heaths
- Monitoring support

The Executive Committee discussed the approach to preventing BBQs and the wider implications of signage and prevention. The use of electric vehicles instead of hybrid was also discussed. Whilst there was a preference for electric, the practicalities for the wardens in reaching hubs for charging, and tax implications for installing EV chargers at home addresses, meant that on balance a hybrid vehicle was a more practical solution.

**RESOLVED** that the Executive Committee:

1. Approves the 2025 – 26 Annual Business Plan (Appendix A in the report) and the commitments and actions set out therein;
2. Notes the updated 5 Year Delivery Plan also shown in Appendix A;
3. Received a further report detailing progress with the 2025 – 26 Annual Business Plan in October 2026.

19 **Risk Register report**

The report set out an update on the status of the risk register and the potential impact specifically of three identified major risks:

- Changes to the Habitats Regulations as identified in the Planning and Infrastructure Bill (at the time of the meeting, at the House of Lords)
- Local Government Reorganisation
- Delays to mitigation measures identified in the annual business plan.

Due to the timescales of the legislation for the first two items, the Executive Committee were concerned but not in a position to debate further until more was known from Government. As the outcomes became clearer, the Executive Committee would be kept informed.

**RESOLVED** that the Executive Committee:

1. Notes the identification, categorisation and prioritisation of risks as recorded in the accompanying Risk Register, associated with the delivery of the South East Devon Wildlife – Joint Habitats Sites Mitigation Strategy;
2. Notes the control measures in place to mitigate the risks identified;
3. Received an updated Risk Register report in 12 months.

**Attendance List**

**Councillors present:**

G Jung (Chair) EDDC  
R Williams ECC  
G Taylor TDC

**Officers in attendance:**

Matthew Diamond, ECC  
Neil Harris, Habitat Regulation Delivery Manager  
Rebecca Heal, Solicitor  
Debbie Meakin, Democratic Services Officer  
Paul Osborne, Green Infrastructure Project Officer  
Lucy Dennis, Greenspace Project Delivery Officer

Chair

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Date:

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# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of the meeting of Standards Committee held at Council Chamber, Blackdown House, Honiton on 20 November 2025**

### **Attendance list at end of document**

The meeting started at 9.00 am and ended at 10.35 am

### **12 Minutes of the previous meeting**

The minutes of the Standards Committee held on the 17<sup>th</sup> July 2025 were confirmed as a correct record.

### **13 Declarations of interest**

Cllr J Bailey; ORI Member of Devon County Council; did not take part or vote in minute item 18 as County Councillor.

### **14 Public speaking**

None.

### **15 Matters of urgency**

None.

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

None.

### **17 Appointment of Independent Representatives, Independent Persons and Town and Parish Representatives**

The report from the Monitoring Officer set out the recruitment process and the outcome of the interviews to fill the seats that expire this year.

The report recommended individuals to the Committee to recommend on to Council for co-option. Once appointed, the six applicants will be in place for a term of 4 years or until local government reorganisation, whichever is sooner. They will also receive an annual allowance of £400 per annum in accordance with the adopted scheme.

The Chair and committee members gave their warm thanks for the valued contribution of Professor Diana Kuh (Independent Person), Cllr Mrs Pauline Stott (Town and Parish Representative) and Mr Robert Wood (Independent Member) and their work on the committee over many years.

The committee did raise the issue of the number of women now on the committee as a whole, once the appointments had been approved. Getting the recruitment out to individual town and parish councils was also discussed. Whilst the committee were assured that the recommendations were meeting the requirements of the positions, any further recruitment would be discussed at a future meeting.

**RECOMMENDED to Council the appointment of:**

1. Mr Steve Jupp and Mr Philip Wilde as co-opted non-voting Independent Members on the Standards Committee for a term of 4 years, or until local government reorganisation, whichever is sooner;
2. Cllr Chris Lockyer of Sidmouth Town Council and Cllr Francis Pullman of Westhill Parish Council as co-opted non-voting Town/Parish Representatives on the Standards Committee for a term of 4 years, or until local government reorganisation, whichever is sooner;
3. Mr Martin Goscombe and Mr Pat Coulter as Independent Persons for a term of 4 years, or until local government reorganisation, whichever is sooner.

18

**Applications for dispensations**

The Committee had previously considered and approved a number of dispensations for local government reorganisation at the beginning of the year.

Following County Council elections in May 2025, applications for a dispensation have been received from District Councillors who were appointed to the County Council at that election. These were from Cllrs Arnott, Hayward and Hookway.

The categories of dispensation available to the Committee to grant in these circumstances are:

- considers that granting the dispensation is in the interests of persons living in the authority's area; and
- considers that it is otherwise appropriate to grant a dispensation

The Committee were asked to consider the applications and decide whether or not to grant the dispensation. Any grant was recommended to be in place until the next District Council election or local government reorganisation, whichever is sooner.

The Monitoring Officer confirmed that those granted a dispensation would receive guidance that the dispensation does not override the legal requirement to avoid bias or predetermination.

The committee sought to amend the proposed recommendations in order to handle subsequent dispensation applications.

**RESOLVED**

1. the granting of dispensations to dual-hatted County and District Council members, including any future applications that meet the same criteria, to enable them to discuss and vote on any matter relating to devolution or local government reorganisation in Devon, be approved, with effect from the date of this meeting or the date of the application, whichever is sooner;
2. that the dispensations are approved on the basis that granting the dispensation is in the interests of persons living in the authority's area;
3. that the dispensations are granted until the next District Council elections or until the date of vesting for a new Unitary Council, whichever is sooner.

(Cllr Jess Bailey left the meeting for this item)

19

## **Strengthening the Standards and Conduct Framework consultation update**

The Strengthening the Standards and Conduct Framework for local authorities in England consultation sought views from members of the public, current and prospective local authority elected members, local government officers from all types and tiers of authorities, and local authority sector representative organisations.

The Committee considered the consultation on the 16th January 2025 and delegated authority to the Monitoring Officer in consultation with the Chair and Vice Chair to respond to the consultation by the February deadline.

The update report set out the summary of government proposals in response to the consultation, on the elements of:

- Introduction of a mandatory code of conduct
- Standards committees for all authorities
- Empowering individuals affected by councillor misconduct to come forward
- Introducing the sanction of suspension
- Interim suspension
- Disqualification for multiple breaches and gross misconduct
- Appeals and a national appeals function

There was no timetable set for when legislation changes would come before Government.

Discussion on the proposals included:

- What would be put in place for the benefit of the electorate where their elected member had been suspended; the electorate would effectively be disenfranchised if a suspension was imposed on a single member ward;
- If allowances would be paid to a suspended member if they were subsequently cleared of any breach of the code of conduct;
- Detail on the proposals would come forward once the legislation was put before Government for debate.

**RESOLVED** that the Committee noted the update.

20

## **Code of Conduct Complaints update**

The report gave details of complaints covering the period January to November 2025.

The update highlighted a positive move to fewer complaints being received; and a consistent reduction in investigations over the past five years. The Chair and Vice Chair gave thanks to the hard work of both officers, and the Independent Persons on complaints.

In response to a question, whilst training was done regularly for District Council members, at town and parish level the resources varied; DALC could provide training, and the Monitoring Officer had plans to arrange a further session for Towns and Parishes in the near future.

**RESOLVED** that the Committee noted the update.

21 **Gifts and Hospitality update**

The committee received an update on the registration of gifts and hospitality received for the period January to October 2025.

Training on the updated protocol on registration would be provided to Members in the coming months.

Feedback on the report included:

- The appropriateness of accepting tickets;
- Pleased to see declarations of below the agreed threshold, for reason of transparency;
- Declarations at town and parish level were dependent on the code adopted;
- All offers, accepted or declined, should be declared to demonstrate to the public the level and type of offers being made to both councillors and officers.

**RESOLVED** that the update be noted.

**Attendance List**

**Councillors present:**

E Rylance (Chair)

J Bailey

I Chubb

T Dumper

S Hughes

J Loudoun

**Councillors also present (for some or all the meeting)**

R Collins

**Independent Persons**

D Kuh

**Independent Representatives**

R Wood

M Goscomb

K Bryant

**Town and Parish Representatives**

P Stott

S Sexton

**Officers in attendance:**

Debbie Meakin, Democratic Services Officer

Melanie Wellman, Director of Governance (Monitoring Officer)

**Apologies:**

Pat Coulter, Independent Person

Chair

.....

Date:

.....

# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of the meeting of Placemaking in Exmouth Town and Seafront Group held at Online via Zoom app on 20 October 2025**

### **Attendance list at end of document**

The meeting started at 10.03 am and ended at 10.26 am

### **7 Minutes of the previous meeting held on 9 September 2025**

The minutes of the previous meeting held on 9 September 2025 were approved as a true and accurate record.

### **8 Declarations of interest**

Cllr O Davey – Minute 12; Affects Non-Registerable Interest: Member of Exmouth Town Council.

Cllr N Hookway – Minute 12; Affects Non-Registerable Interest: Member of Exmouth Town Council and of Devon County Council.

### **9 Public speaking**

One member of the public had registered to speak at the meeting.

Mr Thomas Shillitoe spoke in relation to the Exmouth Gateway at the railway station, commenting that upon arrival at the station, it is currently very unclear which way to go. Mr Shillitoe observed that many people walk from the station to the seafront along Imperial Road, bypassing the town centre shops and cafes at detriment to the local economy. He highlighted the need to create a line of sight between the station and the Strand, directing footfall towards the Strand in order to help create the vibrant town centre that Exmouth needs. Mr Shillitoe added that he would like to see these relatively minor changes prioritised in an early phase of the Exmouth Placemaking Plan.

### **10 Matters of urgency**

There were no matters of urgency.

### **11 Confidential/exempt items**

There were no confidential/exempt items.

### **12 Revised Exmouth Placemaking Plan - Strategic Outline Business Case**

The Corporate Lead – Major Projects and Programmes presented this report which outlined the progress made to date in reviewing the Exmouth Placemaking and supporting Strategic Outline Business Case, together with proposed next steps.

Comment was made in discussion, that automated pedestrian crossings at the Exmouth Gateway would serve to direct visitors towards the town centre whilst also easing congestion on the highway.

Members noted the revisions made to the Strategic Outline Business Case and Exmouth Placemaking Plan and the proposed next steps for public consultation and final adoption.

**Attendance List**

**Councillors present:**

P Arnott (Vice-Chair)  
O Davey  
A Hall  
N Hookway (Chair)  
G Deasy (Exmouth Town Council)

**Councillors also present (for some or all the meeting)**

I Barlow  
R Collins  
M Hall  
G Jung

**Officers in attendance:**

Louie Belfield  
Marie Ainsworth, Place & Prosperity Officer  
Bethan George, Executive Support Assistant Apprentice  
Naomi Harnett, Corporate Lead (Interim) – Major Projects & Programmes  
Sarah James, Democratic Services Officer  
Sarah Jenkins, Democratic Services Officer

**Councillor apologies:**

A Bailey  
T Dumper

Chair: .....

Date: .....

# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of the meeting of LATCo Shareholder Committee held at Otter Room, Blackdown House, Heathpark Industrial Estate, Honiton EX14 1EJ on 29 October 2025**

### **Attendance list at end of document**

The meeting started at 5.00 pm and ended at 5.32 pm

#### **1 Appointment of Chair**

Nominations were sought for the appointment of the Chair for the LATCo Shareholder Committee.

The Leader of the Council, Councillor Paul Arnott was nominated and duly seconded and unanimously appointed as the Chair of the LATCo Shareholder Committee.

#### **RESOLVED:**

To appoint the Leader of Council, Councillor Paul Arnott as the Chair for the LATCo Shareholder Committee.

#### **2 Appointment of Vice Chair**

The Chair invited nominations for the Vice Chair of the LATCo Shareholder Committee.

The Deputy Leader, Councillor John Loudoun, was nominated and having being proposed and seconded was unanimously appointed as the Vice Chair for the LATCo Shareholder Committee.

#### **RESOLVED:**

To appoint the Deputy Leader, Councillor John Loudoun as the Vice Chair for the LATCo Shareholder Committee.

#### **3 Appointment of Councillors on the LATCo Shareholder Committee**

The Chair confirmed that the membership of the LATCo Shareholder Committee would be:

- Leader of Council – Councillor Paul Arnott
- Deputy Leader – Councillor John Loudoun
- Portfolio Holder Environment – Operations – Councillor Geoff Jung
- Portfolio Holder Finance – Councillor Sam Hawkins
- Portfolio Holder Place, Infrastructure & Strategic Planning – Councillor Todd Olive

#### **RESOLVED:**

That the membership of the LATCo Shareholder Committee as set out above is noted.

#### **4 Apologies**

There were none.

#### **5 Declarations of Interest**

**6 Public Speaking**

There were no members of the public registered to speak at the meeting.

**7 Matters of Urgency**

There were no matters of urgency.

**8 Confidential/Exempt item(s)**

There was one item of confidential/exempt business which was set out in Agenda Item 10.

**9 Local Government Act 1972 - Exclusion of the Press and Public**

Having been duly proposed and seconded the LATCo Shareholder Committee  
**RESOLVED:**

That the press and public were excluded from the meeting, on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of Schedule 12A of the Local Government Act 1972, Paragraph 2 (Information relating to any individual).

**10 Appointment of Managing Director for the Recycling and Waste LATCo**

The LATCo Shareholder Committee received a report seeking the appointment of a Managing Director of the LATCo.

The committee received a verbal update from the Chair of the Recruitment Panel.

Having been duly proposed and seconded the LATCo Shareholder Committee unanimously approved the recommendations.

**RESOLVED:**

That the LATCo Shareholder Committee approve:

1. That the preferred candidate is A.
2. That the reserve candidate is B.
3. That upon the LATCo being established instructs the Directors of the LATCo to appoint the preferred candidate to the role of Managing Director.
4. That in the event that it is not possible to appoint the preferred candidate, instruct the Directors of the LATCo to appoint the Reserve Candidate as the Managing Director, following consultation with the Interim Director of Place.
5. That delegated authority is given to the Interim Director of Place to determine and negotiate relevant terms of appointment for the Managing Director as set out at paragraph 4.2 of the exempt report.

**Attendance List**

**Councillors present:**

P Arnott

S Hawkins

G Jung  
J Loudoun  
T Olive

**Councillors also present (for some or all the meeting)**

P Faithfull

**Officers in attendance:**

Simon Davey, Director of Finance  
Tracy Hendren, Chief Executive  
Andrew Melhuish, Democratic Services Manager  
David Robertson, Project Manager Recycling and Waste  
Melanie Wellman, Director of Governance (Monitoring Officer)

**Councillor apologies:**

None.

Chair ..... Date: .....

# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of the meeting of LATCo Shareholder Committee held at Council Chamber, Blackdown House, Heathpark Industrial Estate, Honiton EX14 1EJ on 19 November 2025**

### **Attendance list at end of document**

The meeting started at 6.30 pm and ended at 8.03 pm

#### **11 Apologies**

There were no apologies.

#### **12 Declarations of Interest**

No declarations of interest were made.

#### **13 Minutes**

The minutes of the meeting held on 29 October 2025 were confirmed as a correct record.

#### **14 Public Speaking**

No members of the public had registered to speak.

#### **15 Matters of Urgency**

There were no matters of urgency.

#### **16 Confidential/Exempt item(s)**

There was one item of confidential/exempt business conducted under Agenda Item 11.

#### **17 Shareholder Committee Governance arrangements**

The committee considered a report outlining arrangements for operating the committee.

The committee noted that the Shareholder Committee (SHC) had been established to carry out necessary functions of the Council in its capacity as owner of the company East Devon Trading Limited, to deliver waste and recycling services on behalf of East Devon District Council.

The committee were advised that external legal advice had been provided by Bevan Brittan who were preparing draft terms of reference and updates to the Council's Constitution and it was anticipated that these documents would be available to the SHC in December.

The committee also considered the role of the Portfolio Holder Group and recognised the important role of the group in providing oversight of the development and implementation of the proposals to form a LATCo and supported that the Group continued to meet regularly and operate until December 2026, before handing its functions to the Cabinet and Overview and Scrutiny committees.

The committee discussed the need to provide support to committee members of the SHC and noted that specialist training had been sourced to support this to ensure that members of the SHC had the necessary skills to demonstrate high levels of governance of the company.

The SHC supported the recommendations set out in the report, which having been proposed and seconded were unanimously carried.

**RESOLVED:**

1. That the SHC notes progress on development of Terms of Reference and proposed changes to the Council's Constitution.
2. That the SHC agree that members of the committee receive training to support their delivery of the role, to be provided by the end of January 2026.

**18 Project Management update**

The Project Manager, David Robertson, provided the Shareholder Committee (SHC) with an update on project management for the committee.

The following points were presented:

**Project Control:**

- Project management structure in place, including risk register

**Current position:**

- Delivery of project ongoing,
- SHC now in place and trading company created with appointment of a Managing Director nearing completion.

**Key Risks:**

- Company name required to allow set up of relevant IT systems and website.

**Next Steps:**

- Critical friend review underway and due to be reported back to SHC.
- Procurement strategy being developed.
- Financial arrangements.
- Company structure.

**Workstreams:**

- Information Technology.
- Human Resources.
- Demobilisation of SUEZ.
- Fleet management planning.
- Finance.
- Communications.
- Procurement.
- Company set up.

The SHC thanked the Project Manager for the update.

**RESOLVED:**

That the SHC note the update on project management.

## **Company Governance - key tasks**

The Shareholder Committee (SHC) considered a report on progress in developing the LATCo and its governance arrangements, including:

### **Company Incorporation:**

The SHC noted that the Local Authority Trading Company had been created and registered at Companies House on 7 November 2025 and would trade as East Devon Trading Limited. It was noted that this name could be changed when a trading name was selected.

### **Selection, appointment and training of Directors:**

The SHC were advised that the committee had powers to appoint and terminate appointment of the Company Directors. Following registration of the company two senior officers had been appointed as Directors and would undertake those roles until independent Directors were appointed by the SHC.

The SHC noted that the Managing Director of the LATCo (East Devon Trading Limited) would be both an employee of the company and a Director which was likely to be arranged when the successful candidate began their employment in February 2026.

It was noted that following agreement at Cabinet on 1 October 2025 that arrangements for selection of the three non executive Directors and Finance Director would be proposed by the LATCo Project Team for approval by the SHC, subject to evaluation by a panel of officers, EDDC Directors and SHC members to evaluate potential candidates.

### **Articles of Association and Shareholder Agreement:**

In order to set up the LATCo it was noted that the Company had been registered with 'off-the-shelf' Articles, amended slightly to reflect local circumstances. The SHC acknowledged that those Articles would need to be further developed to ensure they were appropriate for the ongoing operation of the Company. At the same time, the Shareholder Agreement would need to be developed to set out the powers and limitations of the Board of Directors and wider control processes to ensure effective decision making and controls. The SHC welcomed that Bevan Brittan were developing both documents for further review by officers before being finalised and presented to the SHC.

### **Arrangements for Company Board and secretarial function:**

The SHC were advised that the Company Board of Directors would need to start functioning as soon as possible, to ensure that the Company could make effective decisions. It would be necessary for Board meetings to be arranged through formal processes along with a programme of business for the year.

It was noted that the Company did not currently have its own administrative function and it was recommended that Company Secretary services were sourced from an external supplier during the set up period. The SHC welcomed that APSE had been approached and had offered to supply this service through a qualified solicitor with the relevant experience and the SHC supported that this would be provided during the first year of operation, including training a staff member to take over this function.

### **Interim Procurement arrangements:**

The SHC noted that the Company would need to procure a broad range of goods and services in the pre-trading period. The SHC supported that the project team develop

proposals for interim procurement policies for approval by the Company Board of Directors in line with the contract value thresholds set out in the report and requested that a delegation was put in place to approve the interim procurement process.

**Company Name:**

The SHC noted that the Company had been incorporated under the name East Devon Trading Limited. The SHC recognised that it was important to agree a name for the Company to support the establishment of email accounts and the necessary branding for the Company. The SHC welcomed that working with Executive Leadership Team, the Portfolio Holder Group, Assistant Director for Communications and the new LATCo Managing Director a long list of names should be developed to allow consultation with councillors and wider stakeholders on options for the name and branding, with a preferred option coming back to the SHC for approval. The SHC recognised the need to

The SHC supported the company governance arrangements set out in the report and having been proposed and seconded unanimously agreed the recommendations.

**RESOLVED:**

1. That the SHC notes progress on development of the company and governance processes and endorses the ongoing role of the Project Board in delivering this workstream.
2. That the SHC supports development of Articles of Association and Shareholder Agreement and provides input to the drafting process.
3. That APSE are used to provide training for the Shareholder Committee and Company Directors, and to provide a Company Secretary function during the start-up phase.
4. That the SHC agree to delegate authority to the Director for Place, in consultation with the Chair of the SHC to approve the interim procurement process.

**20 Local Government Act 1972 - Exclusion of the Press and Public**

The Vice Chair of the SHC proposed that the press and public be excluded from the meeting under Schedule 12A of the Local Government Act 1972, on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of Schedule 12A to the Local Government Act 1972.

Having been seconded the motion was unanimously carried.

**RESOLVED:**

That the press and public be excluded from the meeting under Schedule 12A of the Local Government Act 1972, on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of Schedule 12A to the Local Government Act 1972.

**21 Procurement of IT services through Strata**

The SHC considered a report on the procurement challenges, and a proposed solution, in making arrangements for IT services to the new LATCo.

The SHC noted that there was not an option for direct award under a 'Teckal' style exemption, therefore the preferred route was a direct award following issuing of formal Transparency Notice and Contract Award Notices, which would neutralise any potential challenges.

Having been proposed and seconded the SHC supported the recommendations.

Councillor Sam Hawkins requested that his abstention from voting be duly recorded.

**RESOLVED:**

1. That the SHC notes the proposal for the LATCo to make arrangements for a direct award of a contract to the company named in the exempt report for provision of all IT services, subject to procurement notices being uncontested, and agreement by the company named in the exempt report.
2. That in the event that procurement notices result in third party challenge, the LATCo pursues a competitive procurement process for sourcing IT services.

**Attendance List**

**Councillors present:**

P Arnott  
S Hawkins  
G Jung  
J Loudoun  
T Olive

**Councillors also present (for some or all the meeting)**

I Barlow  
R Collins

**Officers in attendance:**

Simon Davey, Director of Finance  
Tracy Hendren, Chief Executive  
David Robertson, Project Manager Recycling and Waste  
Melanie Wellman, Director of Governance (Monitoring Officer)  
Andrew Melhuish, Democratic Services Manager

**Councillor apologies:**

None.

Chair

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Date:

.....

# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of the meeting of Poverty Working Panel held at Online via MS Teams app on 24 November 2025**

### **Attendance list at end of document**

The meeting started at 10.00 am and ended at 10.45 am

### **1 Minutes of the previous meeting**

The minutes of the previous meeting were noted as a true and accurate record.

### **2 Declarations of interest**

Cllr M Goodman: Minute 6; Affects Non-Registerable Interest: He will be applying for a grant for the Sidmouth Christmas Appeal.

### **3 Public speaking**

No members of the public had registered to speak at the meeting.

### **4 Update on Anti-Poverty Financial Resilience outcomes for 2024/25 (to include details on pension credit take up figures, case studies, funding deployed, etc.) - presentation**

The Benefits and Financial Resilience Manager presented an update on the work of the Financial Resilience Team for 2024/25. The presentation included:

- Details on the funding administered for the Household Support Fund 5 and 6;
- The Financial Resilience Team outcomes including case studies and details of the work the team have been doing in the community;
- Outcomes of the Pension Credit take up campaign carried out last winter in response to the removal of the Winter Fuel Allowance for those not on Pension Credit; and
- An update on administration of the Household Support Fund 7.

Discussion and clarification included the following points:

- The Financial Resilience Team comprises three full time members of staff. It is hoped to recruit to a fourth post by the new year to add management support; this post will cover a wider remit including community grants.
- The work of the Financial Resilience Team is steady but cases are more complex and the team's outreach work can lead to an increase in referrals.

### **5 Briefing on HSF 7 & Crisis Resilience Fund- verbal update**

The Benefits and Financial Resilience Manager presented this item which was a briefing on the new Crisis Resilience Fund due to replace the Household Support Fund and discretionary housing payments from April 2026.

The update was noted.

### **6 Community Grant Scheme - verbal update**

The Benefits and Financial Resilience Manager provided a verbal update on the Community Grant Scheme.

Discussion and clarification included the following points:

- The total funding is £204k with £102k available for the current financial year and then £102k for 2026-27.
- Applications will be considered by the Community Grant Panel with decisions expected in February or March 2026.
- Voluntary organisations without their own constitutions can apply if they have a host organisation and/or are working with Devon Communities Together.

## **Attendance List**

### **Councillors present:**

V Bonetta

M Goodman

M Rixson (Chair)

S Smith

### **Councillors also present (for some or all the meeting)**

I Barlow

### **Officers in attendance:**

Sharon Church, Benefits Manager

Sarah James, Democratic Services Officer

Libby Jarrett, Assistant Director Revenues, Benefits, Corporate Customer Access, Fraud & Compliance

Andrew Mitchell, Housing Solutions Service Manager

### **Councillor apologies:**

P Arnott

D Ledger

Chair:

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Date:

.....

Report to: Council

Date of Meeting 10 December 2025

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



## **Cranbrook and Surrounding Development Areas Community Governance Review – Draft Recommendations**

### **Report summary:**

On 26 February 2025, Full Council approved draft terms of reference for a community governance review, looking at the existing parish governance arrangements in the Cranbrook and surrounding area and inviting representations from local councils, residents and any interested parties in respect of current and future arrangements. Those terms of reference were updated by the Monitoring Officer in consultation with the Portfolio Holder for Communications and Democracy in line with their delegated authority.

Initial submissions were invited between 1 August 2025 and 24 October 2025. A summary of all the submissions received is attached at Appendix 2.

Full Council is asked to agree draft recommendations which will then be subject to a second consultation period between January 2026 and March 2026, following which a report will be brought to Full Council for approval of final recommendations in June 2026.

### **Is the proposed decision in accordance with:**

Budget Yes  No

Policy Framework Yes  No

### **Recommendation:**

1. That the proposals set out in Appendix 1 be adopted by the Council as Draft Recommendations for the purposes of the Community Governance Review.
2. That, save as set out in the Draft Recommendations, the existing Cranbrook Town Council and adjacent parishes of Broadclyst, Clyst Honiton, Rockbeare and Whimple names, boundaries, council size, groupings, and other parish governance arrangements in respect of those parishes, remain unchanged.
3. That the Draft Recommendations be published for consultation purposes from January 2026 to March 2026 inclusive.
4. That the results of the consultation be reported to Full Council in June 2026.

### **Reason for recommendation:**

To ensure that community governance arrangements within the Cranbrook and surrounding development areas are reflective of the identities and interests of the community in that area and achieve electoral equality.

Portfolio(s) (check which apply):

- Assets and Economy
- Communications and Democracy
- Council, Corporate and External Engagement
- Culture, Leisure, Sport and Tourism
- Environment - Nature and Climate
- Environment - Operational
- Finance
- Place, Infrastructure and Strategic Planning
- Sustainable Homes and Communities

**Equalities impact** Low Impact There are no equality implications directly arising from this report, however, the review process is subject to full consultation and any issues arising from the consultation will be drawn to Members attention.

**Climate change** Low Impact

**Risk:** Medium Risk; It is vital that the Governance Review is undertaken in accordance with the Local Government and Public Involvement in Health Act 2007 and the guidance produced by the Ministry for Housing, Communities and Local Government and the Local Government Boundary Commission for England. Failure to adhere to these could result in the Review being open to challenge.

**Links to background information** None

**Link to Council Plan**

Priorities (check which apply)

- A supported and engaged community
- Carbon neutrality and ecological recovery
- Resilient economy that supports local business
- Financially secure and improving quality of services

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## Report in full

1. The Council is undertaking a Community Governance Review of Cranbrook and Surrounding Development Areas within the Council area. In this review, the Council will be guided by the relevant legislation in Part 4 of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act"), the Guidance on Community Governance Reviews that the government and the Local Government Boundary Commission for England have issued ("the Guidance"), and Terms of Reference for the review that were adopted by Full Council on 26 February 2025.
2. The formal consultation period, inviting interested parties to make initial submissions, commenced on 1 August 2025 and closed on 24 October 2025. The consultation document was published on the Council's website and was publicised on social media and through the Council's newsletters. Paper copies of the consultation document were also sent to:
  - Properties in the affected areas
  - Stakeholders in the affected areas
  - Town and Parish councils
  - Local Government Boundary Commission

- Devon County Council

3. A report summarising the number and type of responses is attached at Appendix 2. 94 representations were received through the online survey and an additional 4 representations were sent directly to the Council via email during the consultation period. All submissions were reviewed by officers and the Portfolio Holder.
4. In preparing these draft recommendations for public consultation, officers have been mindful of the initial submissions that have been received, which are referenced in this document and available to view on the East Devon Community Governance Review webpage [Community Governance Review - East Devon](#).
5. The Council had balanced these submissions against the wider requirements and duties that are placed upon it in the 2007 Act and, in particular, the Council has a duty to ensure that community governance within its area reflects the identities and interests of the community in that area and is “effective and convenient”.
6. In assessing the criteria, the community governance review is required to take into account:
  - The impact of community governance arrangements on community cohesion; and
  - The size, population and boundaries of a local community or parish
7. A number of representations refer to councillor numbers. Whilst the only statutory requirement in respect of numbers is that a parish council must have a minimum of 5 councillors, the National Association of Local Councils recommendations are set out below:

<b>Electors</b>	<b>Councillors</b>	<b>Electors</b>	<b>Councillors</b>
Up to 900	7	10,400	17
1,400	8	11,900	18
2000	9	13,500	19
2,700	10	15,200	20
3,500	11	17,000	21
4,400	12	18,900	22
5,400	13	20,900	23
6,500	14	23,000	24
7,700	15	45,000	25
9,000	16		

8. The Local Government Boundary Commission for England Guidance is clear that each parish should be considered on its own merits but states that Councils should bear in mind that the conduct of parish council business does not usually require a large body of councillors. However, the principal council should take into account the population, geography and the pattern of communities and also consider whether historically the parish council has had difficulty in attracting sufficient candidates to stand for election.

## **Draft recommendations**

9. Draft recommendations have been prepared taking into account the consultation responses. Those recommendations are attached at Appendix 1.

10. The Draft Proposals are based on the questions asked during the Stage 1 consultation of the Community Governance Review of Cranbrook Town Council and the neighbouring parish councils.
11. In relation to the expansion areas of the Cranbrook development area, noted in the consultation as areas "A to E" in all but one instance over fifty percent of those who responded agreed with the proposal to expand the area of Cranbrook Town Council to match the relevant development expansion area.
12. The proposal for Area C "*land to the south east of Cranbrook, centred on Gribble Lane and lying between London Road and Rewe Lane, including both land that is covered by the Cranbrook Plan Area but also properties at Crosspark and Rewe Brake, thereby using Rewe Lane as the defined southern boundary*" was more closely balanced, with 48.9% of respondents supporting the suggestion, whilst 44.4% were against. A further 6.7% of respondents marked their response as "not applicable".
13. Even though the result of the consultation in Area C was more finely balanced, there are still a greater number of respondents who support the proposal than those who do not. The continued inclusion of area C within the recommendations and thereby within a future expanded Cranbrook, will allow consistency of approach, mirroring that across the rest of the expanded town. All strategic development which is set to take place in this area is covered by live planning applications which themselves already have received formal resolutions to approve. As such there is a good level of certainty that development in this location will occur and will have a strong relationship with Cobdens to the north and more generally the rest of Cranbrook. The inclusion of Crosspark and Rewe brake further adds to the consistency of approach using well established physical features to help define the proposed boundary. This proposal will therefore form part of the Draft Recommendations and proceed to the second stage of consultation.
14. One consultation response proposed the further expansion of the boundary affecting area A (an area of land north of Exeter airport, centred around Treasbeare Lane and the western section of Parsons Lane) to incorporate additional fields that are set to be opened up as SANGS (suitable alternative natural green space). It is acknowledged that the incorporation of these two fields into area A would make consistency of management with adjacent SANGS easier. However it is a large area and SANGS management alone (where it sits outside of the Cranbrook Plan Area) is not considered sufficient to justify a further expansion of the boundary in this instance.
15. The objection from Broadclyst Parish Council in respect of Area E is also noted. However having reviewed the Cranbrook Plan area and 'zero rated' CIL charging area, Area E is included in both. In addition, over half of the area is also within the allocated Bluehayes expansion and therefore the use of Station Road as a defining boundary allows for a consistency of approach as proposed both along the London Road (Area B) and around the Grange expansion (Area C). While the objection is noted the area's continued inclusion is considered a logical and appropriate approach.
16. The remaining questions in the first stage of consultation related to the electoral arrangements of Cranbrook Town Council, and there was majority support for retaining the number of town councilors at 12 and for *not* dividing the area of the Town Council into wards.
17. The options available to Full Council are to approve the draft recommendations with or without modification or not to approve the draft recommendations and cease the review.

## Next steps

18. The draft recommendations agreed by Full Council will be subject to a further period of consultation that will commence in January 2026 and close in March 2026 and a report of final recommendations will be considered by Full Council in summer 2026.
19. All representations received will be taken into account and will be measured against the criteria in the Local Government and Public Involvement in Health Act 2007.

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**Financial implications:**

A budget of £80K was agreed for work on stewardship and the Community Governance Review. The process outlined in this report is being carried out within that approved budget envelope.

**Legal implications:**

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

## **Draft Proposals – Cranbrook Community Governance Review**

### **The Area of Cranbrook Parish:**

1. That land to the south of Cranbrook Parish be transferred from Clyst Honiton Parish to Cranbrook Parish. This area is shown on the map as area A.
2. That an area of land which extends along the London Road between Court Royal and Green Marsh Road be transferred from Rockbeare Parish to Cranbrook Parish. This area is shown on the map as area B.
3. That an area of land to the south east of Cranbrook, centred on Gribble Lane and lying between London Road and Rewe Lane be transferred from Rockbeare Parish to Cranbrook Parish. This area is shown on the map as area C.
4. That an area of land to the east of Cranbrook Parish, primarily to the west of Cobden Lane, be transferred from Whimple Parish to Cranbrook Parish. This area is shown on the map as area D.
5. That an area of land to the east of Station Road (and north of London Road) be transferred from Broadclyst Parish to Cranbrook Parish. This is shown on the map as Area E.

### **Electoral Arrangements of Cranbrook Parish:**

6. That the total number of Councillors who should serve Cranbrook Town Council remain at the current number of 12.
7. That Cranbrook Town Council should not be divided into wards.

### **Consequential Matters:**

8. That East Devon District Council ask the Local Government Boundary Commission for England (the “LGBCE”) to amend the boundaries of Broadclyst ward, Cranbrook ward and Whimple & Rockbeare ward so that the boundaries of the expanded Cranbrook Town Council are the same as the boundaries of those wards.
9. That East Devon District Council ask the Local Government Boundary Commission for England (the “LGBCE”) to amend the boundaries of Broadclyst County division and Whimple & Blackdown County division so that boundary on the eastern side of Cranbrook Town Council is the same as the boundaries of those divisions.

## Community Governance Review

### Consultation Response Report

#### Contents

About respondents .....	4
Community Governance Review responses to questions .....	5
1. Do you agree that an area of land to the south of Cranbrook Parish be transferred from Clyst Honiton Parish to Cranbrook Parish? This affects an area of land north of Exeter airport and is centred around Treasbeare Lane and the western section of Parsons Lane. This area is shown on the map as area A. ....	5
2. Do you agree that an area of land which extends along the London Road between Court Royal and Green Marsh Road be transferred from Rockbeare Parish to Cranbrook Parish. The change would only affect properties that lie to the north of the London Road. This area is shown on the map as area B. ....	7
3. Do you agree that an area of land to the south east of Cranbrook, centred on Gribble Lane and lying between London Road and Rewe Lane be transferred from Rockbeare Parish to Cranbrook Parish? This includes both land that is covered by the Cranbrook Plan Area but also properties at Crosspark and Rewe Brake, thereby using Rewe Lane as the defined southern boundary The proposal is shown on the map as area C. ....	8
4. Do you agree that an area of land to the east of Cranbrook Parish, primarily to the west of Cobden Lane, (but including a wedge to the east, where this is adjacent to the London Road and is consistent with the Cranbrook Plan) be transferred from Whimple Parish to Cranbrook Parish? This is shown on the map as area D. ....	10
5. Do you agree that an area of land to the east of Station Road (and north of London Road) be transferred from Broadclyst Parish to Cranbrook Parish. This is shown on the map as Area E. ....	11
6. Do you think that the total number of Councillors who should serve the expanded Cranbrook Town Council should be altered from the current number of 12? ....	13
7. Do you think that the expanded area of Cranbrook Town Council should be divided into wards? ....	15
8. Do you think that East Devon District Council should ask the Local Government Boundary Commission for England (the “LGBCE”) to amend the boundaries of Broadclyst ward, Cranbrook ward and Whimple & Rockbeare ward so that the boundaries of the expanded Cranbrook Town Council are the same as the boundaries of those wards? ....	18
10. Are you aware of any other existing local community governance in the areas (e.g. community or neighbourhood forums, resident associations etc.) which should be taken into account as part of this review? ....	20
11. Are there any further comments you would like to add about the Community Governance Review? ....	21
12. Summary of Email Responses .....	21
13. Town and Parish responses .....	22
Whimple Parish Council .....	22
Broadclyst Parish Council .....	24

14. Appendix.....	27
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## **What was the consultation about?**

East Devon District Council (“the Council”) has resolved to undertake a CGR of the Cranbrook Parish following a request from the Cranbrook Town Council. The request is shown in Appendix 1 and is detailed below. Although the request for the review of their civil parish area has come from Cranbrook Town Council, as the request deals with its external boundaries, then the adjacent parishes of Broad Clyst, Clyst Honiton, Rockbeare and Whimple must also be included in the review as their boundaries would also need to be altered to accommodate any change made to Cranbrook civil parish.

In undertaking the review the Council will comply with the legislative and procedural requirements of the 2007 Act and will have regard to Guidance on Community Governance Reviews issued under section 100 of the Local Government and Public Involvement in Health Act 2007 by the Secretary of State and the Local Government Boundary Commission for England

The Review is a legal process whereby the Council will consult with those living in the area, and other interested parties, on the most suitable ways of representing the people in the area identified in the review and thus have a say in how their local communities are represented.

## **What did we need to find out**

The review must make a series of recommendations based on the following topics, some of which are dependent upon and relate to each other.

### **Parish Areas**

- ~ creating, merging and abolishing parishes;
- ~ alternative styles for any new parishes;
- ~ lesser boundary alterations between existing parishes;
- ~ changes to parish names;
- ~ grouping parishes under a common council.

### **Electoral Arrangements**

- ~whether to have a parish council or not;
- ~the size of the council;
- ~whether to ward the parish or not;
- ~drawing up appropriate ward boundaries;
- ~allocating councillors to wards.

This survey was structured to get your input for these topic areas.

**Over what period did the consultation run?**

The consultation period ran from 1 August 2025 to midnight on the 24 October 2025.

**What consultation methods were used?**

The consultation involved an online and paper leaflets. This included:

Online survey which was hosted on commonplace. This included set questions and a free text section for people to add any other comments.

Leaflets promoting the consultation were sent to residents and stakeholders with information on the consultation and how to take part.

**How many responses were received overall?**

94 overall contributions were received. 90.4% of responses were from individuals that indicated they live in the town / parish area, 7.4% from community organisations in the town / parish area and 2.1% indicated they work in the town / parish area.

**How representative is the response to the wider population?**

As this was an open survey it is not possible to define a statistically valid sample size.

**Where will the results be published?**

Results will be published on the council's website [Community Governance Review: Cranbrook and Surrounding Development Areas - East Devon](#)

**How will the results be used?**

The results of this consultation will be used to create a series of proposals which will be consulted on.

**Who has produced this report?**

Louie Belfield Communications and Engagement Officer , East Devon District Council  
November, 2025

**Note**

Note this report looks at the wider responses and at how people/organisations generally responded to the individual questions. It is not intended to consider the detailed content of submissions and this will be considered separately.

**Background:** East Devon District Council has received a request from Cranbrook Town Council to carry out a Community Governance Review in order to amend the external parish boundary of Cranbrook Parish to properly reflect the planned expansion of the town.

The Cranbrook area has undergone and continues to undergo significant development and expansion in relation to housing and related development and infrastructure which extends

into the area of neighbouring parishes. The areas for this growth have previously been formally identified through the adopted Cranbrook Plan.

In carrying out this review, East Devon District Council must ensure that community governance arrangements reflect the identities and interests of the community in the area, and that they are effective and convenient.

This means that in looking at the boundaries of Cranbrook Town Council, we will also include the boundaries of the four parish and town councils which are adjacent to it in the review. These are:

- Broadclyst Parish
- Clyst Honiton Parish
- Rockbeare Parish
- Whimple Parish

### **Scope of the Review**

- The review must make a series of recommendations based on the following topics, some of which are dependent upon and relate to each other.
- Parish Areas
- ~ creating, merging and abolishing parishes;
- ~ alternative styles for any new parishes;
- ~ lesser boundary alterations between existing parishes;
- ~ changes to parish names;
- ~ grouping parishes under a common council.
- Electoral Arrangements
- ~whether to have a parish council or not;
- ~the size of the council;
- ~whether to ward the parish or not;
- ~drawing up appropriate ward boundaries;
- ~allocating councillors to wards.

This survey was structured to get residents/organisations input for these topic areas.

### **About respondents**

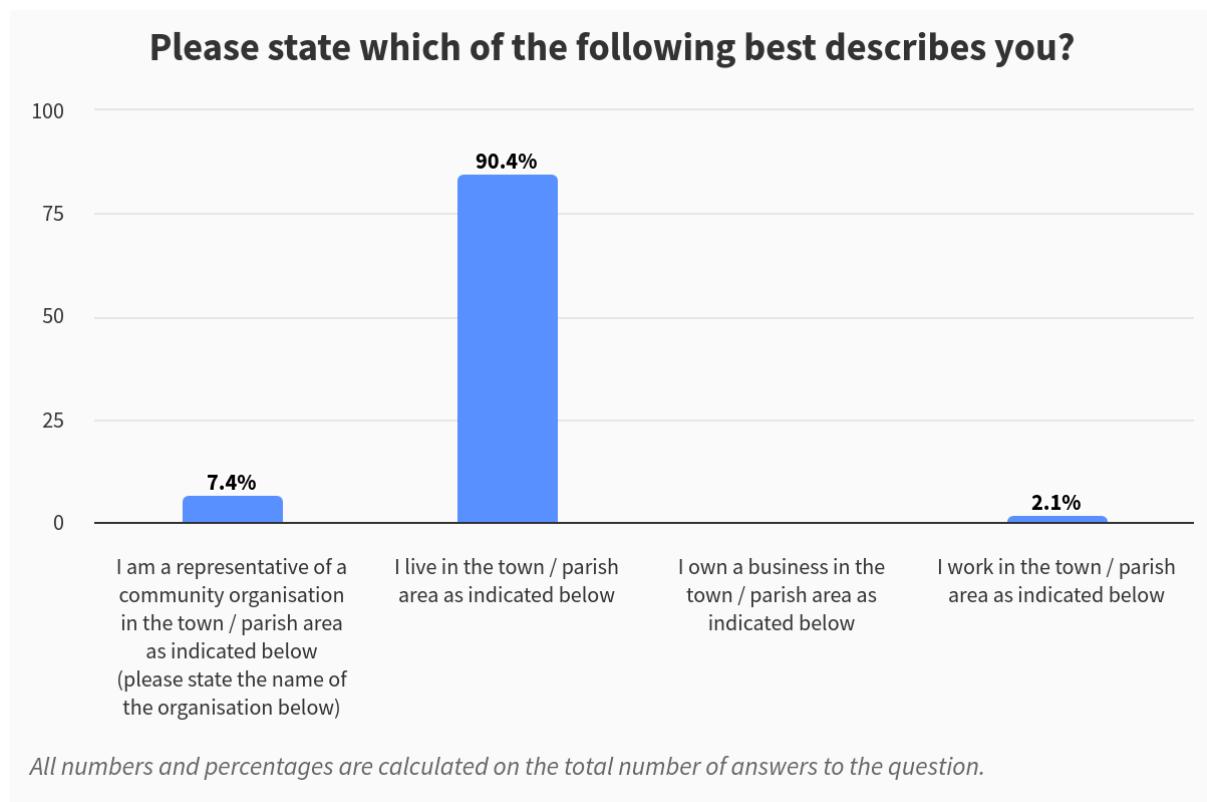
94 overall contributions were received.

Please state which of the following best describes you?

Contributions 94

	<b>% of all respondents</b>	<b>Number</b>
<b>I live in the town / parish area as indicated below</b>	90.4	85
<b>I work in the town / parish area as indicated below</b>	2.1	2

<b>I am a representative of a community organisation in the town / parish area as indicated below</b>	7.4	7
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92.5% of respondents were responding as individuals. Other responses came on behalf of organisations (7.4%).

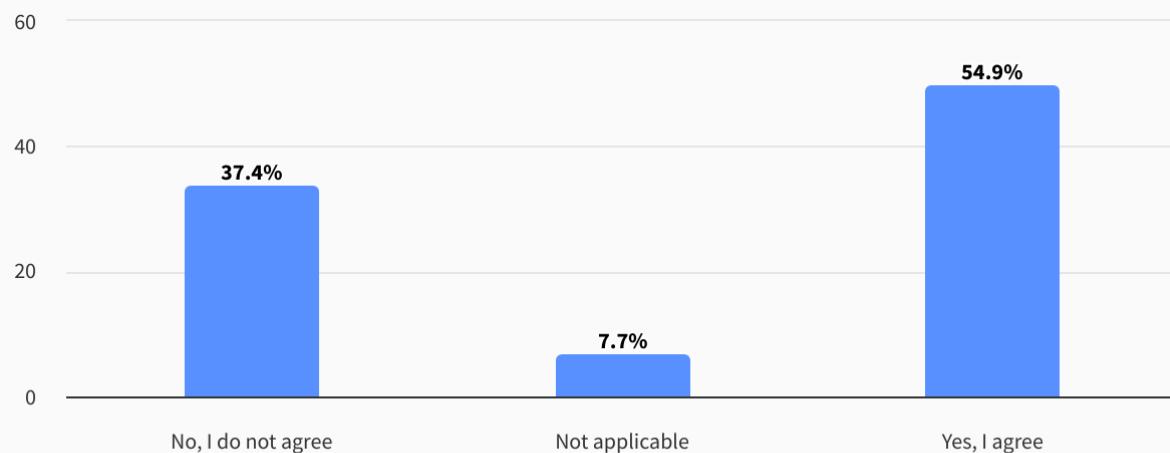
#### Community Governance Review responses to questions

1. Do you agree that an area of land to the south of Cranbrook Parish be transferred from Clyst Honiton Parish to Cranbrook Parish? This affects an area of land north of Exeter airport and is centred around Treasbeare Lane and the western section of Parsons Lane. This area is shown on the map as area A.

Question 1. Do you agree that an area of land to the south of Cranbrook Parish be transferred from Clyst Honiton Parish to Cranbrook Parish? This affects an area of land north of Exeter airport and is centred around Treasbeare Lane and the western section of Parsons Lane. This area is shown on the map as area A.	% of all respondents	Number
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Yes, I agree	54.9%	50
No, I do not agree	37.4%	34
Not applicable	7.7%	7

**1. Do you agree that an area of land to the south of Cranbrook Parish be transferred from Clyst Honiton Parish to Cranbrook Parish? This affects an area of land north of Exeter airport and is centred around Treasbeare Lane and the western section of Parsons Lane. This area is shown on the map as area A.**



*All numbers and percentages are calculated on the total number of answers to the question.*

#### Additional comments for question 1

Of the 91 respondents to this question, 54.9% indicated agreement with the proposed transfer of land (Area A). However, 15 respondents (around 14%) provided additional written comments, which presented a mix of views, though largely expressing reservations or concerns.

##### 1. Views on Cranbrook's size and infrastructure

Several respondents questioned the capacity of Cranbrook to absorb further land, noting existing challenges with infrastructure, community facilities, and service provision. Others felt the proposal was a natural progression of the town's growth and supported a more coherent boundary reflecting its development footprint.

##### 2. Preservation of community identity

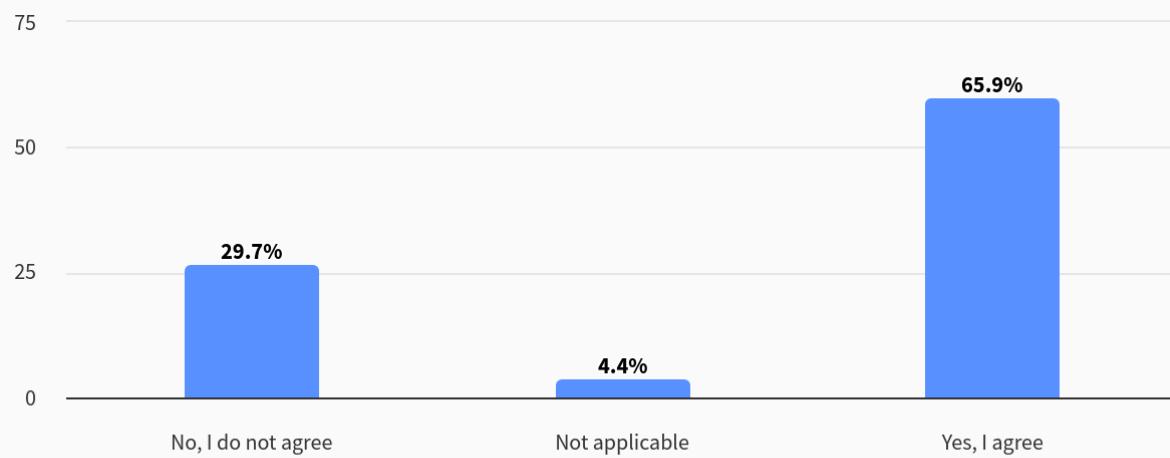
A number of respondents emphasised the importance of maintaining the distinct identity of neighbouring parishes such as Clyst Honiton and Whimple. They expressed concern that ongoing expansion could blur historic boundaries and risk smaller settlements being

overshadowed. Supporters, however, considered the adjustment reasonable given the proximity of the area to Cranbrook's existing built-up area.

2. Do you agree that an area of land which extends along the London Road between Court Royal and Green Marsh Road be transferred from Rockbeare Parish to Cranbrook Parish. The change would only affect properties that lie to the north of the London Road. This area is shown on the map as area B.

Question 2. Do you agree that an area of land which extends along the London Road between Court Royal and Green Marsh Road be transferred from Rockbeare Parish to Cranbrook Parish. The change would only affect properties that lie to the north of the London Road. This area is shown on the map as area B.	% of all respondents	Number
Yes, I agree	65.9%	60
No, I do not agree	29.7%	27
Not applicable	4.4%	4

**2. Do you agree that an area of land which extends along the London Road between Court Royal and Green Marsh Road be transferred from Rockbeare Parish to Cranbrook Parish. The change would only affect properties that lie to the north of the London Road. This area is shown on the map as area B.**



*All numbers and percentages are calculated on the total number of answers to the question.*

Of the 91 respondents to this question, 65.9% indicated agreement with the proposed transfer of land. 29.7% indicated disagreement (Area B).

## Additional comments for question 2

Ten respondents (around 11%) provided additional written comments, which presented a range of views, though most expressed reservations or opposition.

### 1. Views on Cranbrook's growth and capacity

Several respondents opposed any further expansion of Cranbrook, citing concerns about its scale, infrastructure, and the adequacy of existing community facilities. Some felt that ongoing boundary changes would encourage further development and erode the rural character of surrounding areas. Others, however, recognised that the proposed transfer could help create a more consistent and logical parish boundary aligned with the town's existing footprint.

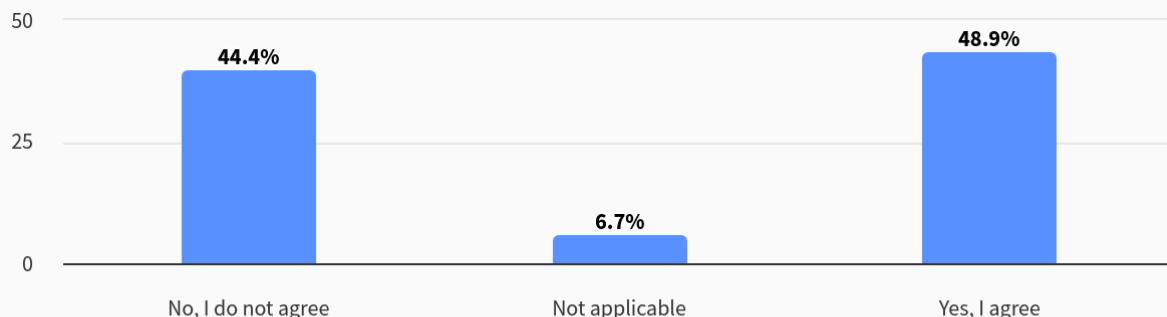
### 2. Community identity and representation

A common theme among the comments was the importance of preserving Rockbeare's distinct parish identity and village character. Respondents noted that Rockbeare and Cranbrook are very different in nature, and that residents who chose to live in Rockbeare may not wish to become part of a new town. There were also concerns about whether Cranbrook Town Council would represent local residents' interests effectively.

3. Do you agree that an area of land to the south east of Cranbrook, centred on Gibble Lane and lying between London Road and Rewe Lane be transferred from Rockbeare Parish to Cranbrook Parish? This includes both land that is covered by the Cranbrook Plan Area but also properties at Crosspark and Rewe Brake, thereby using Rewe Lane as the defined southern boundary The proposal is shown on the map as area C.

3. Do you agree that an area of land to the south east of Cranbrook, centred on Gibble Lane and lying between London Road and Rewe Lane be transferred from Rockbeare Parish to Cranbrook Parish? This includes both land that is covered by the Cranbrook Plan Area but also properties at Crosspark and Rewe Brake, thereby using Rewe Lane as the defined southern boundary The proposal is shown on the map as area C.	% of all respondents	Number
Yes, I agree	48.9%	44
No, I do not agree	44.4%	40
Not applicable	6.7%	6

**3. Do you agree that an area of land to the south east of Cranbrook, centred on Gribble Lane and lying between London Road and Rewe Lane be transferred from Rockbeare Parish to Cranbrook Parish? This includes both land that is covered by the Cranbrook Plan Area but also properties at Crosspark and Rewe Brake, thereby using Rewe Lane as the defined southern boundary? The proposal is shown on the map as area C.**



*All numbers and percentages are calculated on the total number of answers to the question.*

Of the 90 respondents to this question, 48.9% indicated agreement with the proposed transfer of land (Area C), while 44% disagreed.

#### Additional comments for question 3

Fourteen respondents (around 16%) provided additional written comments, which showed a wide range of views.

##### 1. Mixed views on boundary change and growth

Responses were closely divided, reflecting differing opinions on whether extending Cranbrook's parish boundary in this location is appropriate. Supporters noted that the proposed change would align with existing planning boundaries defined in the Cranbrook Plan Area and could help achieve a clearer and more logical parish edge. Those opposed felt that Cranbrook is already large enough and that further expansion risks opening up additional development in the future.

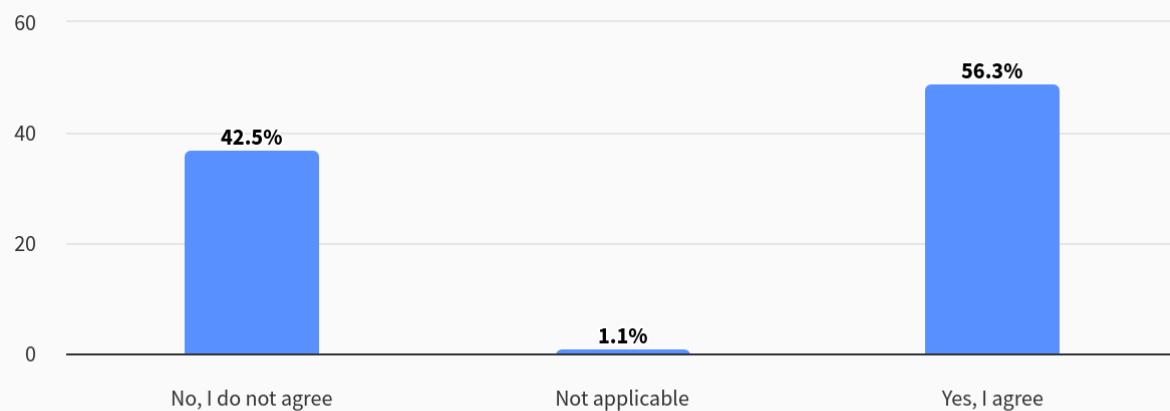
##### 2. Concerns about community identity and rural character

Many of those who commented opposed the proposal on the grounds that it would further diminish the identity of Rockbeare and surrounding rural communities. Respondents highlighted previous assurances to protect village character and felt that continued encroachment by Cranbrook was inconsistent with these commitments. Some viewed the proposal as "acquisition by stealth" and called for the old A30 or Rewe Lane to serve as a natural boundary line.

4. Do you agree that an area of land to the east of Cranbrook Parish, primarily to the west of Cobden Lane, (but including a wedge to the east, where this is adjacent to the London Road and is consistent with the Cranbrook Plan) be transferred from Whimple Parish to Cranbrook Parish? This is shown on the map as area D.

4. Do you agree that an area of land to the east of Cranbrook Parish, primarily to the west of Cobden Lane, (but including a wedge to the east, where this is adjacent to the London Road and is consistent with the Cranbrook Plan) be transferred from Whimple Parish to Cranbrook Parish? This is shown on the map as area D.	% of all respondents	Number
Yes, I agree	56.3%	49
No, I do not agree	42.5%	37
Not applicable	1.1%	1

**4. Do you agree that an area of land to the east of Cranbrook Parish, primarily to the west of Cobden Lane, (but including a wedge to the east, where this is adjacent to the London Road and is consistent with the Cranbrook Plan) be transferred from Whimple Parish to Cranbrook Parish? This is shown on the map as area D.**



*All numbers and percentages are calculated on the total number of answers to the question.*

Of the 87 respondents to this question, 56.3% agreed with the proposed transfer of land (Area D), while 42.5% did not.

Additional comments for question 4

Fourteen respondents (around 16%) provided written comments.

1. Views on boundary alignment and fairness

Many respondents acknowledged that aligning the parish boundary with the existing Cranbrook Plan Area would be practical and consistent with previous planning decisions. Whimple Parish Council itself supported the proposal, noting that it would ensure that the ongoing costs of the Travellers Site and SANGs (Suitable Alternative Natural Green Space) fall to Cranbrook residents, rather than Whimple taxpayers. Others questioned the fairness of shifting boundaries again, describing the process as confusing or “arbitrary,” and arguing that it appeared to serve development interests rather than community benefit.

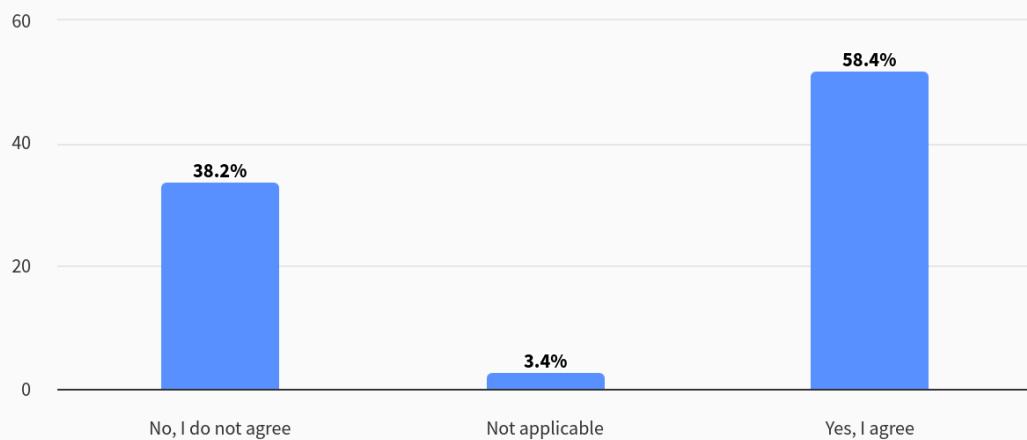
## 2. Importance of protecting Whimple's identity and green space

Opposition to the proposal was often rooted in a desire to protect Whimple's rural setting and sense of independence. Respondents referred to earlier assurances that development would not extend east of Cobden Lane and described the land between Whimple and Cranbrook as a vital green buffer for wildlife, farming, and local character. Some saw the proposal as a gradual erosion of these promises and expressed frustration that Whimple's boundaries were again being reconsidered.

## 5. Do you agree that an area of land to the east of Station Road (and north of London Road) be transferred from Broadclyst Parish to Cranbrook Parish. This is shown on the map as Area E.

5. Do you agree that an area of land to the east of Station Road (and north of London Road) be transferred from Broadclyst Parish to Cranbrook Parish. This is shown on the map as Area E.	% of all respondents	Number
Yes, I agree	58.4%	52
No, I do not agree	38.2%	34
Not applicable	3.4%	3

**5. Do you agree that an area of land to the east of Station Road (and north of London Road) be transferred from Broadclyst Parish to Cranbrook Parish. This is shown on the map as Area E.**



*All numbers and percentages are calculated on the total number of answers to the question.*

Of the 89 respondents to this question, 58.3% agreed with the proposed transfer of land (Area E), while 38.2% did not.

**Additional comment summaries for question 5**

**1. Divided opinions and questions over justification**

While a small majority supported the proposal, the written responses showed that many were unconvinced that any clear policy or governance case had been made. Several viewed the suggested boundary adjustment as unnecessary or premature, arguing that there is currently no active development in this location. Broadclyst Parish Council formally objected, stating that Area E is not included in the adopted Cranbrook Plan and that its transfer would lack a planning-led rationale. Others felt the change would bring consistency with Cranbrook's future growth corridor and help simplify long-term boundary arrangements.

**2. Protection of Broadclyst's rural setting and community identity**

Many respondents emphasised that Broadclyst is an established rural parish with deep historic roots and should not be further reduced to accommodate Cranbrook's expansion. Comments referred to the need to preserve farmland, open countryside, and the physical separation between the two settlements. A number of respondents used strong language to describe perceived "land grabbing" and expressed frustration at what they saw as ongoing pressure on smaller parishes to cede territory.

**3. Governance, funding, and public confidence** Governance concerns featured prominently.

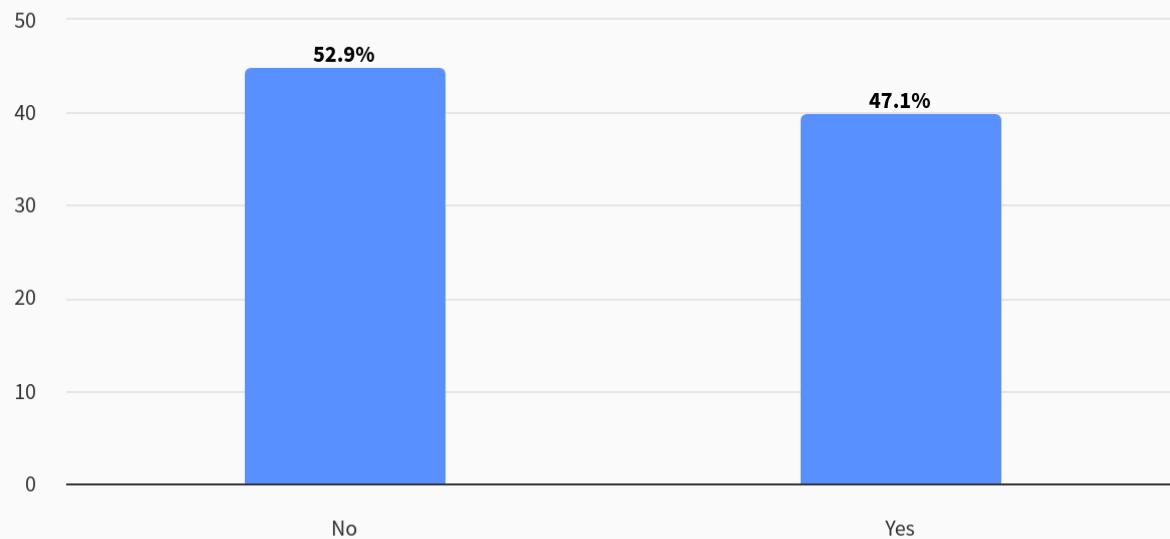
Broadclyst Parish Council and several individual respondents argued that moving Area E into Cranbrook could divert Neighbourhood CIL and other infrastructure funding away from the area where impacts would actually be felt. They also questioned whether Cranbrook Town Council currently demonstrates sufficient transparency or local accountability to justify

an expanded remit. Conversely, some supporters believed a consistent boundary would make future management more straightforward and ensure that the responsibility for new infrastructure sits with the town most directly affected.

6. Do you think that the total number of Councillors who should serve the expanded Cranbrook Town Council should be altered from the current number of 12?

6. Do you think that the total number of Councillors who should serve the expanded Cranbrook Town Council should be altered from the current number of 12?	% of all respondents	Number
Yes	47.1%	40
No	52.9%	45

**6. Do you think that the total number of Councillors who should serve the expanded Cranbrook Town Council should be altered from the current number of 12?**



*All numbers and percentages are calculated on the total number of answers to the question.*

Of the 85 respondents to this question, 52.9% said no and 47.1% said yes to the proposal of altering the number of councillors.

30 of those respondents who answered yes provided an answer on what the number should be changed to

Suggested number	Frequency

6	3
7	1
14	2
15	4
16	7
18	3
20	4
24	1
More than 12 / Higher (unspecified)	2
Appropriate to wards / expandable (unspecified)	2
– (no specific number given)	1
<b>Total written suggestions</b>	<b>30</b>

26 of those respondents who answered no provided a comment. Those comments were summarised.

### 1. Current number considered sufficient or excessive

Many respondents felt that 12 councillors is already adequate or even too many for a town of Cranbrook's current size. Several highlighted that the council has struggled to fill all available seats and that increasing numbers could lead to more vacancies, slower decision-making, and unnecessary bureaucracy. A few suggested representation should be proportionate to the population, with one councillor per set number of residents, to avoid over-governance.

### 2. Concerns about effectiveness and accountability

A recurring theme was low confidence in Cranbrook Town Council's performance, with comments citing limited delivery of promised infrastructure, poor communication, and lack of cohesion between councillors. Some respondents felt that increasing the number of councillors would not resolve these issues and might instead reduce individual accountability or create further inefficiency.

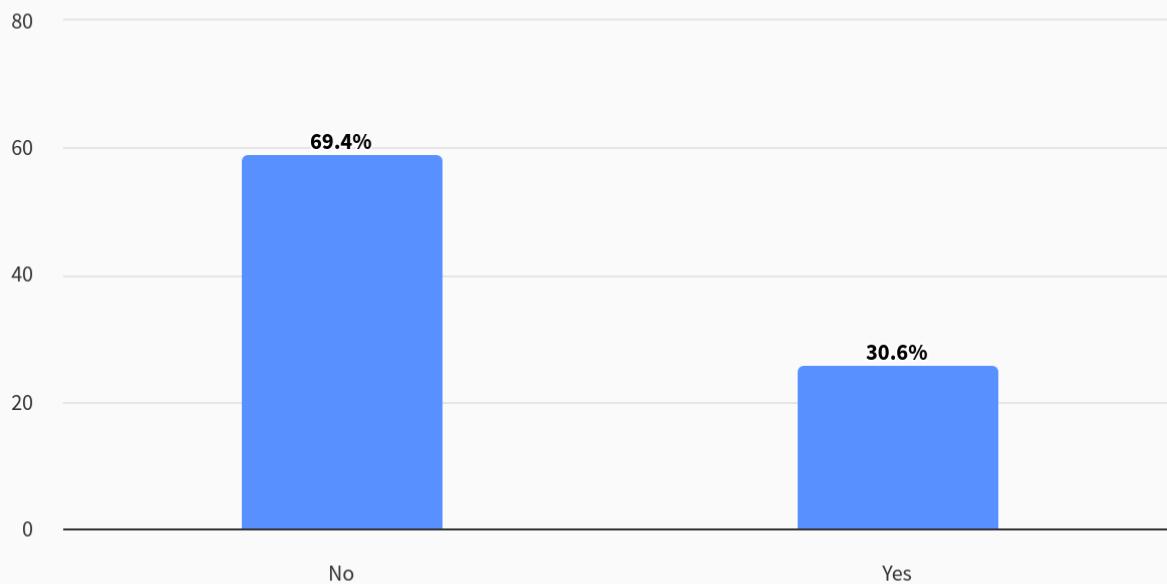
### 3. Opposition to wider expansion and boundary changes

Several respondents linked their opposition to broader concerns about Cranbrook's continued growth and boundary extensions into neighbouring parishes such as Whimple and Rockbeare. They argued that, if parish boundaries should not be expanded, there was no justification for increasing representation, and some described the process as unnecessary or premature.

7. Do you think that the expanded area of Cranbrook Town Council should be divided into wards?

7. Do you think that the expanded area of Cranbrook Town Council should be divided into wards?	% of all respondents	Number
Yes	30.6%	26
No	69.4%	59

### 7. Do you think that the expanded area of Cranbrook Town Council should be divided into wards?



*All numbers and percentages are calculated on the total number of answers to the question.*

17 of those respondents provided a number of how many wards there should be.

Suggested ward arrangement or number	Frequency
2 wards	2
3 wards	4
4 wards	3
5 wards	2
6 wards	1
7 wards	1
8 wards	2
One per new area	1
Allocate wards according to each phase (growth-led)	1
Total written suggestions	17

17 of those respondents provided a number of how many councillors per ward there should be.

Suggested number of councillors per ward	Frequency
1	2
2	2
2–3	1
3	3
4	2
5	3
6	3
At least 3 per area / proportional by phase	1
Total written suggestions	17

17 of those respondents provided a comment of where the boundaries of the wards should be.

Respondent comment	Key areas or features referenced
Younghayes, Country Park, Town Centre, Yonderachre and Rush Meadow, Sports Pitches, Exeter Airport North	Younghayes; Country Park; Town Centre; Rush Meadow; Sports Pitches; Exeter Airport North
All of Phase 1 plus new Treasbeare and areas to that side; from Phase 1 to the Big School (covering Town Centre and central areas); Big School onwards to Whimple, covering new areas around this side of town	Phase 1; Treasbeare; Town Centre; Big School; Whimple
Phase 1 to Country Park; Country Park and Town Centre; School and Younghayes Road	Phase 1; Country Park; Town Centre; School; Younghayes Road
1. First roundabout to start of Country Park 2. Country Park to CEC 3. CEC to playing fields	Roundabout; Country Park; Cranbrook Education Campus; Playing Fields
Unknown, but should be in such a place that creates two equal-in-size wards in terms of population	Population-based division
Each area	General reference to all local neighbourhoods
I can't describe it well. You should provide a map we can draw on. It gets too confusing when we don't know all the official road and boundary names.	Request for mapping or clearer visual reference
The boundaries should be allocated to each phase. People are often unsure about which phase they live in, so getting proper names and a sense of belonging to a smaller area would be good.	Phase-based boundaries; identity by area
N/A	—

Divided by population	Population-based division
Bluehayes and Treasbeare; Phase 1–3; Phase 4–6; then Southbrook and Cobdens	Bluehayes; Treasbeare; Southbrook; Cobdens; Development phases
Grange, Cobden, Central, Younghayes – incorporating Phase 1 & Bluehayes, Treasbeare	Grange; Cobden; Central; Younghayes; Bluehayes; Treasbeare
Town Centre & Younghayes Ward – around the railway station and Morrisons; Ingrams Ward – southern area by playing fields; Treasbeare Ward – western area near Exeter Airport; Cobdens Ward – eastern area beyond the Education Campus	Town Centre; Younghayes; Ingrams; Treasbeare; Cobdens; Exeter Airport; Education Campus
First roundabout to Younghayes Road up to Country Park; after Country Park up to Morrisons; Morrisons to new phases	Roundabout; Younghayes Road; Country Park; Morrisons; New Phases

11 of those who responded provided a comment on what the name of the proposed wards should be.

Respondent comment	Proposed or referenced ward names / themes
Younghayes, Country Park, Town Centre, Yonderachre and Rush Meadow, Sports Pitches, Exeter Airport North	Younghayes; Country Park; Town Centre; Rush Meadow; Sports Pitches; Exeter Airport North
Cranbrook Town Central; Treasbeare; Gribble	Cranbrook Central; Treasbeare; Gribble
Cranbrook East, Cranbrook Central, Cranbrook West	East; Central; West
East and West	East; West
???? As above	Unclear / referred to previous suggestion
This should be a public consultation, with Town Council engaging with people at public events. Using historical placemaking would be helpful too, such as Tillhouse (Phase 2) and Younghayes (Phase 1).	Historical / place-based naming (Tillhouse; Younghayes)
Bluehayes & Treasbeare; Younghayes; Tillhouse; Southbrook; Cobdens	Bluehayes; Treasbeare; Younghayes; Tillhouse; Southbrook; Cobdens
Grange, Cobden, Central, Younghayes – incorporating Phase 1 & Bluehayes, Treasbeare	Grange; Cobden; Central; Younghayes; Bluehayes; Treasbeare
Town Centre & Younghayes Ward; Ingrams Ward; Treasbeare Ward; Cobdens Ward	Town Centre; Younghayes; Ingrams; Treasbeare; Cobdens
Phase 1; Phase 2; Phase 3	Phase 1; Phase 2; Phase 3
N/A	—

29 of those respondents who answered no provided a comment. Those comments were summarised.

1. Preference for keeping the existing arrangement Many respondents felt that the current single-parish structure works well and saw no clear reason to introduce wards. They viewed the proposal as unnecessary, overly complicated, and premature for a town that is still developing. Several felt Cranbrook remains small enough to be effectively governed without division into smaller wards.

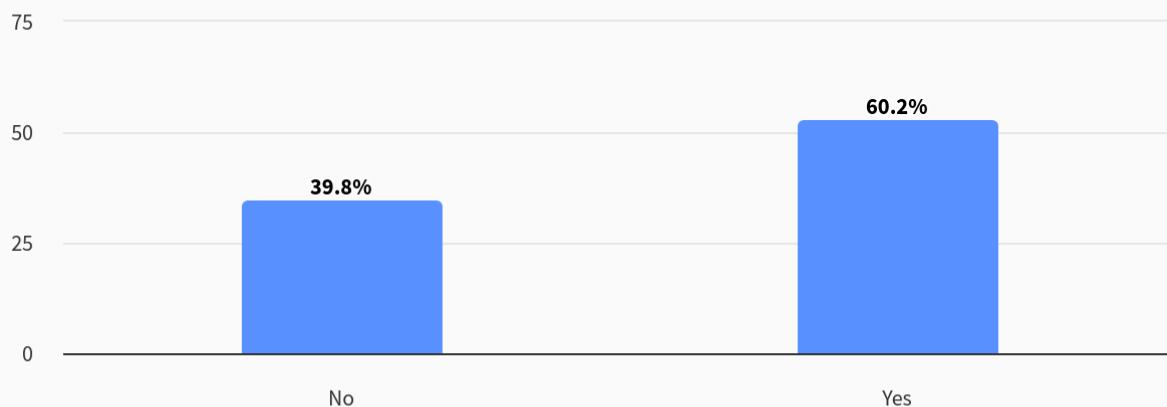
## 2. Concerns about council performance and governance

A number of respondents expressed concern in Cranbrook Town Council's effectiveness and accountability, suggesting that attention should focus on improving existing operations rather than restructuring. Some called for a review of performance and public trust before any further governance changes are made.

8. Do you think that East Devon District Council should ask the Local Government Boundary Commission for England (the "LGBCE") to amend the boundaries of Broadclyst ward, Cranbrook ward and Whimple & Rockbeare ward so that the boundaries of the expanded Cranbrook Town Council are the same as the boundaries of those wards?

8 .Do you think that East Devon District Council should ask the Local Government Boundary Commission for England (the "LGBCE") to amend the boundaries of Broadclyst ward, Cranbrook ward and Whimple & Rockbeare ward so that the boundaries of the expanded Cranbrook Town Council are the same as the boundaries of those wards?	% of all respondents	Number
Yes	60.2%	53
No	39.8%	35

**8. Do you think that East Devon District Council should ask the Local Government Boundary Commission for England (the “LGBCE”) to amend the boundaries of Broadclyst ward, Cranbrook ward and Whimple & Rockbeare ward so that the boundaries of the expanded Cranbrook Town Council are the same as the boundaries of those wards?**

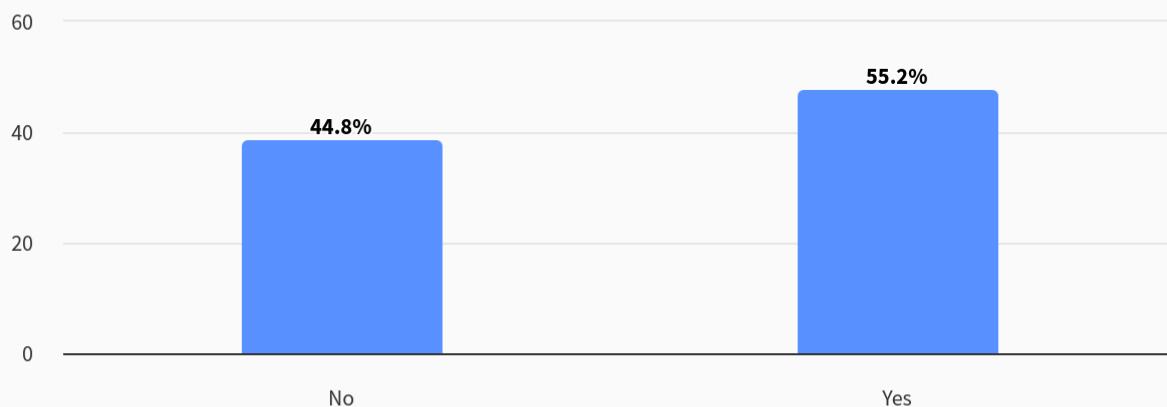


*All numbers and percentages are calculated on the total number of answers to the question.*

**9. Do you think that East Devon District Council should ask the Local Government Boundary Commission for England (the “LGBCE”) to amend the boundaries of Broadclyst division and Whimple & Blackdown division so that boundary on the eastern side of Cranbrook Town Council is the same as the boundaries of those divisions?**

9. Do you think that East Devon District Council should ask the Local Government Boundary Commission for England (the “LGBCE”) to amend the boundaries of Broadclyst division and Whimple & Blackdown division so that boundary on the eastern side of Cranbrook Town Council is the same as the boundaries of those divisions?	% of all respondents	Number
Yes	55.2%	48
No	44.8%	39

**9. Do you think that East Devon District Council should ask the Local Government Boundary Commission for England (the “LGBCE”) to amend the boundaries of Broadclyst division and Whimple & Blackdown division so that boundary on the eastern side of Cranbrook Town Council is the same as the boundaries of those divisions?**



*All numbers and percentages are calculated on the total number of answers to the question.*

**10. Are you aware of any other existing local community governance in the areas (e.g. community or neighbourhood forums, resident associations etc.) which should be taken into account as part of this review?**

29 of those who responded left a comment on if they were aware of any other existing local community governance in the areas (e.g. community or neighbourhood forums, resident associations etc.) which should be taken into account as part of this review.

**1. Limited awareness of formal local governance structures**

The vast majority of respondents answered “No”, indicating little awareness of any existing community or residents’ bodies operating in the affected areas. Many left this question blank or reiterated that they were not aware of any such organisations.

**2. References to specific groups and plans**

A small number of respondents identified local initiatives or formal structures, including the Whimple Neighbourhood Plan, the Cranbrook Community Action Group, and community-based organisations such as Grow Eat Do and Tiny Trails. Some also referred more generally to parish council groupings or existing parish-level governance.

## 11. Are there any further comments you would like to add about the Community Governance Review?

24 of those who responded left a further comment.

### 1. Opposition to expansion and concern over rural identity

A large proportion of comments expressed opposition to the continued expansion of Cranbrook and to any boundary changes affecting surrounding parishes. Respondents emphasised the need to protect the rural identity of existing villages and to prevent further “urban sprawl.” Several urged the council to “leave boundaries alone” and to ensure that Cranbrook remains distinct rather than absorbing neighbouring communities.

### 2. Broader concerns about infrastructure, governance, and quality of development

Several comments reflected frustration with the implementation and management of Cranbrook’s development, particularly the lack of community facilities, poor-quality infrastructure, and housing design. Respondents urged stronger oversight and accountability from both East Devon District Council and Cranbrook Town Council to ensure that lessons are learned from earlier phases and that any future growth is properly planned and supported.

## 12. Summary of Email Responses

In addition to online and written survey submissions, four responses were received by email during the consultation period. The main points raised in these submissions are summarised below.

1. Individual resident – The respondent strongly objected to the proposed boundary change affecting their property. Key concerns included: Potential loss of direct access from London Road, with implications for fuel deliveries, vehicle access, and property layout. Uncertainty over who would bear the cost of any physical alterations, such as repositioning a garage or converting heating supply systems. Potential increases in council tax, changes to postcode and insurance premiums, and lack of maintenance to boundary hedges and fencing since nearby development commenced. The resident expressed frustration at unresolved issues with developers and local authorities and confirmed that they do not wish their property to be brought under Cranbrook Parish.

2. Individual resident – This respondent expressed limited confidence that public views would influence the outcome of the review. They opposed the inclusion of Area C within Cranbrook, citing overdevelopment and the risk of further encirclement of Rockbeare’s communities. They considered the inclusion of Areas A, D, and E to have fewer negative impacts, but opposed changes to Area B, which they said would disrupt long-standing community ties. The respondent also supported the future introduction of ward councillors as Cranbrook grows, to improve local representation.

3. Landowner - Submitted by a planning agent on behalf of a landowner. The email confirmed support for the principle of extending Area A to include two fields currently in Rockbeare Parish, to ensure a co-ordinated approach to SANG management linked to the

Cranbrook Expansion Area. The respondent stated that such an amendment would facilitate integrated delivery of Suitable Alternative Natural Greenspace (SANG) associated with approved and proposed developments at Treasbeare and Farlands.

4. Individual respondent – general comments on Proposals 1–4. This respondent supported maintaining current parish boundaries, with any governance adjustments limited to ensuring effective representation within Cranbrook itself. They acknowledged that an increase in town councillors may be appropriate if the town expands, but recommended retaining a single un-warded structure for simplicity and cost efficiency.

### 13. Town and Parish responses

#### Whimble Parish Council

Question / Field	Response
<b>Please state which of the following best describes you?</b>	I am a representative of a community organisation in the town / parish area as indicated below (please state the name of the organisation below)
<b>Name of the community organisation</b>	Whimble Parish Council
<b>Parish area represented</b>	Whimble
<b>Q1. Do you agree that Area A should transfer?</b>	Not applicable
<b>Any additional comments for Q1</b>	Whimble Parish Council does not wish to comment on this question
<b>Q2. Do you agree that Area B should transfer?</b>	Not applicable
<b>Any additional comments for Q2</b>	Whimble Parish Council does not wish to comment on this question
<b>Q3. Do you agree that Area C should transfer?</b>	Not applicable
<b>Any additional comments for Q3</b>	Whimble Parish Council does not wish to comment on this question
<b>Q4. Do you agree that Area D should transfer?</b>	Yes, I agree

<b>Any additional comments for Q4</b>	"Whimple Parish Council agrees with this proposal, and have the following comments: The people of Whimple want green space between Whimple and Cranbrook. Whimple Parish Council is of the view that the Suitable Alternative Natural Green Space (SANGs) will provide more protection to Whimple than a Green Wedge would as well as the fact that you cannot build through a SANG and the Cranbrook boundary would not be able to come any further East towards Whimple. The cost of administering and maintaining the Travellers Site and SANGs is expensive. Currently, as the boundary is currently located, these costs would fall to the taxpayers of Whimple even though the proposal is part of the Cranbrook Plan. Whimple Parish Council has no objection to this proposal so that the Cranbrook boundary matches the Cranbrook Plan and the residents of Cranbrook are taxed for the Travellers Site and SANGs. There are no dwellings in Area D so households currently sitting under the Whimple Parish area will remain in that area and would not become part of the Cranbrook Parish area."
<b>Q5. Do you agree that Area E should transfer?</b>	Not applicable
<b>Any additional comments for Q5</b>	Whimple Parish Council does not wish to comment on this question
<b>Q6. Should the number of councillors change?</b>	Not relevant to Whimple Parish Council
<b>If YES, what number?</b>	—
<b>Any comments for selecting NO (Q6)</b>	—
<b>Q7. Should the expanded Cranbrook be divided into wards?</b>	
<b>If YES, number of wards?</b>	—
<b>If YES, councillors per ward?</b>	—
<b>If YES, ward boundaries?</b>	—
<b>If YES, proposed ward names?</b>	—

<b>Any comments for selecting NO (Q7)</b>	Not relevant to Whimple Parish Council
<b>Q8. Should EDDC ask LGBCE to amend District ward boundaries?</b>	Yes
<b>Q9. Should EDDC ask LGBCE to amend County division boundaries?</b>	Yes
<b>Q10. Aware of other governance bodies?</b>	No
<b>Q11. Any further comments?</b>	No further comments to add

#### Broadclyst Parish Council

<b>Question / Field</b>	<b>Response</b>
<b>Please state which of the following best describes you?</b>	I am a representative of a community organisation in the town / parish area as indicated below (please state the name of the organisation below)
<b>Name of the community organisation</b>	Broadclyst Parish Council
<b>Parish area represented</b>	Broadclyst Parish Council
<b>Q1. Do you agree that Area A should transfer?</b>	Not applicable
<b>Any additional comments for Q1</b>	Not applicable
<b>Q2. Do you agree that Area B should transfer?</b>	Not applicable
<b>Any additional comments for Q2</b>	Not applicable
<b>Q3. Do you agree that Area C should transfer?</b>	Not applicable

<b>Any additional comments for Q3</b>	Not applicable
<b>Q4. Do you agree that Area D should transfer?</b>	No, I do not agree
<b>Any additional comments for Q4</b>	<p>"Broadclyst Parish Council supports the general principle of aligning parish boundaries with coherent, planned development, where this reflects both policy and community identity. As such, the Council has resolved to support the inclusion of Areas A to D within the proposed changes. These areas have clear justification rooted in the Cranbrook Plan and reflect existing or imminent development. However, Broadclyst Parish Council does not support the inclusion of Option E—the proposed transfer of land to the east of Station Road (and north of London Road) from Broadclyst Parish to Cranbrook Town Council. The Council sets out the following grounds for this position:</p> <p><b>1. Lack of Policy Justification</b> Unlike Areas A–D, Area E is not supported by the Cranbrook Plan or any other formal planning policy. While some parcels of land within Area E may currently be for sale, there are no live or approved planning applications, and therefore no evidence of imminent development. The Cranbrook Plan, as the adopted policy framework guiding the town's growth, does not include this area for development. To reassign it to Cranbrook on the basis of speculative land sales would set a concerning precedent and does not align with the established planning-led approach.</p> <p><b>2. Neighbourhood Infrastructure Levy (CIL) Concerns</b> Under current legislation, any development in Area E would generate Neighbourhood CIL—a vital source of funding for local infrastructure. As the legitimate local authority, Broadclyst Parish Council is responsible for planning and delivering infrastructure to serve its existing and future residents. It is therefore essential that any CIL generated in this area remains within Broadclyst Parish, to be reinvested locally in line with the Broadclyst Neighbourhood Plan and the needs of the community. The proposed transfer to Cranbrook risks diverting those funds to a neighbouring authority with no existing governance, infrastructure, or service responsibilities in the area at this time. This would result in a loss of accountability and undermine the principle of localism.</p> <p><b>3. Contrary to Principles of Good Governance</b> East Devon District Council must ensure that any boundary changes are "effective and convenient" and reflect "the identities and interests of the community." There is no identifiable community in Area E that aligns with Cranbrook at this time. The area remains rural in nature and retains a stronger connection with the wider Broadclyst parish. The proposal to include it within Cranbrook appears to be a speculative land</p>

	acquisition—a “land grab”—rather than a community-led request supported by policy or governance need. Such an approach risks undermining public confidence in the review process. It could lead to governance arrangements that are neither effective nor representative, particularly if areas are transferred in anticipation of development that may not occur, or that may take many years to materialise. <b>Conclusion</b> Broadclyst Parish Council respectfully urges East Devon District Council to maintain Area E within the boundaries of Broadclyst Parish. The proposed transfer lacks planning policy basis, misdirects future infrastructure funding, and fails to meet the criteria for effective and community-based governance. The Council remains committed to positive cooperation with its neighbours and to supporting strategic development where it is planned and justified. However, changes must be policy-led, not speculative.”
<b>Q5. Do you agree that Area E should transfer?</b>	No
<b>Any additional comments for Q5</b>	—
<b>Q6. Should the number of councillors change?</b>	This is for Cranbrook Town Council to decide whether it feels the number is sufficient to discharge duties without overburdening Members.
<b>If YES, what number?</b>	—
<b>Any comments for selecting NO (Q6)</b>	—
<b>Q7. Should the expanded Cranbrook be divided into wards?</b>	No
<b>If YES, number of wards?</b>	—
<b>If YES, councillors per ward?</b>	—
<b>If YES, ward boundaries?</b>	—
<b>If YES, proposed ward names?</b>	—

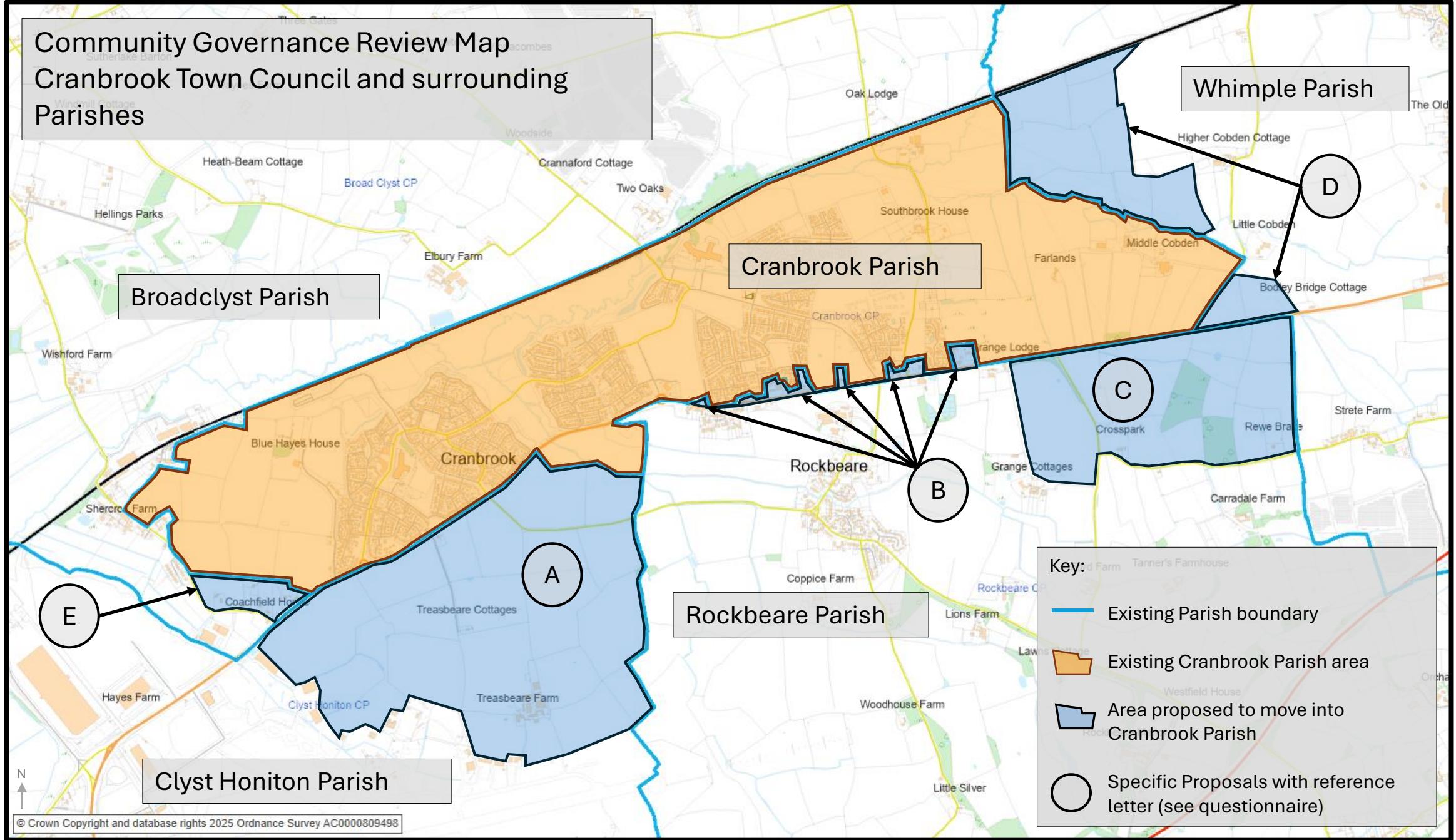
<b>Any comments for selecting NO (Q7)</b>	This is for Cranbrook Town Council to decide.
<b>Q8. Should EDDC ask LGBCE to amend District ward boundaries?</b>	No
<b>Q9. Should EDDC ask LGBCE to amend County division boundaries?</b>	No
<b>Q10. Aware of any other governance bodies?</b>	No.
<b>Q11. Any further comments?</b>	No.

## 14. Appendix

Appendix 1 - [CGR Report.pdf](#)

# Community Governance Review Map

## Cranbrook Town Council and surrounding Parishes



Report to: Council

Date of Meeting 10 December 2025

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



## **Licensing Act 2003 – Statement of Licensing Policy 2026 - 2031**

### **Report summary:**

This report sets out the Licensing & Enforcement Committee recommendation to Council arising from their consideration of a report on 19 November 2025.

Note: The references in this report to Paper A relate to the relevant report considered by the Cabinet with recommendations for Full Council to consider and are appended to this report for reference.

### **Is the proposed decision in accordance with:**

Budget Yes  No

Policy Framework Yes  No

### **Recommendation:**

1. That Council adopt the Licensing Act 2003 Statement of Licensing Policy for the period 7 January 2026 to 6 January 2031.

### **Reason for recommendation:**

It is a legal requirement of the Licensing Act 2003 for East Devon District Council to determine a Licensing Policy to provide a framework for all licence applications regarding the sale of alcohol, the provision of regulated entertainment and the provision of late-night refreshment. The Policy was previously reviewed in 2020. The Policy must be reviewed at least every five years and therefore an amended Policy must be adopted by the 7 January 2026.

Officer: Andrew Melhuish, Democratic Services Manager ([andrew.melhuish@eastdevon.gov.uk](mailto:andrew.melhuish@eastdevon.gov.uk))

Date of Meeting 19 November 2025

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

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**Licensing Act 2003 – To seek approval to adopt a revised Licensing Act 2003 Statement of Licensing Policy 2026-2031**

**Report summary:**

The report is to update the Licensing & Enforcement Committee on the outcome of the consultation to the summary administrative review of the Licensing Act 2003, Statement of Licensing Policy 2026-2031.

**Is the proposed decision in accordance with:**

Budget Yes  No

Policy Framework Yes  No

**Recommendation:**

**That the Committee:**

- Note the outcome of the consultation undertaken on East Devon District Council's proposed summary administrative review of the Licensing Act 2003 Statement of Licensing Policy 2026-2031.
- Recommend to Council at their meeting on 10 December 2025 that the proposed Licensing Act 2003 Statement of Licensing Policy, be adopted by Council for the period of 7 January 2026 to 6 January 2031.

**Reason for recommendation:**

It is a legal requirement of the Licensing Act 2003 for East Devon District Council to determine a Licensing Policy to provide a framework for all licence applications regarding the sale of alcohol, the provision of regulated entertainment and the provision of late-night refreshment. The Policy was previously reviewed in 2020. The Policy must be reviewed at least every five years and therefore an amended Policy must be adopted by the 7 January 2026.

Officer: Philippa Norsworthy, Licensing Manager, Housing & Health.  
[Philippa.Norsworthy@eastdevon.gov.uk](mailto:Philippa.Norsworthy@eastdevon.gov.uk)

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**Portfolio(s) (check which apply):**

Assets and Economy  
 Communications and Democracy  
 Council, Corporate and External Engagement  
 Culture, Leisure, Sport and Tourism  
 Environment - Nature and Climate  
 Environment - Operational  
 Finance

- Place, Infrastructure and Strategic Planning
- Sustainable Homes and Communities

## **Equalities impact Low Impact**

If choosing High or Medium level outline the equality considerations here, which should include any particular adverse impact on people with protected characteristics and actions to mitigate these. Link to an equalities impact assessment form using the [equalities form template](#).

## **Climate change Low Impact**

**Risk:** Choose a risk level; Click here to enter text on risk considerations relating to your report.

**Links to background information** Click here to enter links to background information; appendices online; and previous reports. These must link to an electronic document. Do not include any confidential or exempt information.

## **Link to Council Plan**

Priorities (check which apply)

- A supported and engaged community
- Carbon neutrality and ecological recovery
- Resilient economy that supports local business
- Financially secure and improving quality of services

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## **Report in full**

### **1 Background Information.**

- 1.1 Under the Licensing Act 2003, it is the responsibility of East Devon District Council to develop and publish a Statement of Licensing Policy. The published Policy then provides the framework for all decisions on applications relating to the Licensing Act 2003 and the way the Authority carries out its functions in relation to the legislation.
- 1.2 The Act requires that the Licensing Authority review their Licensing Act 2003 Statement of Licensing Policy every five years. The current policy is due to expire on 7 January 2026 and therefore the Licensing Authority must have reviewed and published a revised policy by 6 January 2026.
- 1.3 During the previous five years the current policy has been kept under review by the Licensing Team to ensure the policy remains updated as to any changes in legislation and or statutory guidance. It is in effect a live policy.
- 1.4 As there have been no legislative changes to the Licensing Act 2003 during the previous five years and taking into consideration the impending local government reorganisation (LGR) a summary administrative review of this policy has been conducted.

### **2 What has changed.**

- 2.1 The summary administrative review has entailed updating the draft policy to reflect the most up to date statutory Licensing Act 2003 Section 182 Guidance and updated references to the East Devon District Council's Public Health Strategic Plan 2024-2027, The Council Plan for 2024-2028, the Surveillance Camera Code of Conduct Guidance 2021 and East Devon District Council's current demographic information.

- 2.2 At 4.2 of the draft policy the classification of films has been added to the Delegation of Functions. At Appendix B of the draft policy which refers to the film classification procedures, the proposal of setting an appropriate fee to provide this licensable service has been added. The Licensing Authority do not currently charge a fee for this service.
- 2.3 The review has included minor miscellaneous updates to amend wording and to remove any errors in wording. Full details of the reviewed policy can be found at **APPENDIX A** and all amendments are in red type. Appendix C of the policy, Pool of Licensing Conditions have been amended to remove the word 'North' and to replace with 'East'. The Pool of Licensing Conditions document was developed by the Devon Licensing Officers Group of which East Devon is an active member and was first published in North Devon.
- 2.4 It was agreed at the Licensing & Enforcement Committee meeting on 16 July 2025, the draft reviewed policy could continue to a consultation.
- 2.5 As the review of the policy was predominantly administrative, a six-week consultation was conducted. The consultation ended on 5 November 2025.
- 2.6 The draft amended policy was available to view on East Devon District Council's website and all current premises licence holders and Responsible Authorities were consulted via email and in writing if no email address was available. An example of the email/letter that was circulated is attached at **APPENDIX B**.
- 2.7 No responses were received to this consultation. Therefore, the draft version of the policy that was presented to Members on 16 July 2025 has not been the subject of further amendments.

### **3 Future considerations.**

- 3.1 As detailed at 1.7 in the Licensing General Report, the Government launched a 'call for evidence' regarding the reform of the Licensing Framework. This consultation ended on 6 November 2025, and we are anticipating a possible change in statutory guidance or legislation. If any guidance or legislative changes are made to the Licensing Act 2003, another review of the East Devon District Council's Licensing Act 2003 Statement of Licensing Policy will take place.

### **4 Conclusions.**

- 4.1 The lack of responses to the revised policy appears to suggest that the Responsible Authorities and licensees are satisfied with the policy.
- 4.2 The Licensing Authority must adopt the policy before 6 January 2026 in order to exercise its powers under the Licensing Act 2003. Once the policy has been adopted by the Council at their meeting on 10 December 2025 it will be published on East Devon District Council's website.

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### **Financial implications:**

If the Policy is not properly adopted by the District Council, the Authority will be liable to legal challenge which if successful could entail costs being awarded against the District Council

**Legal implications:**

Under the Licensing Act 2003 the Council is required to publish a reviewed and updated statement of licensing policy at least every five years. This must set out the authority's general approach to licensing applications and the way it carries out its functions in relation to the legislation.



# **LICENSING ACT 2003**

## **STATEMENT OF LICENSING POLICY**

**For the period  
7 January 2026 to 6 January 2031**

# Table of Contents

<b>FOREWORD</b>	<b>3</b>
<b>East Devon Area.</b>	<b>5</b>
<b>Statement of Licensing Policy</b>	<b>6</b>
1. <b>Introduction and Scope</b>	<b>6</b>
2. <b>Policy Consultation</b>	<b>7</b>
3. <b>Licensing Objectives and Related Legislation</b>	<b>7</b>
4. <b>The Licensing Function</b>	<b>11</b>
5. <b>The Licensing Process</b>	<b>16</b>
6. <b>Conditions</b>	<b>22</b>
7. <b>Authorisation to Sell Alcohol</b>	<b>23</b>
8. <b>Temporary Event Notices (TENs)</b>	<b>24</b>
9. <b>Cumulative Impact</b>	<b>26</b>
10. <b>Licensing Hours</b>	<b>28</b>
11. <b>Children and Licensed Premises</b>	<b>29</b>
12. <b>Drugs</b>	<b>31</b>
13. <b>CCTV</b>	<b>32</b>
14. <b>Door Supervisors</b>	<b>32</b>
15. <b>Control of Consumers</b>	<b>33</b>
16. <b>Nuisance</b>	<b>33</b>
17. <b>Capacity</b>	<b>34</b>
18. <b>Late Night Levy</b>	<b>34</b>
19. <b>Early Morning Restriction Orders (EMROs)</b>	<b>35</b>
 <b>Definitions</b>	 <b>36</b>
<b>Responsible Authority Contacts</b>	<b>38</b>
<b>Appendix A – Procedure for dealing with Hearings</b>	<b>39</b>
<b>Appendix B – Procedure for Film Classification</b>	<b>49</b>
<b>Appendix C – Pool of Conditions</b>	<b>55</b>

## FOREWORD

Welcome to East Devon District Council's Licensing Act 2003 Statement of Licensing Policy for **2026-2031**.

Section 5 of the Licensing Act 2003 (hereafter referred to as "the Act") requires a licensing authority to prepare and publish a statement of its licensing policy every five years. Such a policy must be published before the authority carries out any function in respect of individual applications made under the terms of the Act. The Licensing authority will keep the policy statement under constant review and make such revisions to it, as it considers appropriate. Where revisions are made, the licensing authority shall publish a statement of revisions or a revised licensing policy statement.

**This is a summary administrative review of the policy and the revised policy** is published following a **six week** public consultation **during the Autumn of 2025** and adoption by Full Council on the **10 December 2025**. It is effective from the 7 January 2026 for the next five years.

Since the introduction of the Act, licensing authorities have gained extensive experience in the administration and enforcement of the legislation. We understand that the term 'licensed premises' can be applied to numerous types of operation from a nightclub to a traditional pub or a community run village shop and that our policy should provide valuable guidance and information to address the differing character and needs of each premises. This policy is also intended to provide advice and guidance to anyone that may be involved in the licensing application process from applicants to responsible authorities and members of the public who wish to make a representation about an application.

The entertainment industry within the District is a major contributor to the economy of East Devon. It attracts tourists and visitors, makes for vibrant towns and communities and is a major employer. We understand however our duty to ensure that the needs of residents are considered and anticipate that this policy will help to balance the sometimes conflicting needs of licensees and residents.

The aim of the policy is to secure the safety and amenity of residential communities whilst facilitating a sustainable entertainment and cultural industry. East Devon District Council, in adopting this Licensing Policy, recognises both the needs of residents for a safe and healthy environment in which to live and work and the importance of well run entertainment premises to the local economy and vibrancy of the District. To achieve this aim the Council is committed to partnership working with police, fire service, and local businesses, licensing trade, residents and others, towards the promotion of the objectives as set out in this policy.

This policy provides information and guidance to licence applicants, interested parties and responsible authorities on the general approach that the licensing authority will take in terms of licensing. Each application will be considered individually and the licensing authority will use the policy to ensure that considerations other than fitness of the applicant and suitability of premises are considered when reaching a decision.

We will apply this policy consistently and fairly so that the licensing objectives as set out in the legislation are promoted.

In the preparation and publication of this policy East Devon District Council as the licensing authority has had regard to the guidance issued by the Home Office under Section 182 of the Licensing Act 2003, last revised in **February 2025**. The revised guidance sets out the Government's view on the licensing objectives and the aims of the legislation which this policy recognises and with regard to wherever it is deemed necessary to promoting the licensing objectives.

Nothing in this policy document should be regarded or interpreted as an indication that any requirement of licensing or other law may be overridden.

A copy of the policy together with other licensing related information may be viewed on the licensing pages of the Council website at [eastdevon.gov.uk/licensing](http://eastdevon.gov.uk/licensing). Alternatively copies of the policy are available by contacting the Licensing Team via email to [licensing@eastdevon.gov.uk](mailto:licensing@eastdevon.gov.uk)

## **East Devon District Council Area**

East Devon is one of eight Devon districts and, in population terms, it is the largest in the County.

The District has a dispersed and mainly rural population. The rural nature of the area is emphasised by the low population density of **185.5** per square km (the England and Wales average is **433.5**. Of our 30 wards 21 of the have a population density below the England average. Areas of Outstanding Natural Beauty and the World Heritage Coast cover a high proportion of the District.

The main settlements comprise the coastal resorts of Exmouth (Devon's largest town – population **35,488**), Budleigh Salterton, Sidmouth and Seaton. In the mainly rural inland area the settlements comprise Honiton, Ottery St Mary, and Axminster. There are numerous villages and hamlets. Cranbrook is the fastest-growing town in the South West with a young population with four times the England average of 0-4 year olds and a high proportion in the 25-39 age group. It is estimated that Cranbrook will house up to 28,000 residents by 2031 with the community infrastructure expanding since the first building works began in 2011. As one of the ten NHS Healthy New Towns, the programme is helping to create an environment that promotes healthy lifestyles using innovative approaches to create a healthy, vibrant, attractive and sustainable town.

The population of East Devon has an older age profile with the average age of its residents being 50.7 years (national average is 40.1 years). East Devon has a highest age profile of all of the districts in Devon with the largest percentage of those aged 65+ at 30.06%, this equates to 42,758 people. The overall population is expected to increase by 14,300 people between 2017 and 2027, a rise of 10%.

## Cultural Activities in East Devon

East Devon has strong artistic, festival traditions with a number of highly regarded outdoor summer events occurring in many locations and towns. There is a vibrant voluntary sector including many groups and societies. East Devon District Council is developing and promoting use of its facilities and land for public recreation and the council has a tradition of promoting a wide range of cultural activity for the benefit of residents and visitors alike.

Commercially promoted events take place in a variety of locations throughout the District and within the area there are many local community groups, associations, church and village halls and community centres for social and fund raising activities. There are a large number of halls and community buildings licensed for regulated entertainment and/or the sale or supply of alcohol along with year on year increases for temporary event notices.

## East Devon District Council's Health and Wellbeing Strategy

East Devon's [Public Health Strategic Plan 2024-2027](#) identifies three overarching aims which highlight differences in life expectancy and healthy life expectancy between communities:

1. **Healthy People:** focuses on health outcomes such as life expectancy, physical health conditions like dementia, cancer and kidney disease, disability, personal wellbeing and mental health.
2. **Healthy Lives:** focuses on health-related behaviours and personal circumstances including obesity, hypertension, drug misuse, smoking and cancer screening.
3. **Health Places:** focuses on the wider social, economic and environmental drivers of health such as crime, unemployment, child poverty, pollution, noise and road traffic.

Whilst public Health is not one of the licensing objectives within the Licensing Act 2003, (unlike in Scotland), the council considers it important that alcohol dependency and alcohol abuse are considered within the context of the existing regulatory regime as alcohol dependency and abuse can lead to crime and disorder and anti-social behaviour and can impact on community wellbeing.

# **Statement of Licensing Policy**

## **1. Introduction and Scope**

- 1.1 This Statement of Licensing Policy is based upon the Licensing Act 2003 ("the Act") and is in line with the Home Office Guidance to local authorities and takes effect from 7 January 2026.
- 1.2 This policy relates to all those licensing activities identified as falling within the provisions of the Act wherever they take place, namely: -
  - Retail sale of alcohol
  - Supply of alcohol to club members
  - Provision of 'regulated entertainment' - to the public, to club members or with a view to profit
    - A performance of a play
    - An exhibition of a film
    - An indoor sporting event
    - Boxing or wrestling entertainment
    - A performance of live music
    - Any playing of recorded music
    - A performance of dance
    - Entertainment of a similar description to live music, recorded music or performance of dance
  - The supply of hot food and/or hot drink from any premises including food stalls between 11.00 pm and 5.00 am (Late Night Refreshment).
- 1.3 The Licensing Act 2003, section 5 requires a licensing authority to prepare and publish a Statement of Licensing Policy every five years.
- 1.4 Such a policy must be published before the authority carries out any function in respect of individual applications made under the act.
- 1.5 The purpose of this policy document is to assist the licensing authority in reaching a decision on a particular application, setting out those matters that will normally be taken into account. In addition, the policy document seeks to provide clarity for applicants, residents and other occupiers of property and investors, enabling them to make plans to move to, remain or invest in the District with some measure of certainty.
- 1.6 To achieve the licensing objectives the Council will use its full range of powers and engage all relevant responsibilities including its planning and environmental health controls, crime and disorder policies and powers. The authority will enter appropriate partnership arrangements, working closely with the police, the fire authority, trading standards, local businesses, community representatives and local people in meeting these objectives. Neighbouring authorities and town and parish councils will be consulted where appropriate.

- 1.7 The licensing authority will keep the policy statement under constant review and make such revisions it feels appropriate. Where revisions are made, the licensing authority will publish a statement of revisions or a revised licensing policy statement. Any major changes, unless they are the result of legislation changes will normally be preceded by public consultation.
- 1.8 The Act makes provision for the licensing of individuals for the retail sale of alcohol (personal licences), the licensing of premises for the retail sale of alcohol, provision of regulated entertainment or late night refreshments (premises licence), the supply of alcohol or the provision of regulated entertainment in certain clubs (club premises certificates) and the permitting of certain licensable activities on a temporary basis (temporary event notice).

## **2. Policy Consultation**

- 2.1 Before determining this policy statement the licensing authority has consulted with the following: -
  - the chief officer of police
  - the fire authority
  - persons/bodies representative of local premises licence holders
  - persons/bodies representative of local club premises certificate holders
  - persons/bodies representative of local personal licences
  - persons/bodies representative of businesses and residents in the area
- 2.2 Proper weight has been given to the views of all consulted prior to this policy statement taking effect.
- 2.3 Unless changed by future legislation the policy statement will remain in existence for a maximum period of 5 years and will then be subject to review and further consultation.

## **3. Licensing Objectives and Related Legislation**

### **3.1 Licensing Objectives**

- 3.1.1 The licensing authority has a duty under the Act to carry out its licensing functions with a view to promoting the four licensing objectives. These are: -
  - the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance and
  - the protection of children from harm

- 3.1.2 These objectives are the only matters to be taken into account in determining the application and any conditions attached must be appropriate in achieving the licensing objectives. The legislation requires if there are no relevant representations then an application must be granted and will be subject only to mandatory conditions and conditions consistent with the applicant's operating schedule.
- 3.1.3 A Licence will only be granted where the licensing authority is satisfied that these objectives have been met.
- 3.1.4 The licensing authority requires applicants to address the licensing objectives in their operating schedules having regard to the type of premises, the licensable activities to be provided, the operational procedures, and the nature of the location and the needs of the local community.
- 3.1.5 Operating schedules should not consist of lists of statements but specify specific measures that will be put in place to promote the four licensing objectives. Suggested model conditions have been produced and agreed across all of the Devon Licensing Authorities to assist applicants, responsible authorities and other persons when proposing and determining conditions for a premises licence, but all should ensure that the conditions apply specifically to the premises and meet the criteria of clarity, appropriateness and enforceability shown at Appendix C.
- 3.1.6 Suggested model conditions are neither exclusive nor exhaustive. They do not restrict applicants, responsible authorities or other persons in proposing additional or alternative conditions. Nor do they restrict the Licensing Authority, when determining contested applications, from imposing any reasonable condition on a licence that it considers appropriate for the promotion of the licensing objectives under the Licensing Act 2003. The list of model conditions provide examples of what should be considered when formulating operating schedules when preparing an application.
- 3.1.7 It is recognised that the licensing function is only one means of securing the delivery of the above objectives and should not therefore be seen as a "cure all" for solving all problems within the community. The Licensing Act is part of a wider Government strategy to tackle crime, disorder and anti-social behaviour and reduce alcohol harm. The licensing authority will therefore continue to work in partnership with its neighbouring authorities, the police, the fire authority, the Council's Environmental Health teams, local businesses and local people towards the promotion of the objectives as outlined.

## **3.2 Related Legislation**

- 3.2.1 When making licensing decisions, the licensing authority is bound to apply: -
- 3.2.2 Legislation

- Section 17 Crime and Disorder Act 1998
- The European Convention on Human Rights, which is applied by the Human Rights Act 1998
- The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000
- Policing and Crime Act 2009, further powers for local authorities regarding the regulation of lap-dancing and other sexual entertainment venues that is covered in legislation with separate policy in place to address the provisions.
- Equality Act 2010
- Police Reform and Social Responsibility Act 2011 and the Live Music Act 2012, which both brought in legislative changes to the Licensing Act 2003
- Deregulation Act 2015 removed the requirement to renew a 10 year Personal Alcohol Licence providing indefinite licence periods and increased number of Temporary Events from 12 to 15 per calendar year
- Immigration Act 2016 added licensing authority 'Right to Work' checks and the Home Office Immigration Service as a further Responsible Authority
- Police and Crime Act 2017 proved powers to suspend Personal Licences upon being convicted of a relevant offence
- Section 182 of the Licensing Act 2003 (as revised).

3.2.3 The licensing authority will also have regard to all relevant, up to date legislation, strategies, policies and guidance in its decision making. This may include legislation that is time limited or that is specific to national issues at that relevant time. In preparing this licensing policy the council has had regard to, and sought to integrate the licensing policy with the Council's Plan and the Local Plan and Development Framework.

3.2.4 The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives. It is the licensing authority's wish to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.

3.2.5 The licensing authority recognises that the provision of entertainment is a major contributor to the economy of the District, attracts tourists and visitors and is a major employer. Commercial occupiers of premises have a legitimate expectation of an environment that is attractive and sustainable for their businesses.

3.2.6 The licensing authority's Licensing Committee will keep itself informed and consider wider issues which may need to be given due consideration when making licensing decisions. These issues may include:-

- needs of the local tourist economy
- cultural strategy for the area
- employment situation in the area and the need for new investment and employment where appropriate

- 3.2.7 The licensing authority will also have regard to wider considerations affecting the residential population and the amenity of any area.
- 3.2.8 The licensing authority recognises that licensing applications should not be seen as a repeat of the planning application process and that there is no legal basis to refuse a licence application because it does not have planning permission. Applicants are recommended, however, to ensure that appropriate planning permissions are obtained before an application for a premises licence or club premises certificate is made.
- 3.2.9 For businesses applying for a licence under the 2003 Act, having also applied for planning permission, officers will have regard to Section 182 guidance (**as revised**) and will consider engaging with their planning counterparts with the aim of agreeing mutually acceptable operating hours and scheme designs.
- 3.2.10 In determining a licence application the overriding principle adopted by the licensing authority is that each application will be determined on its merits in the context of the four licensing objectives, and that unless relevant representations are received from Responsible Authorities or Interested Parties, there is no provision for the authority to impose conditions on a licence other than mandatory conditions or those proposed within an application.

The Council, when making decisions, has a duty to do all that it reasonably can to prevent crime and disorder, under Section 17 of the Crime and Disorder Act 1998. The Council is under a duty to protect the rights of residents to privacy and family life under Article 8 of the European Convention on Human Rights. At the same time, the Council must recognise the right of legitimate business to operate their premises without unnecessary restraint. Public authorities have a legal obligation to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups.

### **3.3 Gambling Act 2005**

The provision of gaming machines and certain forms of low-stakes gambling (for example poker, bingo) are permitted in alcohol-licensed premises and qualifying clubs under the Gambling Act 2005. The type of gambling allowed and stakes and prizes are specified in regulations and are set at levels which are designed to keep this form of gaming a low-risk, sociable activity. Generally, such gaming should be ancillary to the primary use of the premises. The authority may take action against premises where it believes that gaming is becoming the dominant activity or is having a detrimental effect on the licensing objectives.

### **3.4 Health Act 2006**

The introduction of the Health Act 2006 which prohibited smoking in enclosed or substantially enclosed spaces in England has had a significant impact on alcohol-licensed premises and qualifying clubs. In many premises, customers wishing to smoke must do so in beer gardens, outdoor patio areas or in the street. This can result in noise, nuisance and anti-social behaviour for nearby residents, businesses and passers-by, especially late at night when background noise levels are low. The authority will expect applicants and licence holders to have particular regard to the management of customers in the immediate vicinity of their premises to ensure that their behaviour does not cause offence or undermine the licensing objectives.

### **3.5 Sexual Entertainment Venues**

Performances of dance which are “relevant entertainment” within the meaning of the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) are not affected by the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013, regardless of the size of the audience or the time of day. “Relevant entertainment” is defined in the 1982 Act as a live performance or live display of nudity that, ignoring financial gain, can be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.

In almost all cases where a performance of dance is potentially licensable as both the provision of *relevant* entertainment (under the 1982 Act) and *regulated* entertainment (under the 2003 Act), the 1982 Act disapplies the entertainment licensing regime in the 2003 Act in favour of its stricter regime for the control of sex establishments.

However, the Licensing Act 2003 will permit the holder of a premises licence to carry out relevant entertainment where the premises are not licensed as a sex entertainment venue under the 1982 Act if:

- The relevant entertainment has only been provided at those premises on no more than 11 occasions in any 12 month period, with none of those occasions lasting longer than 24 hours or taking place within a month of any other such occasion.

The Council has adopted a Sex Establishment Licensing Policy which stands separate from this Licensing Policy.

## **4. The Licensing Function**

- 4.1 The central purpose of the licensing function is to promote the licensing objectives through the effective regulation of licensed premises, qualifying

clubs and temporary events. The authority is keen to foster a safe and vibrant leisure economy and will work with applicants and licence holders to encourage and sustain well managed premises which make a positive contribution to the community. The authority expects applicants and licence holders to demonstrate that they have given thought to and have in place adequate measures to ensure that the operation of their premises will not have an adverse effect on the quality of life of persons living and/or working in the vicinity of the premises.

## **4.2 Delegation of Functions**

4.2.1 The powers of the licensing authority under the Act may be carried out by the authority's Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority. The Licensing and Enforcement Committee will consist of between 10 and 15 elected members of the Council and will establish sub committees consisting of 3 members of the committee. The Council's delegation of functions follow the Home Office Guidance issued under Section 182 of the Licensing Act.

4.2.2 Many of the licensing procedures will be largely administrative and uncontentious. In the interests of efficiency and effectiveness officers will generally carry these out.

4.2.3 A list of delegations is available below:

<b>Matter to be dealt with</b>	<b>By Full Committee</b>	<b>By Sub-Committee</b>	<b>By Officers</b>
Application for personal licence		If a police objection made	If no police objection made
Suspend/revoke personal licence		If on relevant conviction	
Application for premises licence / club premises certificate		If a relevant representation made	If no relevant representation made
Application for premises licence / club premises certificate		If a relevant representation made and not withdrawn	If a relevant representation is made and subsequently withdrawn in writing
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence / club premises certificate		If a relevant representation made	If no relevant representation is made
Application for minor variation of premises licence / club premises certificate			All cases

Application to vary designated premises supervisor		If a police objection made	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection made	All other cases
Applications for interim authorities		If a police objection made	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application			All cases
Determination of an objection to a temporary event notice		All cases	
Determination of application to vary premises licence for community premises to include alternative licence condition		If a police objection made	All other cases
Decision whether to consult other responsible authorities on minor variation application			All cases
Suspension of premises licence/club premises certificate for non-payment of annual fee			All cases
Review of Statement of Licensing Policy	All cases (Full Council)		
Implementation of a Late Night Levy	All cases (Full Council)		
Creation of an Early Morning Restriction Order	All cases (Full Council)		
<b>Film Classification</b>			<b>All cases (two officers)</b>

4.2.4 If representations have been received against an application for the grant or variation of a premises licence or club premises certificate and this is followed by successful mediation an 'agreed position' will have been reached between the objectors and the applicant. Any amendments or extra conditions that are agreed through mediation in writing will not need to be presented to the licensing sub-committee for approval and only those that remain as contested will do so.

### **4.3 The Licensing Authority as Responsible Authority**

4.3.1 Section 103 of the Police Reform and Social Responsibility Act 2011 amended the Act by making the licensing authority a 'Responsible Authority'. This enables the authority to make representations about an application for a premises licence or club premises certificate or to apply for a review of a premises licence or a club premises certificate.

4.3.2 In cases where the authority is acting in its capacity as a responsible authority, it has established a clear separation of responsibilities within the authority's licensing team in order to ensure procedural fairness and to avoid potential conflict of interest.

### **4.4 Review of a Premises Licence or Club Premises Certificate**

4.4.1 A Responsible Authority and any other person can, at any time following the grant of a premises licence or club premises certificate, apply to the licensing authority to review the licence/certificate because of concerns arising at the premises which may have an adverse impact on any of the licensing objectives. The authority regards this as a valuable protection for residents and businesses. Applications for a review must be made in writing and will be considered by a Licensing Sub Committee at a hearing.

4.4.2 Any application for a review should be treated seriously. Responsible authorities will aim to give licensees early warning of any concerns identified at a premises, and talk to the licence or certificate holder to establish whether there are any steps they may be willing to take to rectify the situation. Similarly those seeking a review and are not a responsible authority are encouraged to take initial steps. For example:

- asking the licensing authority to talk to the licence holder on their behalf
- asking their local MP or Councillor to speak to the licence holder on their behalf
- talking to the relevant responsible authority (for example Environmental Health in relation to noise nuisance or the police in relation to crime and disorder) to establish whether there is other action that can be taken to resolve the problem.

4.4.3 The review process is not intended as a means of challenging the grant of a licence following the failure of representations to persuade the licensing authority on an earlier occasion. No more than one review from a person other than a Responsible Authority will be entertained in relation to a particular premises within a period of twelve months on similar grounds, save in compelling circumstances (for example where new problems have arisen) or where it arises following a closure order made under s.160 or s.161 of the Act.

4.4.4 When considering a review of a premises licence or club premises certificate, the authority will expect the applicants for the review to provide evidence of infringements of licensing regulations, failure to comply with licence conditions and/or of failure to promote the licensing objectives. Further guidance on the review procedure is available from the Home Office ([www.gov.uk](http://www.gov.uk)) and our website [eastdevon.gov.uk/licensing](http://eastdevon.gov.uk/licensing).

4.4.5 Following a review, the authority will focus any remedial action directly on the concerns identified in the representations. In all cases, action will be appropriate, reasonable and proportionate to the nature of the problems giving rise to the review. Options available to the authority are:

- to modify the conditions of licence
- to exclude a licensable activity from the scope of the licence
- to remove the designated premises supervisor
- to suspend the licence for a period of not more than three months
- to revoke the licence

4.4.6 In cases where the crime and disorder objective has been undermined or where it can be demonstrated that a premises has a history of persistent offending, suspension or revocation of a licence, even in the first instance, may be seriously considered as a form of deterrence.

4.4.7 Any person aggrieved by the decision of the authority has the right of appeal to the Magistrates' Court. An appeal must be made within 21 days of the licensing authority's decision.

## **4.5 Enforcement**

4.5.1 The licensing authority has established protocols with Devon & Cornwall Police and other enforcing authorities. These protocols will provide for the targeting of agreed problem and high-risk premises, but with a lighter touch being applied to those premises which are shown to be well managed and maintained.

4.5.2 In general, action will only be taken in accordance with agreed enforcement principles and in line with this council's enforcement policy. To this end the key principles of consistency, transparency and proportionality will be maintained.

## 5. The Licensing Process

### 5.1 Applications

- 5.1.1 Application forms are available to complete online. Applicants can contact the licensing team prior to formal submission. Officers cannot provide guidance and may refer applicants to the Pool of Conditions and applicants should seek independent advice from a licensing consultant or solicitor at their own cost where necessary.
- 5.1.2 The Act requires that applications for the grant or variation of a premise licence or club premises certificate are advertised in accordance with regulations. The authority will need to be satisfied that the applicant has complied fully with these regulations and will check the premises for the site notices and request copies of notices and advertisements to verify that the application has been properly made. If an application has not been correctly advertised, the authority will reject the application. Further guidance on advertising applications and a template notice is available on our Licensing webpages.

### 5.2. Representations

- 5.2.1 When an application is made for the grant or the variation of a premises licence or club premises certificate a responsible authority under the Act or any other person may make a representation about the application.
- 5.2.2 Representations must be made to the authority in writing within the 28 day consultation period. ~~For this purpose, a representation can be made using the form available on our website, by letter or e-mail and use of the available web form is recommended for reasons of timelines during the consultation period. Representations can be received by post or by email to [licensing@eastdevon.gov.uk](mailto:licensing@eastdevon.gov.uk)~~
- 5.2.3 Section 18(6) of the Licensing Act 2003 defines what constitutes a 'relevant' representation. To be relevant, a representation must relate to the likely effect of the grant of a licence on the promotion of one or more of the licensing objectives. There is nothing in the Act to say that a representation must be of a negative nature. The Act specifically refers to 'representations' rather than 'objections' recognising that representations may express positive support for an application. The authority will consider both positive and negative representations provided they are relevant.
- 5.2.4 Where no relevant representations are received, the application will be granted on the terms applied for. Where relevant representations are received, the application will be considered by a Licensing Sub Committee at a hearing as will any application for review of a licence. The authority has established its own hearing procedure as provided for by regulations made under the Act and in accordance with measures to permit remote hearings. This is included at Appendix B.

- 5.2.5 Any party to a hearing may expand on their representation but may not introduce new or different representations.
- 5.2.6 Representations which are deemed by the authority to be repetitious, frivolous, vexatious may be disregarded.
- 5.2.7 Where a notice of a hearing is given to an applicant, the licensing authority is required by regulations to provide the applicant with copies of the relevant representations that have been made which will include names and address of any person who has made a representation. In exceptional circumstances, a person wishing to make a representation may be reluctant to do so because of fears of intimidation or harassment if their personal details are disclosed to the applicant. Where the authority considers that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation, the authority may consider alternative approaches. For example, the authority may advise the individual to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified. Alternatively, the authority may advise the individual to request their local councillor to make a representation on their behalf. Where appropriate, the authority may decide to withhold some or all of the person's details from the applicant. The authority will only withhold such details where the circumstances justify such action. Persons making representations should be aware that their personal details will normally be disclosed during the hearing process.
- 5.2.8 Where relevant representations have been made against an application the licensing authority may consider use of mediation after the expiry of the 28 day notice period, between the applicant and any objectors. Due to reasons of timeliness, mediation may occur through the most appropriate form of contact and may include emailing, telephoning and remote contact with relevant parties. Mediation allows each party to express their concerns or views in an attempt to come to an agreed position which is cost effective. Agreed positions negate need for contested hearings before a licensing subcommittee.

### **5.3 Determining Applications**

- 5.3.1 When determining a licence application, the overriding principle adopted by this authority will be that each application will be determined on its merits. The authority will have regard to any guidance issued by the Home Office, this Statement of Licensing Policy and any measures it deems necessary to promote the licensing objectives. The authority may depart from the guidelines in this Policy if it has justifiable and compelling reasons to do so. The authority will give reasons for any such departure from policy.
- 5.3.2 The authority will expect applicants to demonstrate in their applications active steps for the promotion the licensing objectives. When determining an application, a key consideration for the authority will be the adequacy of

measures proposed in the Operating Schedule to promote the licensing objectives having regard to the type of premises, the licensable activities to be provided, the nature of the location and the needs of the local community. It might be that the applicant has considered all of this and decides that no measures will be appropriate to cover promotion of one or more of the licensing objectives but that consideration will need to be made by the applicant.

- 5.3.3 The authority will also have regard to wider considerations affecting the residential population, businesses and the amenity of an area. These include alcohol-related violence and disorder, antisocial behaviour, littering and noise, particularly late at night and in the early morning.
- 5.3.4 Since the introduction of the Act, the authority's experience is that the vast majority of complaints about licensed premises are caused by public nuisance, in particular excessive noise from live and recorded music and disturbance caused by customers congregating outside licensed premises. The authority will expect applicants to have particular regard to these issues and, if considered appropriate, to include in their Operating Schedules adequate and effective steps to control noise and disturbance from their premises.
- 5.3.5 When determining an application, the authority will consider all relevant evidence, both oral and written, provided by parties to a hearing. Evidence which is irrelevant will be disregarded. The authority encourages applicants and persons making representations to attend hearings so that they can give evidence. Where an individual fails to attend the hearing, the authority will consider their application or representation but may attach less weight to it.
- 5.3.6 It should be noted that, when determining an application, the authority is making a judgment about risk. A key purpose of the licensing function is not to respond to crime and disorder, nuisance or public harm once it has happened but to make an informed assessment of the risk of such things occurring if a licence is granted and to take such steps as it considers appropriate to prevent or minimise such risks.
- 5.3.7 The authority will generally give its decision on an application at the end of a hearing and will give clear reasons for its decision. In all other cases, the authority will make its determination within five working days.
- 5.3.8 Any party to a hearing who is dissatisfied with the authority's decision may appeal to the Magistrates' Court. An appeal must be made within 21 days of formal notification of the decision.
- 5.3.9 Other statutory requirements may apply to the provision of any regulated activities at a premises and the responsibility for compliance lies with the licence holder.
- 5.3.10 In reaching a decision on whether or not to grant a licence, the licensing authority, if relevant representations are made, may take account of any non-compliance with other statutory requirements brought to its attention, if these undermine the licensing objectives. This is because any non-compliance with

other statutory requirements may demonstrate that the premises are unsuitable for the activities proposed, or that the management of the premises is not adequate to protect the public from harm or nuisance.

5.3.11 The grant of a licence does not imply the approval of other legislative requirements.

## **5.4. Vessels**

5.4.1 The licensing authority will give particular weight to the views of the Maritime and Coastguard Agency when considering applications for premises licences in respect of vessels. Where, in the opinion of the licensing authority, any of the four objectives are undermined and this cannot be resolved through the imposition of conditions, the application will be refused.

## **5.5 Large Scale Public Events – Safety Advisory Groups**

5.5.1 The promotion and the organisation of live musical and similar entertainment in the open air or in temporary structures can provide opportunities for community involvement, civic pride and can attract visitors to East Devon. However, the success of such events depends upon the quality, levels of safety and consideration for the rights of people who live or work in the vicinity and the standard of provision of facilities for those coming to enjoy the event

5.5.2 In recognition of the relevant and special factors, particularly with respect to major open air events such as a concerts or festivals, the council has established a multi-agency Safety Advisory Group (SAG) to assist organisers co-ordinating such events. This includes council departments who have an interest in, or legislative role relevant to, such events, together with representatives of the emergency services.

5.5.3 Members of the SAG are notified about all proposals to hold such events and where necessary a special meeting will be organised in order to consider any issues that will require to be addressed and to open up lines of communication with organisers. The Health and Safety Executive provide specialist guidance on event safety through their website at [www.hse.gov.uk](http://www.hse.gov.uk). and it is important that substantial notice is given so that proper preparations and planning can be put in place for the event.

5.5.4 The Council recommends that organisers of large scale public events should contact the Safety Advisory Group co-ordinator at least six month before any event being considered under a 'time limited' premises licence.

5.5.5 This is important as it will assist with measures that organisers need to put in place to plan the event, which licences to apply for, and will give an idea of how long the application may take, depending on the size and type of event.

5.5.6 The application may involve the preparation of a substantial operating schedule which may take some time to complete so applicants should ensure that they approach the licensing authority well in advance of any such event. The event organiser must produce an event plan and incorporate an operating schedule, risk assessments and address any safety issues before the council will allow use of its land for large scale events.

5.5.7 For large scale events that are occasional in nature and where the maximum number of attendees exceeds 499 people, the licensing authority will require an application for a full time-limited premises licence. A separate application will be required for each individual event regardless of whether the event occurs annually or on more than one occasion in any year. This will allow the Responsible Authorities and members of the public the opportunity to consider each application in light of previous events held. Responsible Authorities and Interested Parties should be have the opportunity to make representations relevant to the nature of the event which is planned. Large scale events have significant potential to undermine the promotion of the licensing objectives, due to their size, complexity and the potential implications for planning such events. Risks can be adequately mitigated by the submission of an up to date, relevant, detailed and complete operating schedule specific to the proposed event on each separate occasion.

5.5.8 Applicants may contact the council's Safety Advisory Group co-ordinator by emailing [SafetyAdvisor.group@eastdevon.gov.uk](mailto:SafetyAdvisor.group@eastdevon.gov.uk)

## 5.6 Environmental Factors

5.6.1 The Council Plan for 2024 to 2028 highlights key priorities, principles and values including working towards ~~reducing our carbon footprint and enhancing our environment, carbon neutrality~~ and enhancing our environment, along with supporting initiatives that promote the health and well-being of our residents. The Licensing Authority works in support of the Council Plan noting the potential impact to the environment from time limited, outdoor licensed events. The Licensing Authority will expect applicants to be familiar with initiatives that reduce and mitigate the impact upon the environment, for example the relevance of avoiding of single use plastic drink containers, avoidance of materials that have a detrimental effect to the environment and similar initiatives.

5.6.2 Any operating schedule submitted in respect of time limited premises licences should include proposed times of operating and details of how the applicant intends to comply with the licensing objectives and in particular, how outside areas will be managed to prevent noise, smell, or obstruction nuisance to residents and the public.

5.6.3 East Devon's exceptional coastline forms part of a World Heritage Site (WHS) ~~and circular 07/2009 on the protection of WHS advises that appropriate policies for the protection and sustainable use of WHSs including enhancement where appropriate.~~ The East Devon part of the site (for nearly all of its length) also lies in the East Devon Area of Outstanding Natural Beauty. AONB's enjoy, with National Parks, the highest level of landscape protection in Britain being therefore, a national asset. It should be noted that a very small part of the Dorset AONB also falls in East Devon.

5.6.4 Experience over many years denotes that trading and licensable events have been eagerly sought along beaches and seafronts and would be significantly over prescribed if permitted to take place with consent of the land owner. Therefore continued preservation and protection of coastal, seafront areas locations will be an ongoing consideration under this policy.

## **5.7 Exemptions and de-regulation relating to regulated entertainment**

5.7.1 Since the introduction of the Act, the Government has de-regulated various types of regulated entertainment. There are also some exemptions under the Act and applicants are advised to consult our licensing web pages at [eastdevon.gov.uk/licensing](http://eastdevon.gov.uk/licensing) where full details of the exemptions/de-regulations are explained.

5.7.2 When considering whether an activity constitutes 'the provision of regulated entertainment' each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance constitutes regulated entertainment or not. If in doubt, organisers of events should check with the licensing authority.

## **5.8 Mobile, Remote, Internet and Other Delivery Sales**

5.8.1 The licensing authority shall have due regard to sales of alcohol which are made remotely, by mobile methods, internet or by other delivery sales.

5.8.2 The expectation of the licensing authority is that conditions suggested by way of operating schedules for these types of activities should be extremely robust with our Pool of Conditions (Appendix C). If new applications are made or existing premises are looking to extend into this area they should seek advice from the police as it might be appropriate for provisions in the operating schedule for age verification and restriction of delivery times/quantities.

5.8.3 An applicant seeking a licence that will enable them to provide alcohol as part of an alcohol delivery service should include in their operating schedule the procedures they intend to operate to ensure that the person they are selling and delivering alcohol to is over the age of 18. A clear document trail of the order process from order, despatch from the licensed premises and delivery to a

specified address should be maintained (with times and signatures) and available for inspection by an authorised officer. In addition, the time that alcohol is sold on the website/over the phone and the time the alcohol is delivered at the receiving property should be within hours stated on the licence for the sale of alcohol.

## **6. Conditions**

- 6.1 Licensing relates to the control of licensed premises and other events within the terms of the Act and any conditions, which may be attached to licences, and the various other permissions, which will focus on matters falling within the control of individual licence holders.
- 6.2 These conditions will relate to the premises and other places being used for licensable activities and the impact of those activities in the vicinity. In this regard the licensing authority will primarily focus on the direct impact of any activities taking place on those living, working or otherwise engaged in the area concerned.
- 6.3 Generally it is recognised that the licensing function is not to be seen as a mechanism for the general control of anti-social behaviour by individuals/groups once they are beyond the direct control of the licence holder of any premises concerned. But the licensing authority's discretion may be engaged if relevant representations are made and there is an evidential link between the disturbance and the licensed venue.
- 6.4 The licensing authority will avoid imposing disproportionate and over burdensome conditions on premises. The licensing authority does not propose to implement standard conditions on licences across the board but instead, if its discretion is engaged, will attach conditions as appropriate given the circumstances of each individual case.
- 6.5 Conditions will cover the licensing objectives: -
  - crime and disorder
  - public safety
  - public nuisance
  - protection of children from harm.
- 6.6 Following relevant representations the licensing authority may impose conditions where existing legislation does not provide adequately for the promotion of the four licensing objectives.
- 6.7 Applicants are encouraged to volunteer their own conditions by way of an operating schedule. The terms of a premises licence and any conditions attached should be clear, not just clear to those having specialised knowledge of licensing, such as the licensing authority or the manager of the premises but also to the independent bystander such as neighbours, who may have no knowledge of licensing at all. The licensing authority's experience has shown that many conditions that have been volunteered have been vague, uncertain,

imprecise and unenforceable. As an aid to applicants or their representatives to ensure that the operating schedules that are offered are spelt out in clear terms the licensing authority has formulated a pool of conditions which applicants are invited to use when formulating their operating schedules

Further conditions are available in Annex D to the Guidance issued under Section 182 of the Licensing Act 2003 available on the GOV.UK website.

- 6.8 Where a responsible authority or interested party considers the conditions volunteered by an applicant to be inadequate and makes representation to the licensing authority then the authority may, following a hearing, attach further conditions or amend volunteered conditions if it is considered appropriate to promote the licensing objectives which may be through means of an 'agreed position' in writing (see 5.2.8)

Licensing conditions may only relate to the promotion of the licensing objectives, and to matters which the licence holder can be reasonably expected to control in relation to the carrying on of licensable activities, and these are likely to relate to the premises themselves and the immediate vicinity of those premises.

Conditions will only be attached that are practical, achievable and appropriate for the promotion of the licensing objectives and if already provided for in other legislation, they will not be considered appropriate in the context of the licensing law.

The Act enables the authority to impose such conditions as are appropriate upon premises which have the potential to cause danger to visitors, disturbance to neighbours, crime or harm to children. However, many premises operate without such risks and the authority will reflect this by adopting a lighter touch to the imposition of conditions.

## 7. Authorisation to Sell Alcohol

- 7.1 A Designated Premises Supervisor (DPS) who will be named on the Licence will be responsible for the day to day running of any premises licensed to sell alcohol and the main purpose of the DPS is to ensure that there is always one specified individual who can be readily identified for the premises where a premises licence is in force. The licensing authority will normally expect the DPS to have an active role in the day to day operation of the licensed premises, in particular the sale and supply of alcohol. A DPS does not have to be on site all the time, but should authorise individuals to supervise the day to day management of the premises in his absence.
- 7.2 A DPS should have sufficient experience and knowledge appropriate for the operation under their control. A DPS should be able to control the activities on site and respond quickly and efficiently to any problems.

The licensing authority will expect the DPS when authorising another person to sell alcohol to ensure that:

- (a) the person is authorised in writing by the DPS on whose behalf the person is selling or supplying alcohol;
- (b) the authorisation should specify the acts that may be carried out by the authorised person;
- (c) the person should be clearly identifiable;
- (d) there is in place sensible arrangements on a reasonably regular basis for the DPS to monitor the activities that they have authorised.

## **8. Temporary Event Notices (TENs)**

- 8.1 The Licensing Act 2003 makes provision for regulating temporary events involving the supply of alcohol, the provision of regulated entertainment or the provision of late night refreshment at a premises which are not authorised by a premises licence or club premises certificate. This provision can also be used by holders of premises licences and club premises certificates to authorise extensions to their permitted hours.
- 8.2 The system of temporary activities is intended as a light touch process and, as such, the carrying on of licensable activities does not have to be authorised by way of an application. Instead, a person wishing to hold an event at which it is proposed to carry out such activities is required to notify the licensing authority by way of a Temporary Event Notice (TEN). The person giving the Notice must also serve a copy on the Police and Environmental Health Service unless they make an online application in which case the authority will serve a copy on the relevant
- 8.3 A number of limitations are imposed on the use of TENs by the Act. The limitations apply to:
  - the number of times a premises user may give a TEN (50 times in a calendar year for a personal licence holder and five times in a calendar year for other people)
  - the number of times a premises user may give a late TEN (10 times in a calendar year for a personal licence holder and two times in a calendar year for others)
  - the number of times a TEN may be given for any particular premises (12 15 times in a calendar year)
  - the maximum duration of an event authorised by a TEN is 168 hours (7 consecutive days)
  - an individual premises can have a maximum total of 21 days covered by TENs in any calendar year

- no more than 499 people (including all staff and performers) at any one time for each event
- there must be a minimum of 24 hours between each temporary event notice given by an event organiser at any premises

8.4 A TEN can be used for any 'premises'. This could be a building, a room in a building, a vehicle, a marquee, an open field etc. A TEN may only be given by an individual (aged over 18) and not by an organisation or club or business.

8.5 There are two types of TEN; a standard TEN and a late TEN. A standard TEN must be given no later than ten working days before the event to which it relates. A late TEN must be given not before nine and no later than five working days before the event. (NB. Notice periods do not include the day the Notice is given to the licensing authority or the day of the event). In practice 10 working days is unlikely to be sufficient to allow any concerns to be resolved and organisers are advised to serve notice giving as much notice as possible.

8.6 If the minimum period of notice is not given, the licensing authority must reject the Notice and the licensable activities can not legally take place.

8.7 If a TEN is correctly completed and submitted within the required time limits the licensing authority must accept the Notice.

8.8 However, the Police and East Devon District Council's Environmental Health Service may object to a TEN. No other person or body may object.

8.9 If the authority receives an objection notice from a relevant person that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection unless all parties agree that this is unnecessary. The authority must consider any objection on the basis of the licensing objectives and decide whether the event should go ahead, or whether the Notice should be refused. If the Notice is refused a Counter Notice will be served on the notice giver in effect refusing to accept the notice. The authority may also allow the event to go ahead but with conditions imposed on the notice. Conditions can only be imposed on a Notice where the venue at which the event is to be held holds an existing premises licence or club premises certificate with those same conditions attached.

8.10 The Police or the Council's Environmental Health Service may also intervene by agreeing a modification of the proposed arrangements directly with the person giving the TEN (in the case of a standard TEN only).

8.11 If a Counter Notice is given the notice giver may make an appeal against the decision to the magistrates' court within 21 days. However it is unlikely that there will be sufficient time for any appeal to be heard by the Magistrates Court unless substantially more than the ten working days notice of the event has been given.

- 8.12 In the case of objections received against a late TEN there is no provision for a hearing and the event cannot legally go ahead. The law does not permit an appeal against refusal of a late TEN.
- 8.13 When giving a TEN, the premises user should consider the promotion of the four licensing objectives. Organisers are strongly advised to contact the Police and Environmental Health Service for advice at the earliest opportunity when planning events. Planning at an early stage may well minimise or avoid potential objections. The council's web pages concerning temporary event notices have other information on TENs including the option to make an online application and further guidance.
- 8.14 Where the TEN includes the supply of alcohol, the responsibility for the supply rests with the person giving the Notice (the 'premises user'). The premises user does not have to be on the premises for the entire duration of the event but will be liable for any offences committed.
- 8.15 Organisers are strongly advised to ensure that adequate safety measures (including the recorded findings of a Fire Risk Assessment) are in place in relation to any Temporary Event. Any event held under a TEN may be subject to inspection by officers from the Responsible Authorities.

## **9. Cumulative Impact**

- 9.1 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the licensing authority can take into account. This should not however, be equated with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is a matter for planning consideration or for the market to decide and does not form part of this licensing policy statement.
- 9.2 The licensing authority may receive representations from either a responsible authority or an interested party (see glossary), that the cumulative impact of new licences is leading to an area becoming saturated with premises of a particular type, making it a focal point and thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves. In such cases the issue of cumulative impact can be taken into account when considering the individual merits of any application. The onus is on any person or organisation making such representations to prove any assertion that the addition of the premises concerned would cause the cumulative impact claimed.
- 9.3 The licensing authority will not operate a quota of any kind, which would pre-determine any application, nor will it seek to impose general limitations on trading hours in particular areas. Regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised

that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment, but with contrasting styles and characteristics. Proper regard will be made to those differences and the impact they are likely to have on the local community. This may result in the amenity of local residents being placed under severe pressure; it will not always be possible to attribute a particular problem to customers of particular premises. This means that whilst enforcement action to ensure conditions are complied with is taken, this may not resolve all problems.

9.4 In determining whether to adopt a 'saturation' policy for a particular area the licensing authority may, among other things: -

- gather evidence or identification of serious and chronic concern from a responsible authority or local residents about nuisance and disorder
- identify the area from which problems are arising and the boundaries of that area
- make an assessment of the causes
- adopt a policy about future applications for premises within that area.

9.5 If a 'saturation' policy is adopted it will be reviewed regularly to assess if it is needed any longer or should be expanded.

9.6 Where there is evidence that a particular area of the District is already suffering adverse effects arising from the concentration of late night premises, or that residential areas are under stress, this will be taken into account in determining any further applications for premises within the area identified.

As such the licensing authority may take into account matters such as: -

- The character of the surrounding area
- The impact of the licence on the surrounding area, both individually and cumulatively with existing licences
- The nature and character of the proposed operation.

9.7 The licensing authority recognises that as well as the licensing function there are a number of mechanisms for addressing issues of unruly behaviour that occurs away from licensed premises. These include: -

- planning controls
- ongoing measures to provide a safer and cleaner environment in partnership with local businesses and others
- powers to designate parts of the District as places where alcohol may not be consumed publicly
- confiscation of alcohol in designated areas
- police enforcement of the law with regard to disorder and anti-social behaviour
- police powers to close some premises for up to 24 hours in extreme cases of disorder or excessive noise

- the power of police, local businesses or residents to demand a review of the licence
  - enforcement action against those selling alcohol to people who are already drunk.

9.8 The licensing authority may address a number of these issues through the Community Safety Partnership in line with the strategic objectives for crime and disorder reduction within the District.

Where the number, type and density of licensed premises are unusually high, serious problems of nuisance and disorder have sometimes arisen or have begun to arise outside or some distance from the licensed premises. This has been described as the cumulative impact of the increasing capacity of all premises taken together. It is possible that the impact on surrounding areas of the behaviour of the customers of all premises taken together is greater in these cases than the usual impact from customers of individual premises. In these circumstances, a licensing authority may receive representations from a responsible authority or interested party that an area is becoming saturated with certain premises making it a focal point for large groups of people to gather and circulate away from the licensed premises themselves. Such representation would need to be based on evidence.

This might be creating exceptional problems of disorder and nuisance over and above the impact from any individual premises. If this is the case it might lead the licensing authority to consider, through consultation, if adopting a special policy not to grant further licences would be one solution in helping to control the problem. Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and beyond the control of the licence holder but is still a key aspect of such control and will be part of a holistic approach to the management of the evening economy in towns and city centres

## **10. Licensing Hours**

10.1 The licensing authority will deal with the issue of licensing hours on the individual merits of each application. When the authority's discretion is engaged consideration will be given to the individual merits of an application but the presumption will be to grant the hours requested unless there are objections to those hours raised by Responsible Authorities or Interested Parties on the basis of the licensing objectives. However, when issuing a licence with hours beyond midnight higher standards of control will generally need to be included in operating schedules to promote the licensing objectives especially for premises which are situated near residential areas.

10.2 There is no presumption within the Act for longer opening hours over objections from local residents and businesses located in the vicinity of licensed premises

but the licensing authority will consider licensing hours in the interests of avoiding a concentration of disturbance while ensuring that nuisance is minimised to local residents. Shops and public houses will generally be permitted to sell alcohol during the hours they intend to open. Entertainment providers will be encouraged to provide and promote a range of entertainment during their operating hours including live music, dancing and theatre for the wider cultural benefit of the community. It will be a matter for individual applicants to address the licensing objectives in their operational schedule within the context of the nature of the location, type of premises, entertainment to be provided, operational procedures and the needs of the local community.

- 10.3 In considering relevant representations, the licensing authority will consider the adequacy of measures proposed to deal with the potential for nuisance and/or public disorder having regard to all the circumstances of the case.
- 10.4 The terminal hours will normally be approved where the applicant can show that the proposal would not adversely affect the licensing objectives unless, after hearing relevant representation the licensing authority believe it necessary, proportionate and reasonable to restrict the hours required.
- 10.5 The licensing authority does not seek to adopt fixed terminal hours in designated areas (known as "Zoning"), as this can lead to the significant movement of people across boundaries in search of premises opening later.
- 10.6 Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes unless there are exceptional reasons relating to the licensing objectives, in particular the prevention of crime and disorder and public nuisance.

Fixed and artificially early closing times promote, in the case of sales of alcohol, rapid binge drinking close to closing times and are considered a key cause of disorder and disturbance when large numbers of customers are required to leave premises simultaneously. This creates excessive pressures at places where fast food is sold or public or private transport is provided. This in turn can produce friction, particularly between young people, and gives rise to disorder and peaks of noise and other nuisance.

## 11. Children and Licensed Premises

- 11.1 The licensing authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Access by children to all types of premises will not be limited unless it is considered

necessary to do so in order to protect them from physical, moral or psychological harm.

11.2 When deciding whether or not to limit access to children the licensing authority will judge each application on its own individual merits. Examples which may give rise to concern in respect of children include premises: -

- where entertainment of an adult or sexual nature is provided
- where there is a strong element of gambling taking place
- with a known association with drug taking or dealing
- where there have been convictions of the current management for serving alcohol to minors or with a reputation for allowing underage drinking
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises

11.3 In such circumstances as listed above the licensing authority would expect for the applicant to suggest restrictions in relation to access for children. If such restrictions are not contained within the operating schedule, then if relevant representation are made the licensing authority will consider making such restrictions as are deemed necessary to meet the licensing objectives.

11.4 Conditions may be imposed, if not covered in other legislation, on licences for premises where children will be present at places of regulated entertainment to the effect that sufficient adult staff must be present to control the access and egress of children and to ensure their safety. Where children may be present at an event as entertainers there may be a requirement for there to be a nominated adult responsible for such child performers at such performances.

11.5 The options available for limiting access by children would include: -

- a limit on the hours when children may be present
- a limitation or exclusion when certain activities are taking place
- the requirement to be accompanied by an adult
- access may be limited to parts of the premises but not the whole
- an age limitation (for under 18s).

11.6 The licensing authority will not impose any condition which specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licence holder or club.

11.7 The licensing authority will take strong measures to protect children where any licence holder is convicted of serving alcohol to minors, premises have a known association with drug taking or dealing, gambling takes place on the premises or where entertainment of an adult or sexual nature is commonly provided. In such circumstances it may sometimes be necessary to impose a complete ban, or require limitations on the hours when children may be present, age limitations or conditions requiring an accompanying adult, exclusions during certain activities of persons under 18.

- 11.8 In relation to exhibition of films, a mandatory condition will apply, requiring access to be restricted to those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification.
- 11.9 In relation to specialist Film Festivals where it is desired to show films not classified by the BBFC, the Licensing Authority will classify the films concerned. Adequate notice will need to be given by the Festival organiser if Licensing Authority classification is required. To achieve consistency and the protection of children, the Licensing Authority will use the guidelines published by the BBFC in policy at Appendix B. In addition, the Licensing Authority will use its other statutory functions to ensure the protection of children from harm with particular emphasis on the sale of alcohol to under-age persons.
- 11.10 In relation to theatrical entertainment, it may be necessary to impose a condition to restrict the admission of children to theatres which are incorporating adult entertainment in their productions. It may also be necessary where entertainment is provided specifically for children, to consider whether a condition should be attached requiring the presence of a sufficient number of adult staff to ensure the wellbeing of children during an emergency.
- 11.11 The Council, in accordance with its obligations in regard to safeguarding and its Safeguarding Policy, would expect licence holders, not only to ensure that their premises are suitable for children (where licence holders propose to admit children), but to ensure the children are adequately protected and any concerns regarding the safety of children are properly reported to the appropriate authorities.

## **12. Drugs**

- 12.1 The licensing authority recognises that drug use is not something that is relevant to all licensed premises. However, if relevant representations are made special conditions may need to be imposed for certain types of venues to reduce the sale and consumption of drugs and to create a safer environment for those who may have taken them. Where these conditions are to be imposed, if appropriate, advice will be taken from the local Police.
- 12.2 Recent surveys indicate a general increase in the use of illegal and “legal high” drugs, involving a wider range of substances and is particularly true of what are often referred to as ‘recreational drugs’. Misuse of such drugs holds grave dangers and has led to fatalities. Other factors may have contributed to these deaths, such as a lack of drinking water, excessive drinking of water, an overly hot environment with inadequate ventilation, or a lack of adequate information about drugs.
- 12.3 The Licensing Authority expects designated premises supervisors to take all reasonable steps to prevent the entry of drugs into premises under their control, to take appropriate steps to prevent drugs changing hands within the premises

and to take practical measures to prevent drug misuse by way of management and design of the premises.

12.4 The Licensing Authority will expect designated premises supervisors to be familiar with the contents of Chapter 4 (drug awareness) of the BIIAB Level 2 National Certificate and to be following the recommendations of that handbook.

## 13. CCTV Standards Policy

13.1 When considering a premises licence or club certificate application the licensing sub-committee will have regard to the [Surveillance Camera Code of Guidance – November 2021](#).

13.2 The sub-committee will in particular have regard to guiding principle one of this code which states:

“Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need”

13.3 Therefore we will not impose a blanket requirement to attach CCTV conditions as part of the conditions attached to a licence or certificate.

13.4 Applications in relation to licensed premises will be considered on the individual circumstances surrounding the application and whether a requirement to have a CCTV system is appropriate in that particular case. In circumstances where a licence or certificate is granted subject to CCTV conditions, the consideration of all other guiding principles in this code is a matter for the Premises Licence Holder as the system operator.

13.5 Where the provision of CCTV system is a requirement of the conditions of either a Premises licence or a Club Premises Certificate, whether these are placed on the licence/certificate as offered by the applicant's Operating Schedule, as part of an agreed position reached following a representation or imposed following a Sub Committee hearing, the system must comply with at least the licensing authority's CCTV minimum standard. This has been set in consultation with the police to ensure that the systems provide a tool to prevent criminal and anti-social behaviour and to ensure that the images provided by the systems meet the recognition and identification standards necessary for the detection and prevention of crime and disorder.

## 14. Door Supervisors

14.1 Whenever any persons are employed at licensed premises to carry out any security activity, all such persons must comply with the Private Security Industry Act 2001 and the Violent Crime Reduction Act 2006 and any successive legislation.

14.2 The licensing authority having regard to advice from relevant responsible authorities may consider that certain premises require strict supervision for exceptional reasons relating to the licensing objectives to prevent crime and disorder and public nuisance. In such cases, if relevant representations are made the licensing authority may impose a condition that licensed door supervisors must be employed at the premises either at all times or at such times as certain licensable activities are being carried out.

## **15. Control of Consumers**

15.1 The District Council has adopted the relevant powers to designate parts of the District as places where alcohol may not be consumed publicly. The locations of these areas can be found on our website or by contacting the licensing authority.

15.2 'Pub Watch' schemes or Licensee Associations will be promoted by the licensing authority. This is intended to promote and encourage public safety and the reduction of crime. Licensing Officers will attend meetings whenever possible. The licensing authority will encourage licence holders to attend their nearest Licensee Associations meetings as the licensing authority feel this is an excellent forum for exchange of ideas and local information.

15.3 The licensing authority will continue to liaise with the police licensing section to inspect licensed premises. This joint partnership approach is intended to maximise the potential for controlling crime, disorder and hazards at premises and to ensure compliance with relevant conditions as appropriate.

## **16. Nuisance**

16.1 To promote the licensing objectives, applicants for licences for licensable activities will be required to demonstrate the measures they have in place for the prevention of public nuisance. The impact of the licensable activities on people living in the vicinity should not be disproportionate or unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter. The prevention of public nuisance can include low-level nuisance affecting a few people living locally as well as a major disturbance affecting the whole community. It may also include the prevention of the reduction of the living and working amenity and environment of interested parties.

The Licensing Act does not exempt licence holders from their statutory obligations under the Environmental Protection Act 1990. But in certain circumstances where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to imposing conditions. The Licensing Authority can only attach conditions if there have been relevant representations and only then if such conditions are deemed appropriate, proportionate and reasonable and are not already contained within the applicant's operating schedule.

## **17. Capacity**

17.1 Where it is considered necessary to control the maximum numbers of persons attending premises for the purpose of preventing crime and disorder or for public safety the licensing authority will expect this to be addressed in the operating schedule. The licensing authority, if relevant representations are made and only then if such conditions are deemed necessary proportionate and reasonable, may impose a condition stipulating a maximum number of persons permitted to attend premises where it considers it necessary to prevent crime and disorder or for public safety purposes.

## **18. Late Night Levy**

18.1 The Late Night Levy is a power conferred on Licensing Authorities by Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011. This provision came into force on 31 October 2012 and enables a licensing authority to charge a levy on premises in the authority's area which are licensed to sell alcohol late at night as a means of raising a financial contribution towards the costs of policing the late-night economy. The levy if adopted by the council would apply to the whole of the licensing authority's area.

18.2 The levy would be payable by the holder of any premises licence or club premises certificate in the authority's area which authorises the sale or supply of alcohol on any days during the 'late night supply period'. This is a period beginning at or after midnight and ending on or before 6am.

18.3 The decision to introduce the levy is for the licensing authority to make. Before making any such decision, the licensing authority must consult the Chief Officer of Police, the Police and Crime Commissioner and the holders of relevant late night licences or certificates. Local residents can use existing channels and forums to put forward views and call for the implementation of the levy in their area if they wish to do so.

18.4 The licensing authority must pay at least 70% of the net levy revenue to the police. A licensing authority can deduct the costs it incurs in connection with the introduction, administration, collection, variation and enforcement of the levy prior to the levy revenue being apportioned between the police and licensing authority. The licensing authority has discretion to exempt certain premises - prescribed by regulations - from the levy and to reduce the amount of the levy by 30% for premises which participate in business-led best practice schemes.

18.5 This authority has taken no decision and has no plans to implement the Late Night Levy but is aware that it is a power which it may use if it considers it appropriate for the promotion of the licensing objectives.

18.6 The authority may consider the introduction of a Late Night Levy at any time if circumstances change and evidence supports this course of action.

## **19. Early Morning Restriction Orders (EMROs)**

19.1 Early Morning Restriction Orders (EMROs) are a new licensing power conferred on Licensing Authorities by s.119 of the Police Reform and Social Responsibility Act and came into force on 31 October 2012. This power enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of midnight and 6 a.m. in the whole or part of its area if it is satisfied that this would be appropriate for the promotion of the licensing objectives.

19.2 EMROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times, serious public nuisance and other instances of alcohol-related anti-social behaviour which are not directly attributable to specific premises. Unlike the Late Night Levy there are no powers to charge a fee in connection with making an EMRO.

19.3 The decision to implement an EMRO must be evidence based. Evidence will be considered from partners including Responsible Authorities and the East and Mid Devon Community Safety Partnership alongside the authority's own evidence to determine whether an EMRO is appropriate for the promotion of the licensing objectives.

19.4 Measures that may be considered in advance of making an EMRO include:

- introducing a Cumulative Impact Policy
- reviewing licences of specific problem premises
- encouraging the creation of business-led practice schemes in the area and
- the other mechanisms designed for controlling cumulative impact
- encouraging licence or certificate holders to make variations with respect of hours for licensable activities.

19.5 The only exemptions relating to EMROs are premises which are authorised to sell alcohol between midnight and 6.00 am on New Year's Eve and the provision of alcohol to residents in premises with overnight accommodation by means of mini bars and room service.

19.6 This authority has taken no decision to introduce an EMRO but is aware that it is a power which it can use if it considers it appropriate for the promotion of the licensing objectives.

19.7 The authority may consider the introduction of an EMRO at any time if circumstances change and evidence supports this course of action.

## Definitions

**Club Premises Certificate** – authorises the use of premises by a qualifying club for one or more licensable activity

**Designated Premises Supervisor** means the person (who must be a Personal Licence holder), in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder himself (who must also be a Personal Licence holder).

**Regulatory Compliance Code** – **Is a code to promote efficient and effective approaches to regulatory inspections and enforcement.**

**The Hampton Principles** – These are the principles that outline the way that regulation and enforcement should be planned and implemented by the regulatory authorities.

**An Interested Party** – a responsible authority or any other person making a representation about an application.

**Late Night Refreshment** - the provision of hot food or hot drink between the hours of 11pm and 5am for consumption on or off the premises either to members of the public or from premises to which the public have access

### **Licensable Activities and Qualifying Club Activities –**

- the sale by retail of alcohol
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- the provision of regulated entertainment
- the provision of late night refreshment

**Operating Schedule** means a document containing a statement including the following matters: -

- the relevant Licensable Activities
- the times at which the Licensable Activities are to take place and any other times when premises are open to the public
- information regarding the person who will be specified in the Premises Licence as the Premises Supervisor
- where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises
- the steps being taken to promote the Licensing Objectives

**Personal Licence** – authorises an individual to supply or authorise the supply of alcohol in accordance with a premises licence

**Premises Licence** – authorises the premises to be used for one or more licensable activity

**Regulated Entertainment** -

- (a) A performance of a play
- (b) An exhibition of film
- (c) An indoor sporting event
- (d) A boxing or wrestling entertainment
- (e) A performance of live music
- (f) Any playing of recorded music
- (g) A performance of dance
- (h) Entertainment of a similar description to live music, recorded music or performance of dance

**Relevant Representation** - is only relevant if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. A representation that fails to do so is 'irrelevant' for the purposes of the Act.

**Residential Area** - An area whose character is residential at the material time of day. Where there is doubt, the licensing authority will consider the number of residential units in the area and the proportion of such units to units used for other purposes.

#### **Responsible Authorities (who are they for East Devon)**

1. The Licensing Authority itself
2. Devon and Cornwall Police
3. Devon & **Somerset** Fire and Rescue Service
4. Planning and countryside service
5. Environmental Health and equalities teams (or HSE)
6. Devon Trading Standards
7. Public Health Devon
8. Devon Area Child Protection
9. Home Office (Immigration Enforcement)

The list of Responsible Authorities and their contact details may change where additional responsible authorities are designated by regulations from the Secretary of State or existing Responsible Authorities change their address. An up to date list is available on the council's website as a [\*\*Guide to Responsible Authorities\*\*](#)

**Temporary Event** - the use of premises for one or more of the licensable activities during a period not exceeding 168 hours, usually where a premises licence covering the licensable activity is not in place.

**Temporary Event Notice** means a Permitted Temporary Activity involving one or more licensable activities subject to the following various conditions and limitations: -

- duration – they are limited to events lasting for up to 168 hours;
- scale – they cannot involve the presence of more than 499 people at any one time;
- use of the same premises – the same premises cannot be used on more than 15 occasions in a calendar year, but are subject to the overall aggregate of 21 days irrespective of the number of occasions on which they have been used, and
- the number of notices given by an individual within a given period of time – a Personal Licence holder is limited to 50 notices in one year (a maximum of 10 LATE notices are permitted), and any other person to five notices (a maximum of 2 LATE notices) in a similar period.

(in any other circumstances, a full Premises Licence or Club Premises Certificate will be required for the period of the event involved)

**Terminal Hour** refers to the time at which authorised licensable activities should cease and the 'opening hours' when premises are open to the public is not necessarily the same. The authorisation of a licence relates to the sale or supply of alcohol and not to the consumption. 'Drinking up time' no longer applies but applicants would be expected to address this issue when preparing their operating schedules.

## **Responsible Authority Contacts**

Current addresses, telephone numbers and email addresses for all relevant responsible authorities can be found in our online [\*\*guide to responsible authorities\*\*](#).

**INFORMATION FOR PARTIES****PROCEDURE FOR DEALING WITH HEARINGS UNDER THE LICENSING ACT 2003 AND THE LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005****1. RIGHT TO DISPENSE WITH HEARING UNDER THE ACT**

1.1 The Act specifies various situations when a licensing authority must hold a hearing to consider either relevant representations or police objections to an application. This procedure applies to all such applications. The Regulations authorise the licensing authority to dispense with holding a hearing if all persons required by the Act ('relevant persons') agree a hearing is unnecessary and have notified the authority that they consider a hearing unnecessary. If the licensing authority agrees that no hearing is necessary it must forthwith give notice to all parties that the hearing has been dispensed with.

**2. TIMING OF HEARING UNDER THE ACT**

2.1 In relation to applications received under the Act, the authority shall arrange for hearings to be held within the periods of time specified by the Regulations.

**3. NOTICE OF HEARING**

3.1 The authority shall give due notice of any hearing held under the Act to those persons specified under the Regulations together with any documents required.

3.2 In the case of all other licensing hearings, the parties will be sent a notice of hearing at least 10 days before the day of the hearing.

3.3 In all cases the notice of hearing sent to the parties will include the following information:

- the date, time and place of the hearing;
- the right of the party to be represented at the hearing by another person, whether that person is legally qualified or not; subject to the power of the licensing authority to exclude him or her from any part of the hearing in the public interest (Regulation 14) or for disruptive behaviour (Regulation 25);
- the right of the party at the hearing to give further information where the authority has given notice to a party that it will want clarification of any point under Regulation 7 (1) (d), representations or notice (as applicable);

- if given permission by the authority, to question any other party;
- to address the authority, subject to any maximum time limit imposed by the sub-committee
- the consequences if the party fails to attend or is not represented at the hearing;
- the procedure to be followed at the hearing
- any particular points on which the authority considers that it will want clarification from a party at the hearing;
- any information the licensing authority has received in support or opposition of the application (or a summary thereof, if appropriate).

3.4 In the notice of hearing the applicant will be asked if they have any special needs or requirements at the hearing and requested to notify the licensing authority of any difficulty in attending.

#### **4. PARTY'S RESPONSE TO NOTICE OF HEARING**

4.1 Following receipt of the notice of hearing a party must give to the authority within the period of time required by it a notice:

- Stating whether he intends to attend or be represented at the hearing;
- Stating whether he considers a hearing to be unnecessary;
- Stating whether he wishes to make a request for any other person to appear at the hearing (e.g. a witness on an issue relevant to the licensing objectives which is in dispute.)
- Enclosing any documents on which he seeks to rely to support the representations already made the application or the notice as the case may be. A summary of key points on which the party seeks to rely should be included

4.2 Where the time for a party to give his or her response to the Notice of Hearing is not stated in the Regulations it must be given no later than 5 working days before the first day of the hearing

4.3 A party must include with their notice requesting permission for another person to appear at the hearing details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.

4.4 Parties who do not comply with the requirements of this paragraph 4 have no right to be heard at the hearing.

## **5. RIGHT TO DISPENSE WITH HEARING IF ALL PARTIES AGREE**

- 5.1 The authority may dispense with a hearing if all persons required by the Act agree that a hearing is unnecessary, other than the authority itself, have given notice to the authority that they consider a hearing to be unnecessary.
- 5.2 If all the persons required to agree that a hearing is unnecessary have done so in accordance with paragraph 5.1, then if the authority agrees a hearing is unnecessary it will give notice forthwith to the parties that the hearing has been dispensed with.

## **6. WITHDRAWAL OF REPRESENTATIONS**

- 6.1 Representations may be withdrawn either by giving written notice to the authority no later than 24 hours before the day of the hearing, or orally at the hearing.

## **7. POWER TO EXTEND TIME OR ADJOURN HEARING**

- 7.1 The licensing authority may extend time limits specified in the Regulations for a specified period where it considers this necessary in the public interest. Notice of the period of any extension must be given to the parties forthwith stating the reasons.
- 7.2 The licensing authority may adjourn a hearing to a specified date, or arrange for it to be held on specified additional dates, where it considers this necessary for its consideration of any representations or notice made by a party. Notice of the date, time and place to which the hearing has been adjourned, or specified an additional date, time and place at which the hearing is to be held, must be given to the parties forthwith.
- 7.3 Matters may be adjourned to enable the sub-committee's time to be used efficiently. This means that the parties to all hearings should not expect that their case will necessarily be heard in full on the first date it is listed, particularly if it appears complex or likely to take up more time than is available on that day. Adjournments may also be useful in cases where the parties need time to discuss their respective positions with a view to resolving objections.

## **8. PUBLIC ACCESS TO HEARINGS**

- 8.1 Subject to 8.2, the licensing authority shall hear all matters in public except: -
- 8.1.1 where it considers the public interest in excluding the public outweighs the public interest in the hearing (or part of it) taking place in public

8.1.2 that it may require any person attending the hearing who in its opinion is behaving in a disruptive manner to leave the hearing and may:

- refuse to permit that person to return;
- permit them to return only on such conditions as the authority may specify;
- but such a person may, before the end of the hearing, submit to the authority in writing any information which they would have been entitled to give orally had they not been required to leave.

8.2 The sub-committee will normally exclude the public from the part of the hearing when they make their determination (decision) in the case.

## **9. PROCEDURE AT HEARING**

9.1 This procedure will apply to the Licensing Act 2003 hearings by the Licensing and Enforcement Committee and its sub-committees. The Chairman shall have the power to determine procedural matters to the extent they are not already governed by the Regulations. The sub-committee will appoint its Chairman at the beginning of the meeting.

9.2 The Chairman will open the sub-committee and will remind members of their obligation to declare any personal and prejudicial interests. Ward members are not prevented by the legislation from hearing matters in their ward but will need to consider carefully whether they have any connection with a particular matter which would lead an objective bystander to believe that the sub-committee might be biased as a result.

9.3 The Chairman will identify the Legal Advisor and the Democratic Services Officer for the benefit of those attending the hearing. The Chairman will explain that the Democratic Services Officer's role is to record the key points of the hearing and the Legal Advisor's role is to provide legal advice to Members of the sub-committee.

9.4 The Chairman will then explain to the parties present that the hearing is the subject of this procedure, copies of which will have been distributed to the parties with the notice of hearing. He will enquire of the parties whether there are any questions of clarification concerning its contents.

9.5 Each matter to be dealt with by the sub-committee will be called in turn, usually in the order listed on the sub-committee agenda. However, the Chairman may change the order at his/her discretion.

9.6 As each matter is called, the Chairman will ask the applicants and any other parties in the case to identify themselves and then consider any requests made by Parties for another person to appear at the hearing (e.g. a witness) provided he has already made such a request in writing in accordance with paragraph 4.3. Such permission shall not be unreasonably withheld.

- 9.7 If a party has informed the authority that he will not be attending or be represented at the hearing, it may proceed in his absence. If a party has informed the authority that he will attend or be represented and does not do so, Members will decide if it is in the public interest that the hearing of the matter should be adjourned, in which case the authority must notify the parties of the date, time and place to which the hearing has been adjourned.
- 9.8 Where the authority holds the hearing in the absence of a party who had indicated he would attend, the authority shall consider the application together with any representations made or notice given by that party. The sub-committee must give full reasons for proceeding in his/her absence. The Democratic Services Officer will record these reasons and the applicant will be informed of the decision.
- 9.9 Any documentary evidence or written representations lodged with the authority in response to the authority's notice of hearing (see paragraph 4.1) within the time periods specified in Annex 1 to this procedure will be made available to the sub-committee.
- 9.10 Where a party seeks to raise a new issue not raised in his response to the notice of hearing, it will be in the discretion of the Chairman whether to allow that matter to be introduced, and/or adjourn the hearing to another date.
- 9.11 The Chairman will ask the Licensing Officer who is presenting the case summary to identify him/herself. If the case is being held in private, or partly in public and partly in private, the Chairman will explain the hearing process to be adopted to all parties, which will be a modified form of this procedure but will give each party the opportunity to be heard.
- 9.12 The hearing shall take the form of a discussion led by the Chairman and assisted by the Legal Advisor as appropriate and cross-examination shall not be permitted unless the authority considers that cross-examination is required for it to consider the representations, application or notice as the case may require.
- 9.13 The Chairman may indicate at the outset any particular issues relating to the licensing objectives he will be seeking to explore in the course of the hearing. He may also seek to clarify the main outstanding areas of objection to the application before each party addresses the Committee. He may also seek to establish whether the applicant proposes further conditions in the light of relevant representations received.
- 9.14 The Licensing Officer will open the hearing with a summary of the relevant facts and issues.

9.15 The Chairman will ask each party to make their representations, including any documentary evidence they wish to rely on which was submitted in advance in accordance with paragraph 4.1, and call any witnesses in support of their application the Chairman has agreed may appear under paragraph 9.6.

9.16 The order of representations will normally be the applicant, the responsible authorities, and then the interested parties at the discretion of the Chairman.

9.17 The normal maximum time limit for each party to make their case and call any witnesses will be ten minutes, since all parties will have had the opportunity to make written representations and those received within the statutory time-limits will be circulated to the committee (summarised if lengthy). This time limit may be varied at the discretion of the Chairman, but the time limit will always be equal for all parties.

9.18 The Members of the Committee may ask questions of any party or other person at the hearing at any point in the hearing that the Chairman considers appropriate, through the Chairman if he so decides. Questions will normally be after the party has made their representations.

9.19 The Chairman will ask the Licensing Officer and any party whether they have any questions following each party's representations, after the sub-committee members have asked theirs. The Chairman will use his discretion to decide whether to permit direct questioning by each party of other parties, or whether the questions will be put by the Chairman himself. The Chairman has the right to curtail questioning at any time.

9.20 The content of any representations and/or documentary or other information on which a party seeks to rely should have been disclosed by that party to all parties prior to the hearing within the period of time specified in the Notice of Hearing. Additional representations and/or evidence, which have not been submitted to the authority before the hearing, may only be made or submitted at the hearing with the consent of all the other parties.

9.21 The sub-committee shall disregard any information given or evidence produced by a party which is not relevant to:-

- (a) their application, representations or notice (as applicable), and
- (b) the promotion of the Licensing Objectives (prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm), or in relation to a hearing to consider a notice given by a chief officer of police, the crime prevention objective.

9.22 The Chairman may remind parties where necessary that their representations should be relevant to the licensing objectives. If in his opinion irrelevant representations are being made he may advise a party of the need for relevance, and if necessary curtail his representations on an irrelevant point.

## **10. EVIDENCE**

10.1 The strict legal rules of evidence will not apply and evidence shall not be given on oath.

## **11. LEGAL ADVICE**

11.1 The role of the sub-committee's Legal Advisor is to provide the Members with advice on: -

- questions of law;
- matters of practice and procedure;
- the options available to the sub-committee in making their decision;
- whether information or evidence is relevant to the licensing objectives;
- any relevant decisions of "superior courts" or other guidelines (e.g. – Government Guidance on the 2003 Act and the Council's Statement of Licensing Policy);
- other issues relevant to the matter before them (e.g. any consultation currently in progress through Council etc);
- where appropriate to assist the sub-committee in formulating the reasons for its decision.

11.2 The Legal Advisor may ask questions of parties and witnesses in order to clarify the evidence and any issues in the case.

11.3 The Legal Advisor has a duty to ensure that every case is conducted fairly.

## **12. DETERMINATION OF APPLICATIONS**

12.1 When all the representations have been heard, the Members may choose to withdraw while they make their deliberations in private. The Legal Advisor will only remain with the sub-committee if requested to give legal or procedural advice but not otherwise and will then return to the committee room while the Members make their decision. The Legal Advisor will explain to applicants/parties the reason for his being called to where the Members were deliberating (e.g. to advise on a point of law etc).

- 12.2 In the event that the sub-committee is unable to agree on its decision, the Chairman shall have a casting vote.
- 12.3 If the sub-committee needs to ask any further questions of either the applicant or any other party, all parties will be asked to return before the sub-committee.
- 12.4 In the case of hearings held under the following sections of the Act, the sub-committee must make its determination at the conclusion of the hearing:
  - hearing to consider counter notice following police or environmental health objection to temporary event notice [s.105(2)(a)];
  - hearing to consider review of premises licence following closure order [s.167(5)(a)];
- 12.5 In any other case the authority must make its determination within the period of 5 working days beginning with the day (or the last day) on which the hearing was held.
- 12.6 Once the sub-committee has reached its decision the Democratic Services Officer and the Legal Advisor may withdraw to assist the Members in writing up their decision. Again the Legal Advisor will explain to applicants/parties the reason for his being called to where the Committee were.
- 12.7 Where a hearing has been dispensed with under paragraph 5 above, the authority must make its decision within the period of 10 working days beginning with the day on which it gives notice to the parties.

### **13. NOTIFICATION OF DETERMINATION**

- 13.1 The authority will send a notification of determination to a party forthwith upon making it, or where there is a particular period for notification specified in the Licensing Act, within that period.
- 13.2 Notification of determination will give reasons for the decision. If the licensing authority has departed from the statutory Guidance or from the Council's Licensing Policy, reasons should also be given for that departure.
- 13.2 Where the Act requires the Chief Officer of Police to receive notification of determination, and that Chief Officer has not been a party to the hearing, the authority shall send him that determination forthwith.
- 13.3 Notification of determination shall be accompanied by information concerning the right of a party to appeal.

13.4 Decisions shall be that of the licensing authority (i.e. not individual members).

#### **14. QUORUM**

14.1 The quorum for any hearing of a licensing sub-committee shall be two Members.

#### **15. RECORD OF PROCEEDINGS**

15.1 The authority shall provide for a record to be taken of the hearing in a permanent and intelligible form and kept for six years from the date of the decision or, where an appeal is brought against the decision of the authority, the disposal of that appeal. This shall be the responsibility of the Strategic Lead – Legal, Licensing and Democratic Services.

#### **16. IRREGULARITIES**

16.1 Any irregularity resulting from any failure to comply with any provision of the Regulations before the authority has made a decision shall not of itself render the proceedings void.

16.2 In the case of any such irregularity, where it considers that any person may have been prejudiced as a result, the authority shall take such steps, as it thinks fit to remedy the irregularity before reaching its decision.

16.3 The authority may correct clerical mistakes in any document recording a decision of the authority or errors arising in such a document from an accidental slip or omission.

#### **17. FORM OF NOTICES**

17.1 Any notices required to be given under this procedure must be given in writing.

17.2 The requirement that any notice must be given in writing is satisfied where: -

- (a) the text of the notice
  - (i) is transmitted by electronic means;
  - (ii) is capable of being accessed by the recipient;

- (iii) is received in legible form, and;
- (iv) is capable of being reproduced in written form and used for subsequent reference.

- (b) the person to whom the notice is to be given has agreed that such a notice may be given to them by those electronic means, and
- (c) forthwith on sending the text of the notice by electronic means the notice is given to the recipient in writing.

17.3 Where the text of the notice is transmitted by electronic means, the giving of the notice shall be effected at the time the text of the notice is received by the recipient in accordance with paragraph 17.2(a).

## **18. Costs**

Neither the Licensing and Enforcement Committee nor its sub-committees have the legal power to make any order as to the costs incurred by a party in connection with a hearing under the Licensing Act. If a party has a lawyer or any other person to represent them it will be at their own expense.

## **19. Licensing Act 2003 (Hearings) Regulations 2005 (as amended)**

The interpretation provisions of the Regulations will apply to any term used in this procedure defined in the Regulations. In the event of any conflict between this Procedure and the regulations, the requirements of the Regulations will prevail. The legal advisor will advise the committee should such an issue arise and the chairman's ruling on procedure will be final.

## **Appendix B**

### **Film Classification Procedures**

### **POLICY FOR DETERMINING FILM CLASSIFICATIONS**

#### **1. Introduction**

- 1.1 The public exhibition of all films on licensed premises must either be classified by the British Broad Film Classification (BBFC) or authorised by the Licensing Authority under the powers of the Licensing Act 2003.
- 1.2 Section 20 of the Licensing Act 2003 (the Act) provides that where a Premises Licence or Club Premises Certificate authorises the exhibition of a film(s), the licence must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by the British Board of Film Classification (the BBFC) or by the Licensing Authority itself
- 1.3 The purpose of this Policy is to set out the formal procedure for the Licensing Authority to determine the classification of previously unclassified films, appeals by distributors against the British Board of Film Classification's decisions or requests to reclassify films.
- 1.4 Where a premises seeks or intends to exhibit film(s), that venue must be covered by a Premises Licence, Club Premises Certificate or Temporary Event Notice under the Licensing Act 2003.

#### **2. Definitions**

- 2.1 Children - any person under the age of 18 years.
- 2.2 Exhibition of a film - the exhibition of moving pictures.

#### **3. Circumstances the Licensing authority may classify a film**

- 3.1 The Licensing Authority may be required to classify a film that has not been classified by the BBFC. A typical example of this would be a locally made film to be shown at a film festival within the district. Therefore, the Licensing Authority must have a formal procedure in place to determine this classification.
- 3.2 A distributor of a film or other party may appeal to the Licensing Authority against a decision of the BBFC requesting that the Licensing Authority reclassifies the film for local screening.

3.3 In addition to classifying films the Licensing Authority can issue a classification waiver which permits the exhibition of the film or films within the local area without a classification but subject to certain conditions and restrictions.

#### **4. Submission of film**

4.1 Applications for authorisation of films shall be referred to and determined by the Licensing department on behalf of the Licensing Authority.

4.2 Applications should be submitted to the Licensing Authority with a minimum of 28 days before the proposed screening **and accompanied by the appropriate fee. Further details on how to apply can be found on our web pages.**

4.3 An application for authorisation should include the following information:

- a) The name of the film maker;
- b) A brief synopsis of the film
- c) Any recommendation as may have been made by the film maker upon age limit for the intended audience for exhibition of the film;
- d) Any existing classification issued by an existing classification body, whether within or outside the UK;
- e) Information identifying the material within the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film.
- f) The language spoken in the film and whether there are subtitles in English.
- g) Details of how any age restrictions will be enforced.

4.5 All requests shall be accompanied by the film(s) where possible in DVD format to avoid delays, the cost to be borne by the applicant. If DVD format is not possible then arrangements will be made for a suitable venue to view the film.

4.6 If the film contains dialogue in a language other than English an interpreter will be required for the classification. East Devon District Council will arrange for a suitable interpreter and the applicant will be responsible for the cost of this.

4.7 All requests must be accompanied by detailed reasons for the request.

4.8 Applicants must ensure that all material that is the subject of the application complies with the current interpretation of the Obscene Publications Act 1959, the Copyright Design and Patents Act 1988 or any other relevant legislation and has not been created through the commission of a criminal offence.

## 5. Process

- 5.1 Requests will be dealt with as expeditiously as possible as it is appreciated that films are generally only shown in cinemas for a relatively short period.
- 5.2 An application fee and or an hourly rate will be required with the application, before any films are viewed.**
- 5.3 Two officers from the licensing department will view the entire film and assess it against the BBFC guidelines and National Guidance.
- 5.4 If the decision is unanimous in relation to the classification that classification will be applied. Should the officers be unable to reach consensus then the classification for that film will be referred to the Licensing Sub Committee
- 5.5 When required the Sub Committee will view the entire film and assess it against the BBFC guidelines. The Chairman of the sub committee will have the final decision on the classification to be applied to the film.
- 5.6 The Licensing Department/Sub Committee (as appropriate) shall issue a Notice of Determination of the authorisation within 5 working days from the date of viewing.
- 5.7 The Licensing Authority will formally advise the applicant and the licence holder of any recommendation(s) restricting the admission of children to the film(s).
- 5.8 Where the Licensing Authority has determined to refuse authorisation of a film clear and concise reasons shall be given.

## 6. Classification

- 6.1 The BBFC classifies films in accordance with published Guidelines, which are based on extensive research into public opinion and professional advice.
- 6.2 The National Guidance under Section 182 of the LA2003 recommends that:  
Licensing Authorities should not duplicate the BBFC's work by choosing to classify films themselves. The classifications recommended by the BBFC should be those normally applied unless there are very good local reasons for a Licensing Authority to adopt this role. Licensing Authorities should note that the provisions of the 2003 Act enable them to specify the Board in the licence or certificate and, in relation to individual films, to notify the holder or club that it will make a recommendation for that particular film
- 6.3 The Licensing Authority considers the classification system used by the BBFC to be nationally understood and accepted. It will therefore use this system and any amendments thereto, as a reference point for determining its

recommendation(s) on the restriction of access of children to the film(s). It should be noted however that the Licensing Authority is not obliged to follow these guidelines.

- 6.4 Where a licensed premises seeks to exhibit a film that has not been classified by the BBFC then it will be the responsibility of the Licensing Authority to authorise that film although this may be referred to the BBFC to consider.
- 6.5 The Licensing Authority recognises the principle within the Human Rights Act 1998 that adults should be free to choose their own entertainment. However material should not be in breach of the criminal law, including material judged to be obscene under the current interpretation of the Obscene Publications Act 1959 or has been created through the commission of a criminal offence.
- 6.6 In accordance with paragraph 10.17 of the [\*\*Section 182 Guidance\*\*](#), the Licensing Authority shall concern itself primarily with the protection of children from harm. It will not use its powers to censor films save where there is clear cause to believe that this is required to promote the licensing objectives.

## **7. Protecting children from harm**

- 7.1 In terms of film exhibitions and festivals, the most relevant licensing objective is the Protection of Children from Harm.
- 7.2 Paragraph 2.41 of the National Guidance states:

The protection of children from harm includes the protection of children from moral, psychological and physical harm and this would include the protection of children from too early an exposure to strong language and sexual expletives, for example, in the context of film exhibitions or where adult entertainment is provided.
- 7.3 In line with the National Guidance, where a film is recommended by the Licensing Authority as falling into an age restrictive category, no person under the age specified shall be admitted.
- 7.4 Where a film(s) is recommended by the Licensing Authority as falling into a category requiring any persons under a specified age to be accompanied by an adult, no person under the age specified shall be admitted unless accompanied by an adult.
- 7.5 In these circumstances, the licence holder will be required to display in a conspicuous position a notice clearly stating the relevant age restrictions and requirements. With regard to the wording of such Notices, the Licensing Authority shall have regard to National Guidance, e.g.:
  - Persons Under the Age Of [insert appropriate age] Cannot Be Admitted To Any Part of The Programme

- Persons Under the Age Of [insert appropriate age] Can Only Be Admitted To The Programme If Accompanied By An Adult.

## **8. Classification Waiver**

- 8.1 Any authorisations for the exhibition of film without classification issued by the Licensing Authority shall only apply when the film is exhibited within East Devon and does not affect the authorisation or recommendations in any other district or council area.
- 8.2 Once the classification has been waived by the Licensing Authority a film will be authorised for a particular showing or festival only. This will be subject to the recommendations imposed by the Licensing Authority (unless further application for re-classification is made). Details of the waiver including any recommendations shall be available from the Council's Licensing Services.
- 8.3 The issue of any waiver by East Devon District Council is strictly limited to the authorisation within the district and it is assumed that all relevant third party consents and licences in respect of any and all copyright, confidential information and all other intellectual property rights have been obtained.
- 8.4 Where the Licensing Authority authorises unclassified material to be shown the Licensing Authority will require an undertaking from the applicant that he has satisfied himself after proper enquiry that no material to be exhibited contravenes the current interpretation of the Obscene Publications Act 1959, the Copyright Design and Patents Act 1988 or any other relevant legislation and has not been created through the commission of a criminal offence.
- 8.5 The Licensing Authority shall also not be liable for any material that has been created through the commission of a criminal offence. It is the responsibility of the applicant to ensure that no film or trailer contravenes the law

## **9. Exemptions**

- 9.1 The provision of the exhibition of a film is exempt from regulation by the Licensing Act 2003 (LA03) if:  
It consists of or forms part of an exhibit put on show for any purposes of a museum or art gallery (the LA03 does not define a museum or art gallery so the ordinary meaning of the term is taken) Or its sole or main purpose is to:

- demonstrate any product,
- advertise any goods or services (excluding the advertising of films), or
- provide information, education or instruction

## POOL OF LICENSING CONDITIONS Licensing Act 2003

## APPENDIX C

When preparing a new or variation application for a premises licence or club premises certificate applicants are required to describe the steps they intend to take to promote the following four licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm.

East Devon District Council has produced this pool of licensing conditions to assist applicants in completing this section of their application and to promote a consistent approach in the wording of conditions. It is intended to provide a broad range of conditions that should cover most eventualities, however those persons wishing to host large one off events e.g. festivals are alternatively recommended to contact the Council's Safety Advisory Group [safetyadvisor.group@eastdevon.gov.uk](mailto:safetyadvisor.group@eastdevon.gov.uk)

All premises licences and club premises certificates will be subject of [mandatory conditions](#) prescribed by the Licensing Act 2003. All further conditions imposed should be tailored to the particular circumstances of an individual premises and determined on a case-by-case basis. They should reflect how applicants will promote these licensing objectives having regard to the nature and type of venue, proposed licensable activities, location, operating times, anticipated clientele etc. For example, if an application relates to a restaurant, the measures or controls expected to be implemented will be less than a nightclub or music festival.

Conditions which are appropriate to promote the licensing objectives should initially emerge from a prospective licence holder's risk assessment and then be translated to form part of the operating schedule for the premises. Any conditions, controls or restrictions that are offered by applicants in their operating schedule will be added to a licence or certificate and as such will govern the way in which licensed premises are managed. In the circumstances where words or phrases used in an operating schedule are confusing, unenforceable etc., rather than reproducing those terms, minor amendments may be made by the Licensing Authority. Furthermore the Licensing Authority will not impose conditions which it believes are duplicated in other legislation.

This pool of conditions is not intended to form an exclusive or exhaustive list of conditions which should be included on a licence or certificate. Applicants should consider offering conditions that are appropriate, necessary and proportionate in the circumstances of their particular application. Moreover, the pool does not restrict any applicant, responsible authority, or other person from proposing any alternative conditions, nor does it restrict the Council's Licensing Sub-Committee from imposing any reasonable condition on a licence it considers appropriate for the promotion of the licensing objectives (after representations have been received to an application and by way of a hearing).

Guidance states that conditions are important in setting the parameters under which premises can lawfully operate. As such applicants should consider whether conditions can be met and be mindful as to whether what they have offered is practical, realistic and enforceable. A breach of condition constitutes an offence for which those found guilty may face an unlimited fine and/or six months imprisonment.

Before an application is submitted we recommend that applicants contact any relevant responsible authorities ([eastdevon.gov.uk/guide to responsible authorities](http://eastdevon.gov.uk/guide_to_responsible_authorities) for contact details) to discuss their application. They may suggest conditions that should be considered prior to submission, which may reduce the likelihood of a responsible authority or member of the public submitting a representation (objection). Responsible authorities may contact you after the submission of your application to suggest amendments to your operating schedule, particularly if you have not contacted them previously.

Additional information on conditions can be found in the [guidance issued by the Home Office under Section 182 of the Licensing Act 2003 \(as revised\)](#). Comments on the content and use of the pool of conditions are welcomed. The Licensing Team can be contacted by emailing [licensing@eastdevon.gov.uk](mailto:licensing@eastdevon.gov.uk)

<b>CONTENTS</b>		<b>Page</b>
<b>CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER</b>		
1	Training	3
2	Incident Log	3
3	Alcohol Consumption	3
4	Management Controls	4
5	Nature of Alcohol Sales	4
6	Door Supervisors	4
7	Substance Misuse	5
8	Restrictions on Use of Premises	5
9	CCTV	6
<b>CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE</b>		
10	Restrictions on Live Music	8
11	Dispersal	8
12	Speakers	8
13	Equipment and Deliveries	8
14	Noise Levels	8
15	Point of Contact	9
16	Noise Limiting Devices	9
17	Doors, Windows, & Lobbies	10
18	Noise Monitoring	10
19	Smoking Areas	10
20	Restrictions on Outside Areas	11
21	Taxi Provision	11
22	Deliveries & Handling of Equipment	11
23	Reports & Schemes	12
24	Litter & Waste	12
25	Lighting	12
26	Fumes, Steam & Odours	13
<b>CONDITIONS RELATING TO PUBLIC SAFETY</b>		
27	Occupancy/Capacity Limits	13
28	Sanitary Facilities	13
29	Lighting	13
30	Air Conditioning	13
31	Queues	13
32	Glassware and Bottles	13
<b>CONDITIONS RELATING TO THE PROTECTION OF CHILDREN FROM HARM</b>		
33	Proof of Age Scheme	14
34	Refusals Register	14
35	Unaccompanied children	15
36	Till Prompt System	15
37	Films	15
38	Nudity and Sexual Entertainment	15
<b>CONDITIONS RELATING TO ONLINE SALES OF ALCOHOL</b>		
39	Ordering	15
40	Delivery	15

41	General	16
<b>GENERAL CONDITIONS</b>		
42	Duplicate licences	17
43	Seasonal timings	17
44	Night time hatches	17

CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER		
<b>1.Training</b>	<b>D1</b>	<p>All staff engaged in licensable activity at the premises will receive training and information in relation to the following (<i>select from the following</i>):</p> <ul style="list-style-type: none"> <li>i. The <i>Challenge 21/25*</i> (<i>delete as appropriate</i>) scheme in operation at the premises, including the forms of identification that are acceptable.</li> <li>ii. The hours and activities permitted by <i>the premises licence / club premises certificate*</i> (<i>delete as appropriate</i>) issued under the Licensing Act 2003 and conditions attached to the <i>licence/certificate*</i> (<i>delete as appropriate</i>).</li> <li>iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).</li> <li>iv. Recognising the signs of drunkenness.</li> <li>v. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.</li> <li>vi. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.</li> </ul> <p>Training shall be recorded in documentary form and shall be regularly refreshed at no greater than (<i>insert</i>) intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.</p> <p>Training records will be retained for at least 12 months.</p>
<b>2.Incident log</b>	<b>D2</b>	<p>An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details (<i>select from the following</i>):</p> <ul style="list-style-type: none"> <li>i. Any incidents of disorder or of a violent or anti social nature</li> <li>ii. All crimes reported to the venue, or by the venue to the police</li> <li>iii. All ejections of patrons</li> <li>iv. Any complaints received</li> <li>v. Seizures of drugs or offensive weapons</li> <li>vi. Any faults in the CCTV system</li> <li>vii. Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.</li> </ul> <p>Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.</p> <p>The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.</p>
<b>3.Alcohol Consumption</b>	<b>D3</b>	With the exception of residents and their bona fide guests, no alcohol shall be consumed more than ( <i>insert</i> ) minutes after the permitted terminal hour for the supply of alcohol.
	<b>D4</b>	The consumption of alcohol on the premises shall cease at ( <i>insert hour</i> ).
	<b>D5</b>	Open containers of alcohol shall not be removed from the premises, except for consumption in any delineated external area as shown on the plan attached to the licence.
	<b>D6</b>	The sale and supply of alcohol for consumption in any <i>outdoor area of the premises/off the premises*</i> ( <i>delete as appropriate</i> ) shall be restricted to alcohol consumed at the outside

		tables and chairs shown on the licence plan, shall be by waiter or waitress service, served only to a person taking a substantial table meal there and be for consumption by such a person as ancillary to their meal.
	<b>D7</b>	There shall be no consumption of beverages purchased from the premises in the designated smoking area.
	<b>D8</b>	There shall be no consumption of beverages purchased from the premises outside the premises.
	<b>D9</b>	There shall be no consumption of beverages outside the premises after ( <i>insert</i> ) hours.
	<b>D10</b>	After ( <i>insert</i> ) hours no drinks are to be taken to the outside area and no consumption of drinks will occur after ( <i>insert</i> ) hours.
	<b>D11</b>	Clear and legible signage must be prominently displayed in the outside area specifying that no drinks are to be taken into this area after ( <i>insert</i> ) hours.
	<b>D12</b>	Customers will not be permitted to remove from the premises any drinks supplied by the premises (alcoholic or otherwise) in open containers.
<b>4. Management Controls</b>	<b>D13</b>	There shall be no admissions or re-admission to the premises after ( <i>insert</i> ) hours.
	<b>D14</b>	There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
	<b>D15</b>	Outside of the hours authorised for the retail sale of alcohol and whilst the premises are open to the public, all alcohol within the premises (including alcohol behind the counter) must be secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
	<b>D16</b>	All alcohol on display will be in such a position so as not to be obscured from the constant view of the cashier / staff.
	<b>D17</b>	An attendant shall be on duty in the cloakroom the whole time that it is in use.
<b>5. Nature of Alcohol Sales</b>	<b>D18</b>	No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
	<b>D19</b>	There shall be no self service of alcohol on the premises.
	<b>D20</b>	There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV (alcohol by volume).
	<b>D21</b>	No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.
	<b>D22</b>	No miniature bottles of spirits of 20cl or less shall be sold from the premises.
	<b>D23</b>	Retail sale of alcohol shall only take place from a fixed bar, no mobile dispense sales will take place.
<b>6. Door Supervisors</b>	<b>D24</b>	The number of SIA licensed door supervisors employed shall be in accordance with the following ratio: A minimum of (2) door supervisors will be employed for the first (150) customers and one door supervisor for every (75) thereafter.
	<b>D25</b>	A minimum of (2) SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open for business.
	<b>D26</b>	A minimum of ( <i>insert number</i> ) SIA licensed door supervisors shall be positioned at the exit(s) from the premises at closing time.
	<b>D27</b>	A minimum of ( <i>insert number</i> ) SIA licensed door supervisors shall be on duty at the entrance of the premises at all times until the premises have closed and all customers have left.
	<b>D28</b>	All SIA licensed door supervisors shall wear distinctive clothing or insignia to clearly identify them as door supervisors. Door supervisors on duty at the entrance(s) shall wear 'high visibility' clothing (such as a jacket or waistcoat).
	<b>D29</b>	All persons entering or re-entering the premises shall be searched by a SIA licensed door supervisor.
	<b>D30</b>	SIA licensed door supervisors engaged in searching persons shall be fully trained in the use of their powers to do so.

	<b>D31</b>	Where searches of persons are undertaken SIA licensed door supervisors of both sexes will be on duty.
	<b>D32</b>	<p>The following details for each door supervisor will be contemporaneously entered into a register kept for that purpose:</p> <p>(i) Full name  (ii) SIA licence/badge number, and registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation)  (iii) The date and time they began their duty  (iv) The date and time they completed their duty  (v) The full details of any agency through which they have been allocated to work at the premises if appropriate</p> <p>The register shall be available for inspection and copying at all reasonable times by an authorised officer of a responsible authority.</p> <p>The register shall be kept at the premises at all times and be so maintained as to enable an authorised officer to establish the particulars of all door supervisors engaged at the premises during the period of not less than 12 months prior to the request.</p>
	<b>D33</b>	All SIA licensed door supervisors will be provided with working radios to enable them to contact each other and the duty manager at the premises at all times whilst on duty.
	<b>D34</b>	SIA licensed door supervisors will be responsible for ensuring the safe, quiet and orderly dispersal of customers from the premises and the immediate vicinity of the premises.
	<b>D35</b>	Any queue to enter the premises which forms outside the premises must be supervised by SIA licensed door supervisors so as to ensure that it is orderly, there is no associated public nuisance, or obstruction to the public highway/footpath.
<b>7. Substance Misuse</b>	<b>D36</b>	A written drugs policy shall be in place and operated at the premises. It must detail the actions taken to minimise the opportunity to use or supply illegal substances within the premises. The policy must be made available for inspection and copying upon request by an authorised officer of a responsible authority.
	<b>D37</b>	Where door supervisors are used to search patrons as a condition of entry, a written drugs policy formulated in consultation with the Police will be in place. The policy will include an agreed procedure for the handling and retention of any article seized.
	<b>D38</b>	<p>A structured training programme surrounding substance misuse will be in place. Training will be undertaken at (<i>regular intervals/annually/_ monthly intervals*</i>) <i>delete as appropriate</i> for all staff that deal with persons who are in the possession of/or incapacitated through the use of drugs or the combined effect of drugs and alcohol.</p> <p>Records will be maintained detailing the time and date of substance misuse training, the people who received the training, and the name of the person delivering the training.</p> <p>Records will be available for inspection by an authorised officer of a responsible authority at all reasonable times. The records will be retained for at least 12 months.</p>
	<b>D39</b>	A senior member of the management team at the premises must hold a National Certificate of Drugs Awareness qualification, run by the British Institute of Inn keeping or similar accredited body.
	<b>D40</b>	There must be at the premises a lockable drugs safe to which no member of staff, save the DPS or ( <i>insert</i> ) shall have access. All controlled drugs (or items suspected to be or to contain controlled drugs) found at the premises must be placed in this safe as soon as

		practicable. Whenever this box is emptied, all of its contents must be given to the police for appropriate disposal.
	<b>D41</b>	Where a drug safe is available on the premises to deposit finds there will be in place a clear policy for the handling and packaging of seized items. <i>Note: For premises with a suitable 'Drug Safe' the items secured within that safe are not considered as being in their possession</i>
	<b>D42</b>	A clear and legible notice must be prominently displayed at all entrances to the premises advising those attending, that the Police will be informed if anyone is found in possession of controlled substances or weapons.
	<b>D43</b>	Appropriate security arrangements will be in place including toilet areas and other similar areas being regularly checked for evidence of drugs. The date and times of all checks will be recorded in a register kept for that purpose and be available for inspection and copying on request of an authorised officer of a responsible authority. Signage shall also be prominently displayed in the toilet areas advising patrons that checks are conducted regularly.
<b>8. Restrictions on Use of Premises</b>	<b>D44</b>	The licensable activities authorised by this (licence/certificate*) and provided at the premises shall be ancillary to the main function of the premises as (offices / delicatessen / museum / theatre / hairdressers / etc.* ) (Delete as appropriate)
	<b>D45</b>	<p>The premises shall only operate as a restaurant (<i>select from the following</i>):</p> <ul style="list-style-type: none"> <li>(i) in which customers are shown to their table</li> <li>(ii) where the supply of alcohol is by waiter or waitress service only</li> <li>(iii) which provides food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery</li> <li>(iv) which does not provide any take away service of food or drink for immediate consumption</li> <li>(v) where alcohol is not be sold or supplied, otherwise than for consumption by persons taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</li> </ul> <p>Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.</p>
	<b>D46</b>	Consumption of alcohol in the bar area is restricted to customers waiting to be escorted to a table.
	<b>D47</b>	Numbers of patrons drinking in the bar area (not awaiting tables) shall not exceed ( <i>insert</i> ) persons.
<b>9. CCTV</b>	<b>NOTE FROM LICENSING AUTHORITY ON IMPOSITION OF CONDITIONS SURROUNDING CCTV:</b>	
	<p>When considering the use of surveillance camera systems as part of the conditions attached to a licence or certificate, applicants and responsible authorities should have particular have regard to guidance issued by the Home Office under <b>Guiding Principle One in the <u>Surveillance Camera Code of Practice (November 2021)</u></b></p> <p><b><del>The guidance is available online at the GOV.UK website and searching: <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/204775/Surveillance_Camera_Code_of_Practice_WEB.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/204775/Surveillance_Camera_Code_of_Practice_WEB.pdf</a></del></b></p> <p>A blanket attachment of surveillance camera conditions are likely to give rise to concerns about the proportionality of such an approach and will require an appropriately strong justification and be kept under regular review. Applications in relation to licensed premises must take into account whether a requirement to have a surveillance camera system is appropriate in the particular circumstances of the</p>	

	<p>case. For example, it is unlikely that a trouble-free community pub would present a pressing need such that a surveillance camera condition would be justified.</p> <p><b>Guiding Principle One is shown below for information:</b></p> <p><i>Surveillance camera systems operating in public places must always have a clearly defined purpose or purposes in pursuit of a legitimate aim and be necessary to address a pressing need (or needs). Such a legitimate aim and pressing need might include national security, public safety, the economic well-being of the country, the prevention of disorder or crime, the protection of health or morals, or the protection of the rights and freedoms of others. That purpose (or purposes) should be capable of translation into clearly articulated objectives against which the on-going requirement for operation or use of the systems and any images or other information obtained can be assessed.</i></p> <p><i>In assessing whether a system will meet its objectives, and in designing the appropriate technological solution to do so, a system operator should always consider the requirements of the end user of the images, particularly where the objective can be characterised as the prevention, detection and investigation of crime and the end user is likely to be the police and the criminal justice system.</i></p> <p><i>A surveillance camera system should only be used in a public place for the specific purpose or purposes it was established to address. It should not be used for other purposes that would not have justified its establishment in the first place. Any proposed extension to the purposes for which a system was established and images and information are collected should be subject to consultation before any decision is taken.</i></p>
<b>D48</b>	<p>The premises shall install, operate and maintain a comprehensive digital colour CCTV system to the satisfaction of the Police and local authority</p> <p>All public areas of the licensed premises including entry and exit points will be covered, including any outside areas under the control of the premises licence holder.</p> <p>The system must record clear images permitting the identification of individuals, and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light condition.</p> <p>The CCTV system will continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.</p> <p>All equipment must have a constant and accurate time and date generation.</p> <p>All recordings will be stored for a minimum period of 14 days with date and time stamping. (Offers on applications in excess of 14 days are acceptable).</p> <p>Viewable copies of recordings will be provided on request to the Police and local authority officers as soon as is reasonably practicable and in accordance with the Data Protection Act 2018 (or any replacement legislation) OR a staff member from the premises who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises are open. This staff member must be able to provide an authorised officer of a responsible authority, copies of recent CCTV images or data with absolute minimum of delay when requested in accordance with the Data Protection Act 2018 (or any replacement legislation).</p>

	<p>The applicable condition will be based on the size/location and business operation of the premises, assessed on an individual basis.</p> <p>The CCTV system will be capable of downloading images to a recognisable viewable format.</p> <p>There will be security measures in place to ensure the integrity of the system to prevent the tampering with, and deletion of, images.</p>
<b>D49</b>	The CCTV system will be fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document <a href="http://www.ico.org.uk">www.ico.org.uk</a> (or any renewed equivalent guidance which is subsequently issued) regarding installation of CCTV is provided at the premises.
<b>D50</b>	If the CCTV equipment (including any mobile units in use at the premises) breaks down the Licensing Authority and the Police must be informed as soon as is reasonably practicable. This information shall be contemporaneously recorded in an incident report register and shall include the time, date and means this was done and to whom the information was reported. Immediate steps must be taken to put the equipment back into action. The Licensing Authority and the Police shall be informed when faults are rectified.
<b>D51</b>	A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide an authorised officer of a responsible authority copies of recent CCTV images or data with the absolute minimum of delay when requested (in accordance with the Data Protection Act 1998 or any replacement legislation).

CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE		
<b>10. Restrictions on Live Music</b>	<b>N1</b>	The performance of live entertainment will be limited to a maximum duration of <i>(insert)</i> hours inclusive of any breaks.
	<b>N2</b>	The performance of live entertainment will be limited to <i>(one/two)</i> evenings per week.
<b>11. Dispersal</b>	<b>N3</b>	A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.
	<b>N4</b>	Clear and legible notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the vicinity as quickly and quietly as possible.
	<b>N5</b>	When issues are identified approaches will be made to patrons, who will be asked not to stand around talking in the street outside the premises or any car park; and asked to leave the vicinity as quickly and quietly as possible.
	<b>N6</b>	Clear and legible notices shall be prominently displayed at the entrances to the premises advising that if patrons cause any disturbance or disorder admission will be refused as a result.
	<b>N7</b>	During the final hour of trading appropriate announcements will be made or images projected to remind patrons of the need to leave the premises quietly without causing annoyance, nuisance or disturbance to local residents and to advise patrons of any taxi free-phone or collection arrangements available upon the premises.
	<b>N8</b>	No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.
	<b>N9</b>	The location and orientation of loudspeakers must be as specified on the attached premises plan.
<b>12. Speakers</b>	<b>N10</b>	Speakers will not be located in the entrance lobby or <i>(specify another location if appropriate)</i> or outside the premises.
	<b>N11</b>	No music or speech shall be relayed via external speakers other than for events where the prior approval of the Licensing Authority has been obtained.
	<b>N12</b>	All internal speakers shall be attached to independent wall linings and not to the ceiling.
	<b>N13</b>	All speakers shall be mounted on speaker brackets that incorporate isolating rubber mounts.
	<b>N14</b>	Pneumatic tyres (or equivalent) will be fitted to any moving work equipment to be used outside (e.g. bins, trolleys, roll cages etc.).
	<b>N15</b>	Any moveable furniture will be fitted with rubber (or equivalent) feet.
	<b>N16</b>	Regular maintenance will be carried out on all plant and machinery to ensure that noise disturbance from such sources is kept to a minimum.
<b>13. Equipment &amp; Deliveries</b>	<b>N17</b>	Any generator will be positioned away from residential premises and in the case of a mobile van positioned so that the vehicle acts as a screen.
	<b>N18</b>	Where plant and machinery is likely to cause a noise problem it will be positioned in such a way that the building structure provides as much screening as possible for nearby noise-sensitive properties. <i>Alternatively, or additionally, control measures such as acoustic enclosures, acoustic louvers, silencers, or additional acoustic screening will be considered by applicants.</i>
	<b>N19</b>	The handling of kegs, bottles cleaning equipment, bottle disposal and similar items shall not take place before <i>(insert)</i> hours or after <i>(insert)</i> hours.
	<b>N20</b>	No deliveries (in relation to licensable activities) to the premises shall take place between <i>(insert)</i> hours and <i>(insert)</i> hours.
<b>14. Noise Levels</b>	<b>NOTE FROM LICENSING AUTHORITY ON IMPOSITION OF CONDITIONS SURROUNDING NOISE CONTROLS</b>	

	<p><i>“Inaudibility” conditions have been popular in the past but have faced sufficient criticism in the courts to be quashed as invalid for lack of precision. Noise conditions are notoriously difficult to pre-empt and should be applied only where professional advice has been obtained from <b>East Devon Council’s Environmental Protection Team</b>. Such conditions will be strictly tailored to the premises in question and the concerns to hand in relation to noise attenuation and resultant nuisance. An example of the type of inclusion that may be appropriate follows:</i></p>	
	<b>N21</b>	Between (specify hours/ days), the noise climate of the surrounding area must be protected such that the A- weighted equivalent continuous noise level (L <sub>Aeq</sub> ) emanating from the application site, as measured (specified distance (usually in metres, between the noise source and the receiver location(s)) from any facade of any noise sensitive premises over any [specify no. of minutes] period with entertainment taking place, must not increase by more than [specify dB tolerance (e.g. +3 dB, +5 dB, etc.)] as compared to the same measure, from the same position, and over a comparable period, with no entertainment taking place; and the un-weighted (i.e. linear) equivalent noise level (L <sub>Zeq</sub> ) in the 63Hz 1/1-Octave band, measured using the "fast" time constant, inside any noise sensitive premises, with the windows open or closed, over any (specify no. of minutes) period with entertainment taking place, should show no increase as compared to the same measure, from the same location(s), and over a comparable period, with no entertainment taking place.
<b>15. Point of Contact</b>	<b>N22</b>	A telephone number shall be made available and displayed in a prominent location where it can conveniently be read from the exterior of the premises by the public for local residents to contact in the case of noise-nuisance or anti-social behaviour by persons or activities associated with the premises. The telephone number will be a direct number to the management who are in control during opening hours. A record will be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Records will be made available for inspection and copying by an authorised officer of a responsible authority throughout the trading hours of the premises.
	<b>N23</b>	The Premises Licence Holder or Designated Premises Supervisor shall be available at all times during regulated entertainment and be responsible for cooperating and liaising with any responsible authority.
<b>16. Noise Limiting Devices</b>	<b>N24</b>	A noise limiting device ( <i>the specification and design to be agreed with <b>East Devon Council’s Environmental Protection Team</b></i> ) shall be fitted so that all live and recorded music is channeled through the device(s). The maximum noise levels will be set by agreement with <b>East Devon Council’s Environmental Protection Team</b> and will be reviewed from time to time as appropriate.
	<b>N25</b>	The noise limiting device must be fully functional and in proper working order at all times during performances of live and recorded music.
	<b>N26</b>	If the noise limiting device breaks <b>East Devon Council’s Environmental Protection Team</b> will be informed as soon as reasonably practicable. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay.
	<b>N27</b>	No performances of live and recorded music will proceed without the noise limiting device in proper working order.
	<b>N28</b>	All amplified sound sources (including live performances) from the premises will go through a noise limiting device.
	<b>N29</b>	The Premises Licence Holder or nominated person shall control the sound levels of the music/entertainment.
	<b>N30</b>	The Premises Licence Holder or nominated person shall ensure that the noise limiting device is sealed after commissioning, so that sound operators cannot override the system during the performance of live and recorded music.
	<b>N31</b>	A noise limiting device shall be used in relation to all sound amplification equipment used in line with the following:

		<p>(i) The noise limiting device shall be kept at the settings approved by the Council through an authorised officer of the Council's Environmental Protection Team on <i>(Date)</i></p> <p>(ii) The noise limiting device shall be properly secured so that it cannot be tampered with</p> <p>(iii) The noise limiting device shall only be reset with the authority of EDDC through an authorised officer of EDDC Environmental Health Team</p> <p>(iv) If deemed necessary, the noise limiting device shall be reset to a level approved by the Council through an authorised officer of the EDDC Environmental Health Team within <i>(insert)</i> days of notification.</p>
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<b>17. Doors, Windows, &amp; Lobbies</b>	<b>N32</b>	All external doors and windows shall be kept shut at all times when the premises are open/during regulated entertainment. Doors may be opened for normal entrance and egress of people but must be shut immediately after.
	<b>N33</b>	All external emergency exit doors shall be fitted with sensor alarms and visible indicators to alert staff when doors have been opened.
	<b>N34</b>	Customers shall not enter or leave the premises from/by <i>(insert specific entrances or exits)</i> except in the event of an emergency/
	<b>N35</b>	An <i>(acoustic lobby / acoustic door / acoustic curtains/ acoustic door seals / automatic door closer)</i> must be installed <i>(specify the location / define on plan)</i> .
	<b>N36</b>	All external doors and windows shall be maintained in good order.
	<b>N37</b>	All external doors and windows shall be acoustically glazed or suitably insulated to minimise noise breakout from the premises. <i>(Details of any such works will be specified to EDDC Environmental Health Team.)</i>
	<b>N38</b>	Staff shall check prior to the commencement of regulated entertainment, and periodically during regulated entertainment that all external windows and doors are shut.
	<b>N39</b>	The entrance/exit door(s) shall be fitted with a suitably constructed lobby and doors with automatic door-closers that are maintained in good working order to minimise noise break out from the premises.
	<b>N40</b>	Staff shall check that self-closing doors are not wedged open during regulated entertainment.
	<b>N41</b>	While live or recorded music takes place regular monitoring of noise levels at the nearest noise-sensitive locations shall take place. A record shall be kept of any monitoring, including:  -the date, time and location of the monitoring -the name of the person monitoring -any action taken  Records shall be kept for at least 6 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.
<b>18. Noise Monitoring</b>	<b>N42</b>	Observations in the vicinity of the properties at <i>(insert location)</i> , on at least <i>(insert time period e.g. hourly)</i> intervals between <i>(insert)</i> and <i>(insert)</i> whilst live music, karaoke or DJ's playing recorded music is taking place will be undertaken to establish whether there is a noise breakout from the premises. (i) If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance. (ii) A record of such observations shall be kept in a log for that purpose, the log shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise break out and any action taken to reduce noise breakout. (iii) Such records must be made available for inspection and copying at all times upon request to an authorised officer of a responsible authority.
	<b>N43</b>	After <i>(insert)</i> hours noise levels in outside areas will be monitored and controlled to minimise any potential impact on local residents. Customers will be advised of the need to respect local residents where appropriate. Any patrons continuing to cause any disturbance or disorder will be asked to leave the premises.
	<b>N44</b>	A designated and de-lineated smoking area will be allocated outside the premises.
<b>19. Smoking Areas</b>	<b>N45</b>	Suitable receptacles will be provided for cigarette litter within the designated smoking area.

	<b>N46</b>	The smoking area shall be regularly cleaned to ensure that all discarded smoking litter is removed and properly disposed.
	<b>N47</b>	The designated smoking area shall be for 'smoking only' and reasonable steps will be taken to prevent the consumption of any drinks in this area.
	<b>N48</b>	Steps shall be taken ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
	<b>N49</b>	Clear and legible notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
	<b>N50</b>	Customers permitted to temporarily leave and then re-enter the premises to smoke must be restricted to a designated smoking area defined as ( <i>specify location / mark on plan</i> ). No more than ( <i>insert number</i> ) of customers will be permitted to remain in the designated smoking area at any one time.
	<b>N51</b>	<p>The following conditions apply to the management of smoking areas within curtilage of the premises (<i>select from the following</i>):</p> <p>(i) The area must be adequately monitored by SIA licensed door supervisors and CCTV to ensure that patrons do not cause a nuisance, patrons do not obstruct access to adjoining premises and risk of crime and disorder in this area is controlled.</p> <p>(ii) Patrons must not be allowed to take drinks into the smoking area.</p> <p>(iii) The area must be provided with an adequate number of suitable ashtrays/bins, the use of which must be monitored by door staff.</p> <p>(iv) The area must be regularly swept to remove cigarette ends.</p> <p>(v) Arrangements must be made to prevent overcrowding or disorder on the (<i>insert location</i>), particularly if patrons exiting towards the smoking area whilst others are queuing for entrance in/on the (<i>insert location</i>).</p> <p>(vi) A safety netting, mesh or screen (of a gauge that satisfies the enclosed space requirements as specified within the smoking legislation), shall be fitted and maintained in order to prevent objects being passed from the outside into the smoking area.</p> <p>(vii) Any bottle or bin stores located near an external smoking facility shall be enclosed and secured.</p> <p>(viii) There shall be no furniture in the outside areas, with the exception of the appropriate wall mounted receptacles for tobacco waste materials.</p> <p>(ix) The smoking area shall be thoroughly cleaned, provided with adequate lighting and painted so as to clearly designate this area as the smoking area.</p> <p>(x) Staff shall be instructed to clean the smoking area and adjacent pavements of smoking-related litter before and after each period of use.</p>
	<b>N52</b>	The smoking area shall be permanently monitored by SIA licensed door supervisors during opening hours. The amount of patrons in this area will not exceed ( <i>insert occupancy number</i> ) persons; and shall be monitored with ( <i>insert method of monitoring occupancy number</i> ) from a position ( <i>insert positions from which monitoring is to take place</i> ).
<b>20. Restrictions on Outside Areas</b>	<b>N53</b>	Any outdoor areas to ( <i>the front/rear of</i> ) the premises must not be used by customers or staff after ( <i>insert</i> ) hours.
	<b>N54</b>	Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to ( <i>insert number</i> ) persons at any one time.
	<b>N55</b>	The ( <i>insert name of area i.e. beer garden, upper patio, etc.</i> ) shall only be open to customers ( <i>insert days</i> ) from ( <i>insert commencement time</i> ) until ( <i>insert end time</i> ). Clear and legible notices shall be prominently displayed in appropriate locations to ensure that this information is brought to the attention of patrons.

	<b>N56</b>	All outside areas must be closed and cleared of customers by <i>(insert)</i> hours. Adequate notices shall be displayed to inform patrons of this requirement.
	<b>N57</b>	After <i>(insert)</i> hours a SIA licensed door supervisor will be permanently placed in the <i>(insert)</i> area to monitor customers and prevent noise disturbance.
	<b>N58</b>	After <i>(insert)</i> hours the capacity in the outside rear area is limited to <i>(insert)</i> persons.
<b>21. Taxi Provision</b>	<b>N59</b>	Where a specific taxi operator has been nominated for customers use the company's telephone number will be advertised to customers. The operator will be advised that drivers should arrive and depart as quietly as possible, should not sound vehicle horns as a signal of their arrival or leave engines idling unnecessarily.
<b>22. Deliveries &amp; Handling of equipment</b>	<b>N60</b>	The handling of kegs, bottles, cleaning equipment, <i>(specify other)</i> shall not take place before <i>(insert)</i> hours or after <i>(insert)</i> hours.
	<b>N61</b>	No deliveries (in relation to licensable activities) to the premises shall take place between <i>(insert)</i> hours and <i>(insert)</i> hours.

<b>23. Reports &amp; Schemes</b>	<b>N62</b>	A detailed scheme of sound insulation works shall be submitted to and approved in writing by EDDC Environmental Health Team. The approved details shall be implemented in full prior to the commencement of the premises licence/club premises certificate* <i>(delete as appropriate)</i> .
	<b>N63</b>	A report shall be submitted detailing and recommending a scheme of sound insulation works for the separating structure between the licensed premises and the <i>(adjacent)</i> residential use <i>(above)</i> . The report shall consider: the potential for noise breakout from the building and the volume and nature of the music likely to be desired by the premises. The report shall be approved in writing by EDDC Environmental Health Team All recommended works shall be completed prior to the commencement of the premises licence/club premises certificate* <i>(delete as appropriate)</i> .
	<b>N64</b>	A report shall be submitted detailing the potential for noise from <i>specify: (amplified music) (refrigeration) (heating) (ventilation) (air conditioning plant) (other)* delete as appropriate</i> at the premises from affecting neighbouring noise sensitive properties at <i>(insert address)</i> . If the assessment indicates that noise from the premises is likely to affect neighbouring noise sensitive properties then the report shall include a detailed scheme of noise mitigation measures. The report shall be approved in writing by EDDC Environmental Health Team All recommended works shall be completed prior to the commencement of the premises licence/club premises certificate* <i>(delete as appropriate)</i> .
<b>24. Litter &amp; Waste</b>	<b>N65</b>	All the rubbish produced by the premises shall be stored securely in a designated area or in a bin with a tight fitting and lockable lid.
	<b>N64</b>	No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway or street furniture, or upon any building, structure, works, tree etc. not in the ownership or control of the Premises Licence Holder, or be distributed to the public.
	<b>N67</b>	All waste shall be properly presented and placed out for collection. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between <i>(insert)</i> hours and <i>(insert)</i> hours on the following day.
	<b>N 68</b>	During the hours of operation of the premises, sufficient measures will be taken to remove and prevent litter and waste arising or accumulating from customers in the area immediately outside the premises <i>(from building to edge of kerb *adjust as appropriate)</i> . This area shall be swept and/or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
	<b>N 69</b>	No collections of waste or recycling materials (including bottles) from the premises shall take place between <i>(insert)</i> hours and <i>(insert)</i> hours on the following day.
	<b>N 70</b>	Sufficient measures must be in place to remove litter or waste arising from customers and to prevent such litter/waste accumulating in the immediate vicinity of their premises. Where necessary adequate measures must be in place to provide customers with sufficient receptacles for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter etc.
	<b>N 71</b>	A sufficient number of suitable receptacles must be located in appropriate locations for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter, etc. by customers.
	<b>N 72</b>	All packaging provided with takeaway food must be marked in some way as to show its point of origin.

	<b>N 73</b>	Where a mobile unit is regularly removed from site, steps must be taken to ensure that site is properly cleaned and that any accumulations, surface grease etc. is properly cleansed and removed from the site.
<b>25. Lighting</b>	<b>N 74</b>	The use of lighting in ( <i>specify area</i> ) shall cease at ( <i>insert</i> ) hours except for health and safety or security reasons.
	<b>N 75</b>	The windows and other glazed areas shall be fitted with heavy duty curtains or similar to prevent light breakout from strobe or other flashing lights equipment.

<b>26. Fumes, Steam &amp; Odours</b>	<b>N 76</b>	No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
	<b>N 77</b>	Ventilation equipment will be regularly cleaned and maintained to control the levels of odour generated by the premises.
<b>CONDITIONS RELATING TO PUBLIC SAFETY</b>		
<b>27. Occupancy/ Capacity Limits</b>	<b>S1</b>	No licensable activities shall take at the premises until the capacity of the premises has been determined by the Premises Licence Holder and the Licensing Authority has replaced this condition on the licence with a condition detailing the capacity so determined.
	<b>S2</b>	The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed <i>(number)</i> .
	<b>S3</b>	The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed <i>(number)</i> , subject to the following maximum occupancies: <i>For example</i> [First Floor] <i>[number]</i> persons [Ground Floor] <i>[number]</i> persons [Basement] <i>[number]</i> persons
	<b>S4</b>	Seating for no less than <i>(insert number)</i> persons shall be provided in the premises at all times the premises are in operation.
	<b>S5</b>	Seating for no less than <i>(insert)</i> % of the maximum occupancy shall be provided in the premises at all times the premises are in operation.
	<b>S6</b>	The Premises Licence Holder or nominated person shall ensure that the accommodation limit(s) specified on the licence is/are not exceeded and shall be aware of the number of the people on the premises at all reasonable times. This information shall be immediately available on the request of an authorised officer of a responsible authority.
	<b>S7</b>	A suitable system must be in place to accurately indicate the number of customers (including staff, entertainers etc.) on the premises at any time.
	<b>S8</b>	Adequate procedures must be implemented to ensure overcrowding (such as that which may cause injury through crushing) does not occur in any part of the premises.
	<b>S9</b>	Manual and automatic electronic number control systems shall be installed, used and maintained at the premises at all times the premises is open to the public. The number of persons permitted in the premises at any one time (including staff) shall not exceed <i>(X)</i> persons.
	<b>S10</b>	In respect of temporary sanitary facilities the servicing of sanitary accommodation must take place on a continuous basis throughout the event to ensure the sanitary accommodation is kept in a usable condition at all times when the public require it to be available.
<b>28. Sanitary Facilities</b>	<b>S11</b>	In respect of temporary sanitary facilities the removal of sewage must take place hygienically and appropriately at the conclusion of the event or as required.
	<b>S12</b>	In the absence of adequate daylight, artificial lighting in any area accessible to the public shall be fully operational whilst the public are present.
<b>30. Air Conditioning</b>	<b>S13</b>	A suitable and sufficient air circulation and management system must be installed within the premises which will be used during regulated entertainment. (The purpose of this condition is to maintain a reasonable internal air temperature so as to avoid patrons or staff opening windows and doors to ventilate the premises. Additional conditions are in place to prevent the opening of windows and doors to minimise noise breakout).

<b>31. Queuing</b>	<b>S14</b>	Barriers /guards will be available where queues for entry can be envisaged. These must be arranged so as to control patrons, keep the pavements clear, and ensure that queues do not impact on means of escape in case of fire.
	<b>S15</b>	Queuing outside the premises shall be restricted to a designated area located at ( <i>specify location</i> ).
	<b>S16</b>	Door supervisors will be properly briefed and trained to manage queues in a safe and efficient manner.
<b>32. Glassware &amp; Bottles</b>	<b>S17</b>	All drinks shall be served in plastic/paper/toughened glass or polycarbonate containers.
	<b>S18</b>	All drinks shall be served in plastic/paper/toughened glass or polycarbonate containers from the ( <i>specify areas</i> ).
	<b>S19</b>	All drinks shall be served in plastic/paper/toughened glass or polycarbonate containers during the following events or occasions ( <i>enter specified events</i> ).
	<b>S20</b>	Except for the sale of a bottle of wine for consumption with a meal in the ( <i>designate area of the premises</i> ), no bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar.
	<b>S21</b>	No drinking vessel, glass or bottle may be taken from the premises.
	<b>S22</b>	No customers carrying open or sealed bottles cans or other receptacles containing alcoholic liquor shall be admitted to the premises at any time that the premises are open to the public.
	<b>S23</b>	The collection of glasses and bottles shall be undertaken at regular intervals to ensure there is no build-up of empties in and around the premises.
	<b>S24</b>	Bottle bins shall be provided at the exit doors and staff shall take steps to prevent bottles and glasses being taken from the premises.
	<b>S25</b>	Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

#### **CONDITIONS RELATING TO THE PROTECTION OF CHILDREN FROM HARM**

<b>33. Proof of Age Scheme</b>	<b>C1</b>	All bar staff, supervisors and managers must be trained in the legality and procedure of alcohol sales, using the SWERCOTS on-line training pack (or equivalent), prior to undertaking the sale of alcohol and then at least every ( <i>insert</i> ) months. Training shall be signed and documented. Training records must be kept on the premises and be made available for inspection and copying to an authorised officer of a responsible authority on request. The documentation relating to training should extend back to a period of three years and should specify the time, date and details of the persons both providing the training and receiving the training.
	<b>C2</b>	<p>There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify a <i>Challenge 21 / 25*</i> (<i>delete as appropriate</i>) proof of age requirement. This means that staff working at the premises must ask individuals who appear to be under (21/25)* years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:</p> <ul style="list-style-type: none"> <li>- A photo driving licence</li> <li>- A passport</li> <li>- An identification card carrying the PASS hologram</li> </ul> <p>Unless such identification is produced the sale of alcohol must be refused.</p> <p>This policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18.</p>

	<b>C3</b>	The premises shall display prominent signage indicating <i>(at any point of sale/ at the entrance to the premises/ in all areas where alcohol is located)* (delete as appropriate)</i> that a Challenge (21/25) scheme is in operation.
<b>34. Refusals Register</b>	<b>C4</b>	<p>An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:</p> <ul style="list-style-type: none"> <li>i. the date and time of refusal</li> <li>ii. the reason for refusal</li> <li>iii. details of the person refusing the sale</li> <li>iv. description of the customer</li> <li>v. any other relevant observations.</li> </ul> <p>The refusals register will be made available for inspection and copying on request of an authorised officer of a responsible authority.</p> <p>All entries must be made within 24 hours of the refusal.</p>

<b>35. Unaccompanied Children</b>	<b>C5</b>	Unaccompanied children (under <i>insert age</i> ) will not be allowed upon the premises at any time.
	<b>C6</b>	Accompanied children (under <i>insert age</i> ) will only be allowed to remain on the premises between ( <i>insert</i> ) hours and ( <i>insert</i> ) hours.
	<b>C7</b>	No person under the age of ( <i>insert age</i> ) years of age is permitted to enter or remain on the licensed premises when alcohol is being sold or supplied
<b>36. Till Prompt System</b>	<b>C8</b>	All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
<b>37. Films</b>	<b>C9</b>	Notwithstanding the mandatory condition imposed by Section 20 of the Licensing Act 2003 (above) the exhibition of films pursuant to this <i>licence/certificate*</i> <del>delete as appropriate</del> will be restricted to films that have been classified as Universal (U) or Parental Guidance (PG) by the designated film classification body.
<b>38. Nudity and Sexual Entertainment</b>	<b>C10</b>	( <i>Other than in hotel bedrooms</i> ) there shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
	<b>C11</b>	<p>No person under the age of 18 will be permitted to enter or remain on the premises when any “specified activity “is taking place. Specified activities are:</p> <ul style="list-style-type: none"> <li>• Any live performance; or</li> <li>• Any live display of nudity;</li> <li>• Which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).</li> </ul> <p>Display of nudity means:</p> <ul style="list-style-type: none"> <li>• In the case of a woman, exposure to her nipples, pubic area, genitals or anus; and</li> <li>• In the case of a man, exposure to his pubic area, genitals or anus.</li> </ul>
	<b>C12</b>	When any specified activity (as defined in condition C11) is taking place, all windows and doors of the premises which would allow those outside to see inside where the activity is to take place, must be blocked out.

#### CONDITIONS RELATING TO ONLINE SALES OF ALCOHOL

<b>39. Ordering</b>	<b>O1</b>	Alcohol can only be ordered for delivery to a residential or business address and not to a public place.
	<b>O2</b>	Alcohol can only be ordered for delivery to the person placing the order.
	<b>O3</b>	Full address details, including postcode, must be given when placing an online order for alcohol.
	<b>O4</b>	At the time an online order for alcohol is placed a declaration will be required from the person placing the order that the person is over 18 years of age.
	<b>O5</b>	Customers will be reminded that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person under 18.
	<b>O6</b>	All licence conditions pertaining to the online sale of alcohol must be part of the ‘Terms and Conditions’ which must be displayed on the website or any other promotional material and expressly brought to the attention of the buyer at the time of ordering in particular the right and obligation of the driver to refuse delivery in specified circumstances.
<b>40. Delivery</b>	<b>O7</b>	Delivery times for delivery of online orders of alcohol will be restricted between the following hours ( <i>insert hours</i> ).

	<b>O8</b>	Drivers will not deliver alcohol to any person anywhere other than at the residential address given when the order was placed.
	<b>O9</b>	Alcohol will only be delivered to the person who placed the order and whose name appears on the credit/debit card (if used).
	<b>O10</b>	Alcohol delivery will be refused if the driver considers the person receiving the delivery to be under the influence of alcohol or drugs.
	<b>O11</b>	If a delivery driver considers the recipient of alcohol to appear under 25, recognised photographic identification (refer to mandatory conditions) will be requested and must be provided evidencing the recipient to be at least 18 years of age before any alcohol is handed over.
	<b>O12</b>	Alcohol delivery will be refused if the delivery driver believes that the alcohol was purchased on behalf of another person who is not 18 years or older.
	<b>O13</b>	When executing a delivery of alcohol only pre-ordered alcohol may be carried by the delivery vehicle.
<b>41. General</b>	<b>O14</b>	All alcohol delivery drivers will be 18 years or over.
	<b>O15</b>	All alcohol deliveries must be recorded contemporaneously by the driver in a legible log (kept at the premises for 12 months and available for inspection and copying on request of an authorised officer of a responsible authority) to contain: <ul style="list-style-type: none"> <li>i. Name and address of person placing an order for alcohol</li> <li>ii. Full delivery address</li> <li>iii. Time and date alcohol delivered</li> <li>iv. Signature of the person taking delivery of alcohol</li> <li>v. Form of proof of age (where applicable)</li> <li>vi. If delivery refused, basis for refusal</li> <li>vii. Delivery person's name and signature</li> </ul>
	<b>O16</b>	A refusal/incident/accident book(s) must be kept at the licensed premises and in each delivery vehicle.
	<b>O17</b>	Training surrounding the procedures for online alcohol orders and alcohol deliveries will be undertaken.  Training shall be recorded in documentary form and shall be regularly refreshed at no greater than <i>(insert)</i> intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.  Training records will be retained for at least 12 months.
	<b>O18</b>	Drivers of alcohol delivery vehicles must be instructed on noise minimisation.
	<b>O19</b>	The number of vehicles utilised for delivery of online orders of alcohol will be restricted to a maximum number of <i>(insert)</i> .
	<b>O20</b>	No cash sales for alcohol purchased by an online method will be made.  OR <ul style="list-style-type: none"> <li>i. Cash orders for alcohol ordered by an online method will be limited to a maximum of £50 per order.</li> <li>ii. Alcohol delivery drivers will make only one delivery per trip. Having made a delivery the driver will return to <i>(insert location)</i>. This will ensure that the driver never has more than £50 cash at any time.</li> <li>iii. Cash will be put into the glove/fixed security box of the delivery vehicle which will be locked by a key.</li> </ul>

		iv. A photo will be taken by the driver of the customer's photo ID on all cash transactions. A record of the photos will be kept on a computer database. Terms and conditions will state that a picture will be taken of the ID provided on cash payments only and that there will be full compliance with the Data Protection Act (or subsequent relevant legislation).
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GENERAL CONDITIONS		
<b>42. Duplicate licences</b>	<b>G1</b>	No licensable activities shall take place at the premises until premises licence/club premises certificate* (delete as appropriate and insert number) has been surrendered (and is incapable of resurrection).
<b>43. Seasonal Timings</b>	<b>G2</b>	The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
	<b>G3</b>	On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00hrs.
<b>44. Night time hatches</b>	<b>G1</b>	<ol style="list-style-type: none"> <li>1. The sale and supply of alcohol between 2300 hrs and 0600 hrs shall be restricted to service by staff through the night pay window.</li> <li>2. The entrance door to the premises will be closed and customers prevented access to the premises between 2300 hrs and 0600 hrs.</li> <li>3. The main door to the premises will be fitted with an electronic locking device to be operated by staff when required between 2300 hrs and 0600 hrs, when the premises is open for licensable activities.</li> <li>4. In addition, it is to be noted that there will always be a minimum of two members of staff on duty between the hours of 2300 and 0600 hours.</li> <li>5. There will be no display of self-service alcohol within 2 metres of the store entrance.</li> </ol>

Date: 26<sup>th</sup> September 2025  
Direct phone: 01404 515616  
Direct email: licensing@eastdevon.gov.uk



Addressee

Dear Sir/Madam

**Statement of Licensing Policy 2021 – 2026**

East Devon District Council has prepared a draft Statement of Licensing Policy under the Licensing Act 2003 and we are now making the draft Licensing Act 2003 policy available to view. We invite your comments to make sure we have considered a wide range of views which will help shape the final policy.

East Devon District Council's current Licensing Act 2003 Statement of Licensing Policy was written in 2021. There is a legal requirement to review such policy statements every five years, and as such we are currently commencing a consultation on a draft Statement of Licensing policy covering the period January 2026 to January 2031.

Under the Licensing Act 2003, it is the responsibility of the local authority to develop and publish a Statement of Licensing Policy. The published policy provides the framework for all decisions on applications made under the Licensing Act 2003, and the way in which the local authority carries out their functions in relation to the legislation.

By way of background to the draft Statement of Licensing Policy, there have been no legislative changes to the Licensing Act 2003 since the publication of the existing policy, apart from changes made in 2020 by way of the Business and Planning Act 2020, which provided temporary (now lapsed), measures to support the hospitality trade during the Covid Pandemic.

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In terms of updates to national guidance, the Guidance issued under Section 182 of the Licensing Act 2003 was last updated in February 2025, and the draft policy reflects this most recently published guidance.

Given the lack of changes to legislation, and modest changes to national guidance since the last policy was published, only a relatively small number of amendments have been proposed to the existing policy. We would however, still welcome your views on the proposed changes.

You can access the policy online by going to [www.eastdevon.gov.uk/licensing](http://www.eastdevon.gov.uk/licensing) then clicking on the link to 'Licensing Information'. From there click on "Licensing Act 2003 Consultation: Draft Statement of Licensing Policy 2026-2031". The full weblink is:

<https://eastdevon.gov.uk/licensing/licensing-information/licensing-act-2003-consultation-draft-statement-of-licensing-policy-2026-2031/>

If you have any comments on the proposed draft policy, then please contact the Licensing Team by email at [licensing@eastdevon.gov.uk](mailto:licensing@eastdevon.gov.uk) or by post to East Devon District Council, The Licensing Manager, Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, EX14 1EJ by **5<sup>th</sup> November 2025**.

Yours sincerely

Phillippa Norsworthy  
Licensing Manager

Report to: Council

Date of Meeting 10 December 2025

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



## Leisure Strategy - Addendum

### Report summary:

This report sets out the Cabinet's recommendation to Council arising from their consideration of a report on 3 December 2025.

Note: The references in this report to Paper A relate to the relevant report considered by the Cabinet with recommendations for Full Council to consider and are appended to this report for reference.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

1. That Council endorse the Addendum to the Leisure Strategy.

### Reason for recommendation:

The Leisure Strategy's purpose is to help the Council make informed strategic decisions on its leisure facilities. This addendum ensures that the Leisure Strategy reflects the latest population and leisure industry guidelines and inform the Cranbrook and Marlcombe projects.

Officer: Andrew Melhuish, Democratic Services Manager ([andrew.melhuish@eastdevon.gov.uk](mailto:andrew.melhuish@eastdevon.gov.uk))

## Leisure Strategy - Addendum

### Report summary:

The Council's Leisure Strategy (2021 - 2031) was approved in October 2022 and also contains within it, a recommendation for the facility mix for the leisure centre in Cranbrook. Given the scale of the project at Cranbrook, this has now been updated with an addendum to reflect the latest population and leisure industry guidelines.

The Leisure Delivery Forum on 16<sup>th</sup> September 2025 received this Leisure Addendum and asks Cabinet to approve this document for onward submission to Full Council with a recommendation to endorse it as an update to the Leisure Strategy (2021 - 2031).

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

That Cabinet recommends to Council that they endorse the Addendum to the Leisure Strategy.

### Reason for recommendation:

The Leisure Strategy's purpose is to help the Council make informed strategic decisions on its leisure facilities. This addendum ensures that the Leisure Strategy reflects the latest population and leisure industry guidelines and inform the Cranbrook and Malcombe projects.

Officer: Mike O'Mahony, Leisure Manager [mike.o'mahony@eastdevon.gov.uk](mailto:mike.o'mahony@eastdevon.gov.uk) ; Tim Child

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### Portfolio(s) (check which apply):

- Assets and Economy
- Communications and Democracy
- Council, Corporate and External Engagement
- Culture, Leisure, Sport and Tourism
- Environment - Nature and Climate
- Environment - Operational
- Finance
- Place, Infrastructure and Strategic Planning
- Sustainable Homes and Communities

### Equalities impact Low Impact

Any new Leisure Centre needs to be designed to be accessible for all people and groups. Careful consideration of accessibility and the scope and range of services and facilities provided will need

to be made. A full equalities impact assessment will be completed as part of the Leisure Centre project initiation

### **Climate change Medium Impact**

**Risk:** Low Risk;

At this stage the overall risk is considered to be low as there is currently no commitment to capital expenditure for the build, however, on receipt of tender returns there will be a requirement to award contracts and commit to costs associated therewith.

### **Links to background information**

- [Endorsement by Cabinet - Printed minutes 13th-Jul-2022 18.00 Cabinet.pdf](#)
- [Endorsement by Full Council - Printed minutes 19th-Oct-2022 18.00 Council.pdf](#)
- [Endorsement by Cabinet - Printed minutes 13th-Jul-2022 18.00 Cabinet.pdf](#)
- [Endorsement by Leisure Delivery Forum - 070622 Leisure Strategy report LED Forum.pdf](#)
- [Update to the Forum – 16 September 2025](#)
- [Leisure Strategy Addendum 2025](#)
- [Cranbrook Demographics April 2025](#)
- [Cranbrook Sports Facility Calculator](#)
- [Second Community Sports Facility Calculator](#)

### **Link to Council Plan**

Priorities (check which apply)

A supported and engaged community  
 Carbon neutrality and ecological recovery  
 Resilient economy that supports local business  
 Financially secure and improving quality of services

## **1.0 Background**

- 1.1 The East Devon Leisure Strategy, produced in June 2022, is supported by a Supply and Demand Audit which identifies the current and future facility needs to support an increase in population in the District through to 2040. This coincides with the end date of the Council's new Local Plan.
- 1.2 The Leisure Strategy highlights significant population growth to the western side of East Devon with the development of the new town of Cranbrook. Construction of the new town started in 2011 and will eventually deliver approximately 8,000 new homes for approximately 22,000 people. The East Devon District Council (EDDC) Local Plan, Cranbrook Plan and Cranbrook Town Centre Masterplan all refer to the infrastructure requirements to support the growing population. This includes a new leisure centre and health hub in the town centre.
- 1.3 At the time of writing the Leisure Strategy in 2021/22, EDDC had identified an indicative facility mix for a new leisure centre in Cranbrook, however no progress had been made in negotiating with developers and securing a preferred site for the facility in the town centre.

## **2.0 Current Status**

- 2.1 Since then, EDDC has negotiated a total public sector holding of 4.1 hectares in Cranbrook to facilitate the delivery of essential infrastructure, business and employment opportunities within the town centre.

- 2.2 The new EDDC Local Plan has also allocated land to the east of Exeter, within the 'West End' of the District for second new community of up to 10,000 homes. This new town will be approximately 4 miles from Cranbrook.
- 2.3 In response to the above existing and proposed housing development, this Addendum seeks to re-assess the facilities mix for the proposed Cranbrook Leisure Centre to ensure that current and future facility needs are met to support the increase in population.
- 2.4 The Addendum covers strategic context, future facility needs and makes recommendations for the next steps to be taken taking into consideration the town's key demographics and the potential development of a second housing development (Marlcombe) of 10,000 dwellings in close proximity to Cranbrook.
- 2.5 The information contained in this Addendum will support the work currently being undertaken by a Project Team established to
  - identify and explore all options for a new leisure centre in Cranbrook;
  - develop a business plan, operating model and funding strategy;
  - provide a clear approach for delivery of the scheme for each stage of the project;
  - Funding strategy and
  - consider management arrangements to operate and maintain the facility.
- 2.6 The Leisure Delivery Forum considered and endorsed this Addendum on 16<sup>th</sup> September 2025. The only clarification sought related to the latest amounts of S106 contributions currently allocated to the Cranbrook Leisure Centre project and when the inflationary increases apply.
- 2.7 The expansion of Cranbrook is expected to provide a capital contribution toward the delivery of a leisure centre, currently at a total of around £4.5m in today's money. The Addendum originally referred to around £5 million by the time construction commences as this figure is subject to inflationary increases. This has been adjusted to £4.5m for consistency. A more informed funding strategy will form part of the Project team's brief.
- 2.8 There was a lot of consultation during the development of the Leisure Strategy and the Cranbrook Masterplan. Since then, there has been regular updates to the Leisure Delivery Forum. The Addendum itself applies a technical supply and demand analysis to address latest changes to Cranbrook and Marlcombe since the Strategy was developed.
- 2.9 The most pressing need was to consolidate the core facility mix for the new Cranbrook Leisure Centre. The Addendum has essentially re-enforced the recommendations set out in the original Leisure Strategy and clarified how the proposals for Marlcombe complement what is being recommended for Cranbrook.

### **3.0 Next Steps**

- 3.1 Cabinet is asked to approve and forward the Leisure Addendum to Full Council with a recommendation to endorse the Leisure Addendum as an update to the Leisure Strategy 2021 - 2031.

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### **Financial implications:**

The recommendations in the report at this stage have no direct financial implications that have not already been considered by Cabinet, although the report highlights a future funding gap that needs to be addressed if a leisure centre is to be provided in Cranbrook.

**Legal implications:**

As this is an update report only, there are no substantive legal issues directly arising



page 235



**East Devon  
District Council**

**Addendum to East  
Devon Leisure  
Strategy Cranbrook**

A report by Strategic Leisure Limited  
July 2025

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East Devon District Council  
*Addendum to East Devon Leisure Strategy – Cranbrook*

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## Table of Contents

1.	<b>Introduction and Background</b>	1
	Housing and Infrastructure Development	2
2.	<b>Strategic context</b>	4
	Key Cranbrook documents/policies	4
	Demographics	7
	Population	8
	Identity	8
	Households	8
	Health	9
	Socio – Economic	9
	Deprivation	9
236.	<b>Future Facility Needs</b>	10
	Existing Indicative Facility Mix for a new Cranbrook Leisure Facility	10
	Sport England Sports Facility Calculator (SFC)	10
	Facility Mix Options	11
4.	<b>Recommendations and Next Steps</b>	14
	<b>Disclaimer</b>	16

### **1. Introduction and Background**

- 1.1. The East Devon Leisure Strategy, produced in June 2022, is supported by a Supply and Demand Audit which identifies the current and future facility needs to support an increase in population in the District through to 2040. This coincides with the end date of the Council's new Local Plan.
- 1.2. The Leisure Strategy highlights significant population growth to the western side of East Devon with the development of the new town of Cranbrook. Construction of the new town started in 2011 and will eventually deliver approximately 8,000 new homes for approximately 22,000 people. The East Devon District Council (EDDC) Local Plan, Cranbrook Plan and Cranbrook Town Centre Masterplan all refer to the infrastructure requirements to support the growing population. This includes a new leisure centre and health hub in the town centre.
- 1.3. At the time of writing the Leisure Strategy, EDDC had identified an indicative facility mix for a new leisure centre in Cranbrook, however no progress had been made in negotiating with developers and securing a preferred site for the facility in the town centre.
- 1.4. Since then, EDDC has negotiated the purchase of 1.5 hectares of town centre land which will form part of the Exeter and East Devon Enterprise Zone. An additional 2.6 hectares will be transferred from East Devon New Community Partners to Devon County Council, EDDC and Cranbrook Town Council. This will provide a total public sector holding of 4.1 hectares in Cranbrook and facilitate the delivery of essential infrastructure, business and employment opportunities within the town centre.
- 1.5. The new EDDC Local Plan has also allocated land to the east of Exeter, within the 'West End' of the District, for a second new community of up to 10,000 homes. This new town will be approximately 4 miles from Cranbrook.
- 1.6. In response to the above existing and proposed housing development, this Addendum seeks to re-assess the facilities mix for the proposed Cranbrook Leisure Centre to ensure that current and future facility needs are met to support the increase in population.
- 1.7. The information contained in this Addendum will support the work currently being undertaken by a Project Team led by Price Consulting Ltd, and including architects, quantity surveyors and representatives from EDDC and Strategic Leisure Limited (SLL). The Project Team has been established to identify and explore all options for a new leisure centre in Cranbrook, develop a business plan, operating model and funding strategy, provide a clear approach for delivery of the scheme for each stage of the project, and consider management arrangements to operate and maintain the facility. This work will inform project delivery through to RIBA Stage 1.

### **Housing and Infrastructure Development**

1.8. To date, approximately 3,300 new homes have been built and occupied in Cranbrook. Two schools catering for more than 1,400 pupils have been completed and a railway station and neighbourhood centre together with a country park were completed in 2019. A town centre supermarket (Morrisons) opened in December 2024, and a children's nursery and high street shops are currently near completion. EDDC, Devon County Council and Cranbrook Town Council are now turning their attention to how the recently purchased 4.1 hectares of publicly owned land within the town centre can be best developed to meet the needs of the growing population of Cranbrook.

1.9. The Cranbrook Town Centre Masterplan sets out where the main uses will be allocated and the high-level principles that will inform the look and feel of the town centre. The Masterplan makes reference to the range of consultation that has taken place to help inform decisions around future use of town centre space. This has included consultation with key stakeholder organisations but also a community engagement exercise that was undertaken in late 2023 to understand residents' view on the future of the town centre. This community engagement exercise received 1,400 responses.

1.10. The top priority identified through the community engagement exercise is the development of a leisure centre with a swimming pool (1,100 responses). Other priorities include a Neighbourhood Health Centre with GP surgery, and a library. The community also expressed a desire for a diverse range of shops, eateries, a vibrant town square, public and green spaces, cultural venues and family and youth facilities. Given the town's young demographic, there is a need for spaces to cater for young people, offering both structured and unstructured activities.

1.11. The Cranbrook Town Centre Masterplan identifies a site for the Leisure Centre at the southern end of the town centre, north of Badger Way, close to Cranbrook Education Campus and the nursery. The site forms part of a parcel of land for which EDDC already owns the freehold. The site is relatively flat and has been cleared and levelled, ready for development. The site is large enough to accommodate the leisure facility mix as identified in the EDDC Leisure Strategy, with the exception of a 4-court sports hall, unless a stacked design is developed. A review of the proposed facility mix will be addressed as part of this report.

1.12. There is currently £5m indexed capital developer contributions secured towards the proposed leisure centre development.

1.13. Consideration is currently being given to locating a health and wellbeing centre adjacent to the proposed leisure centre. A campus-based approach rather than a fully integrated co-location is being taken forward. This is partly due to likely differences in timescales for the two projects but also the complication of asset management and funding streams for the proposed developments. NHS Devon has appointed its own architects and is currently progressing work on a business case for the Neighbourhood Health Centre in consultation with EDDC. It is anticipated that the Neighbourhood Health Centre will be funded from the Government's One Public Estate (OPE) programme.

1.14. Devon County Council is also exploring opportunities with EDDC and NHS Devon to include space either within the Neighbourhood Health Centre or leisure centre for a library, youth service and a family hub.

- 1.15. The above scheme supports the Sport England's [Community Leisure Hub](#) concept which promotes 'Active Design' and 'Active Environment' principles, providing access to affordable leisure and community facilities and services based on local community insight and need.

## 2. Strategic context

### Key Cranbrook documents/policies

2.1. Cranbrook lies to the north east of Exeter, approximately 2km to the east of the M5 motorway and north of the A30. The northern extent of Cranbrook is formed by the West of England railway line which serves Cranbrook railway station providing direct services to Exeter St David's and London Waterloo. Exeter Airport lies to the immediate south-west.

2.2. Proposals to build new housing on the former agricultural land was first referenced in the [EDDC Local Plan 1995 - 2011](#). Cranbrook commenced development in 2011 with first home occupations in 2012. Since its commencement, several phases of development have been completed, and subsequent phases are in the process of development with further additional phases in the process of reserved matters and detailed planning. More detailed reference to the development of Cranbrook is provided in the [EDDC Local Plan 2013 – 2031](#) including the provision of approximately 6,300 new homes by 2031 (subsequently revised to approximately 8,000 new homes), a town centre comprising a mix of retail, business and leisure development, the development of a railway station and bus links, the development of a country park, local play areas and green spaces, and the provision of a range of social, leisure, health, community and education facilities.

2.3. The phased and co-ordinated delivery of development in Cranbrook alongside the required infrastructure to support this development, is detailed in The [Cranbrook Plan 2013 - 2031](#), adopted in October 2022. The Cranbrook Plan talks about the importance of providing essential cultural, recreational and community infrastructure to meet the needs of this new community and provide a sense of 'Place'. It refers to the use of developer contributions to meet these infrastructure requirements and the provision of the following within the town centre:

- Neighbourhood Health Centre
- Leisure Centre
- Civic Centre (Town Council Offices)
- Library
- Children's centre
- Youth Centre
- Extra Care housing (minimum 55 beds)

2.4. The Cranbrook Plan highlights the importance of promoting and delivering community health and wellbeing and in 2015, Cranbrook became one of 10 developments chosen to be part of the 2015 [NHS England Healthy New Town Pilot Programme](#). This was the first time any part of the NHS had taken an active role in shaping the built environment to create healthier and connected communities with integrated and high-quality services. The legacy from being part of this programme was that, in 2018, Exeter and Cranbrook became one of 12 [Sport England's Local Delivery Pilot](#) programmes.

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## East Devon District Council

### ***Addendum to East Devon Leisure Strategy – Cranbrook***

2.5. This programme adopted a whole system approach to identify better ways to address stubborn inequalities and break down barriers that prevent people from becoming and staying active and find solutions that increase activity levels that were replicable and sustainable. An integral part of this pilot programme was the Move More programme in Cranbrook that worked with partners to:

- Improve physical activity levels in Cranbrook, with a focus on families;
- Improve health and wellbeing of residents in Cranbrook; and
- Increase community connectivity, supporting residents to volunteer and community groups to develop.

2.6. Following completion of the Local Delivery Pilots in 2022, Sport England has continued to support and fund these communities as part of its new [Place Partnership](#) work. The Cranbrook Community Manager, Community Builder and Community Connector roles, appointed for the pilot programme, continue to support community groups within the town. They are based at the EX5 Alive Hub which is located at the Cranbrook Education Campus and help the community access and connect to services and opportunities to help them lead healthy and active lives. Their work has helped contribute to the outcomes identified in the [Cranbrook in Common – A Cultural Development Strategy 2016 – 2026](#).

2.7. The [EDDC Leisure Strategy 2021 – 2031](#) identifies the current and future built facility needs of East Devon's population through to 2031. The Strategy's Supply and Demand Audit evidences the need for a new leisure centre in Cranbrook. An indicative facility mix is included in the Strategy, details of which are provided in Section 3.1 of this report.

2.8. There are a number of other strategies including the [\*\*EDDC Cranbrook Enterprise Development Strategy \(EDS\)\*\*](#) 2015 and the community commissioned and driven '**Our Place**' strategy 2015. Both strategies look at how the Council and community can work together to build a better and more economically viable Cranbrook. The EDS proposes setting up small business hubs/enterprise centre and supply of small low rent units for start-ups.

2.9. The [Emerging EDDC Local Plan 2020 – 2042](#) refers to EDDC's longer term vision for the provision of a second new community of 10,000 new homes to the east of Exeter within the 'West End' of East Devon. The need to provide a second new community is due to the shortfall of acceptable sites to meet the districtwide housing requirement, particularly in relation to environmental constraints given that nearly 60% of the district is covered by National Landscape. Therefore, a new settlement is required to ensure that the districtwide housing requirement can be met in the most sustainable manner. A settlement of approximately 8,000 homes and supporting infrastructure would be established by 2042, with a longer-term vision for an additional 2,000 dwellings and associated land uses would be allocated in a future Local Plan.

2.10. One of the most recent documents produced is the [Cranbrook Town Centre Masterplan](#) (2024) which is in response to stakeholder insight and the 2023 community consultation, looking at facilities and services to be provided for in the town centre. It identifies an indicative location for the leisure centre at the southern end of the town centre, adjacent to Badger Way adjacent to the health and wellbeing Neighbourhood Health Centre on a land parcel TC4e.

East Devon District Council  
*Addendum to East Devon Leisure Strategy – Cranbrook*

Map 1:



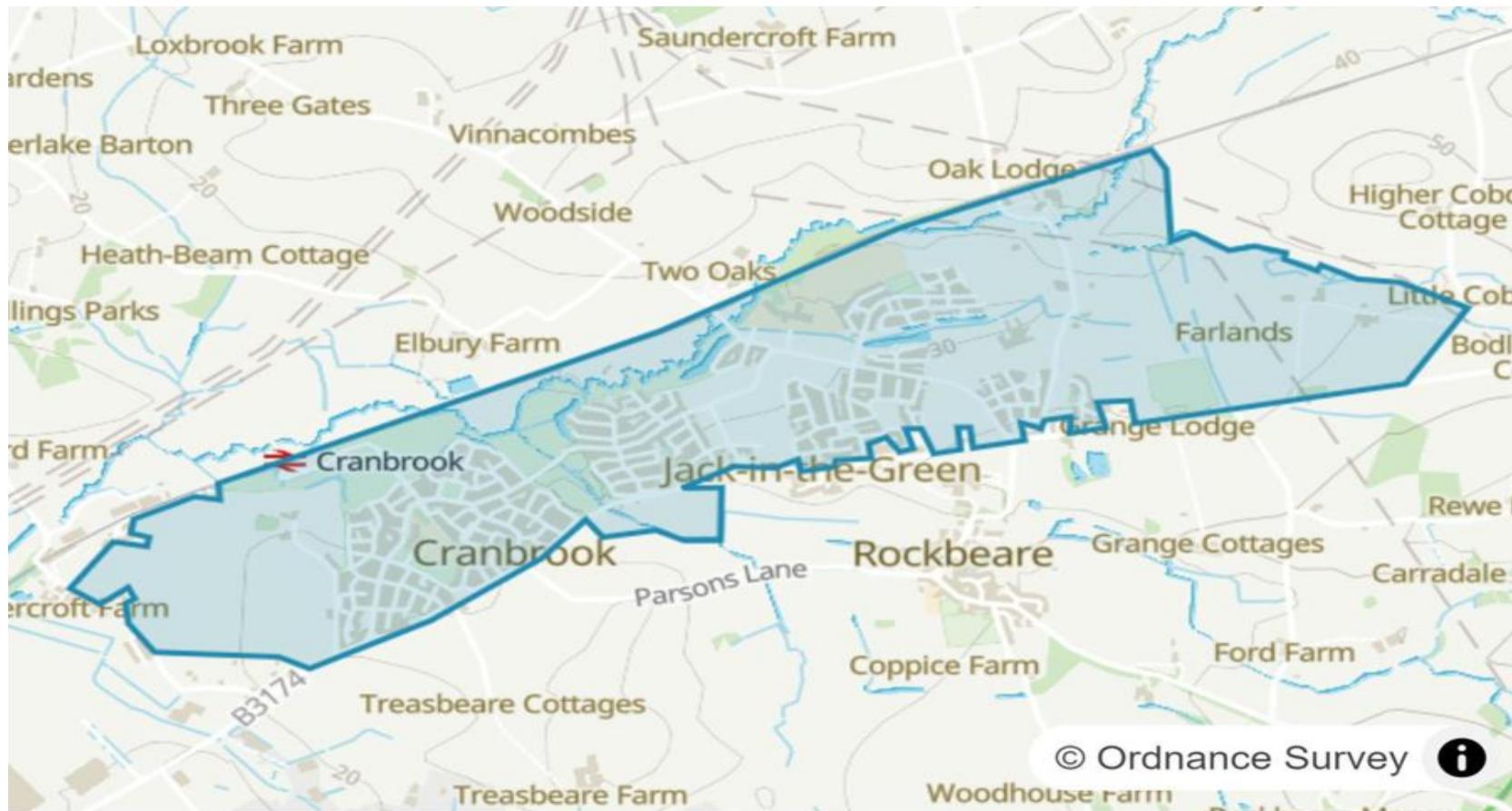
Figure 24. Indicative layout with the swimming and leisure building at the southern end of the town centre

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## Demographics

2.11. Appendix 1 to this Addendum, provides demographic data relating to Cranbrook as collated by Devon County Council's Public Health Intelligence Team in April 2025, incorporating data taken from the Census 2021. The key findings can be summarised as follows.

**Map 2: Cranbrook geographical area**



**Map source:** 2021 Census [Build a custom area profile - Census 2021, ONS](#)

### **Population**

2.12. The age profile in Cranbrook is particularly young, reflecting the typical demographic structure seen in new communities. There is a relatively large younger working age population (20 – 40 years) which corresponds to a larger child population. There is a large proportion of pre-school and primary school aged children and a smaller number of 14 – 21-year-olds.

2.13. There is an extremely small proportion (3.4%) of the Cranbrook population aged 65 years and over, compared with 25.6% for Devon as a whole, ranging from 17.4% in Exeter up to 42.1% in Seaton.

2.14. The Cranbrook population is projected to grow from 6,669 in 2021 up to 22,573 in 2039. Although the population age profile is projected to get slightly older over time, it is still expected to retain a very young demographic structure with those aged 65 years and over accounting for only 7.8% of the Cranbrook population by 2039.

### **Identity**

2.15. The 2021 Census highlights that the majority of residents are White British and born in the UK (95.5%) and a high proportion (60.1%) have no religious affiliation.

### **Households**

2.16. There are a high proportion of Cranbrook residents who have never married or registered a civil partnership (43.4%) compared to the England average (37.9%).

2.17. There are higher proportions of residents living in larger households of 3+ people with single family household dominating (77.5%).

2.18. There are a relatively high number of households that are not deprived in any dimension (64.9%), however 1 in 300 households is deprived in four dimensions which indicates dispersed deprived households.

2.19. There are a high proportion of residents living in a house/bungalow with 61.6% owning their property with a mortgage.

2.20. There is evidence of vulnerabilities around food poverty and indebtedness, partly reflecting housing costs and the high proportion of homes owned with a mortgage.

### **Health**

2.21. Approximately 90% of residents identify as having good or very good health with a low number of residents registered as disabled. There are also lower levels of unpaid care. Very few homes lack central heating, which is indicative of any new housing development.

2.22. The prevalence of health conditions is typically lower than in Devon, reflecting the younger age profile of Cranbrook. There are lower levels of deprivation, obesity, hospital admissions, long term health conditions and mortality rates. There are lower levels of excess weight, similar levels of physical inactivity, and higher levels of smoking compared to East Devon, reflecting the age structure of Cranbrook.

2.23. There are higher levels of Asthma prevalence, emergency admissions for under-fives, hospital admissions for injuries in children and young people, general fertility rates, and smoking rates.

2.24. There are higher levels of absolute mental health need/service demand including the prevalence of conditions associated with younger age groups, particularly females (e.g. anxiety and eating disorders). There are also higher levels of self-harm including admissions and attendance.

2.25. Levels of child poverty in 2024 are significantly below (8.7%) the East Devon average (15.8%) and average for England (21.8%).

page 245

### **Socio – Economic**

2.26. The majority of the workforce tend to work locally (Exeter area), travelling less than 10 miles to work and use a car as their main form of transport. The majority of households have 1 car with a high proportion owning 2 cars (42.1%).

2.27. There are higher levels of employment (81.3%) and a tendency towards full time employment. There are higher proportions of residents in associate professional and technical occupations, administrative and caring/service occupations. The majority are qualified up to A level (49.9%) or degree level (36.9%).

### **Deprivation**

2.28. Cranbrook is typically below the national average in terms of the Census 2021 measures of deprivation across 4 domains (education, employment, health and housing), but there are higher levels around Younghayes Road and Tillhouse road. The overall proportion of households across the town with all 4 domains present (0.3%) is above the national average (0.2%) suggesting a pattern of dispersed high needs households across the town.

2.29. The latest available Indices of Deprivation are from 2019. The small areas used are based on the 2011 Census before building of Cranbrook commenced. Levels of deprivation for the areas previously occupying Cranbrook were below the national average.

### 3. Future Facility Needs

#### Existing Indicative Facility Mix for a new Cranbrook Leisure Facility

3.1. The EDDC Leisure Strategy 2021 – 2031 is supported by a Supply and Demand Audit which identifies current and future facility needs to support an increase in population in the District. The Supply and Demand Audit identifies the following:

- **Swimming Pools** – using the Sport England Sports Facility Calculator (SFC) it identifies that by 2040 East Devon will have a shortfall of 489.4 sqm of water space; this is the equivalent of two 24m x 4 lane swimming pools. EDDC should consider the inclusion of a swimming pool (minimum 25m x 4 lanes) as part of the development of a new leisure centre in Cranbrook;
- **Health and Fitness Suites** – there is a need to increase the number of fitness stations in the District; the audit identifies a current under supply of 101 fitness stations increasing to 253 fitness stations by 2040;
- **Sports Halls** – existing levels of access to sports halls need to be maintained and increased where possible across school sites. EDDC should consider the provision of a new 4 court sports hall as part of the development of a new leisure centre at Cranbrook. Should a new leisure centre go ahead, EDDC should consider the future viability of the neighbouring sports hall at Broadclyst, given the age and poor condition of the facility.
- **Studios** – there is a need to provide additional studios to cater for demand from a growing population.

3.2. The EDDC Leisure Strategy goes on to recommend the following indicative minimum facility mix for a new leisure centre at Cranbrook:

- 4 court sports hall;
- 6 lane 25m swimming pool;
- Community gym; and
- 2 studios.

#### Sport England Sports Facility Calculator (SFC)

3.3. The EDDC Leisure Strategy was written prior to EDDC's Emerging Local Plan proposals for the development of a second development of 10,000 new homes to the east of Exeter. Using a population multiplier of 2.35 persons per dwelling, this equates to a population increase of approximately 23,500.

3.4. The most recent population projections for Cranbrook as provided by Derbyshire County Council's Public Health Intelligence Team and using a population multiplier of 2.35 persons per dwelling, suggests that by 2039 Cranbrook will have a population of approximately 22,573.

3.5. The Sport England Sports Facility Calculator (SFC) is used to help quantify the additional demand for key community facilities. It is designed to estimate the demand for sports facilities created by a new community as part of a residential development. The tool uses ONS 2018 Subnational Population Projections for the baseline population of a district/borough. The proposed new population is then added to this baseline figure to calculate the additional demand generated by the new population.

3.6. Appendix 2a and Appendix 2b show the additional demand for swimming pools, sports halls, artificial grass pitches, outdoor tennis courts and indoor bowls, brought about by Cranbrook population growth of 22,573 and an additional settlement population growth of 23,500. Given the close proximity of the two settlements, the following summarises the combined shortfall in provision:

- **Swimming Pools** – there is a combined shortfall of 463.73 sqm of water space. This equates to an 8 lane 25m swimming pool;
- **Sports Halls** – there is a combined shortfall of 10.86 badminton courts. This equates to approximately 2x 5 court sports halls.

3.7. The SFC is just a tool and should not be looked at in isolation. Other factors should be taken into consideration including current access arrangements to existing equivalent facilities in the local authority and whether capacity could be improved; For example, there are a number of existing sports halls in East Devon, the majority of which are on school sites. The Leisure Strategy highlights the scope to improve access to these sites, which would reduce the requirement for further sports hall development in the district. Consideration should also be given to the proximity of equivalent facilities in neighbouring authorities, particularly where new housing developments are built close to local authority boundaries.

page 247

### **Facility Mix Options**

3.8. Given the close proximity of Cranbrook to the proposed new housing development, it is important to take a wholistic approach to leisure facility mix requirements across the two settlements. It is also important to consider facility needs within the context of the demographic make-up and needs of Cranbrook and the likelihood that any new settlement will be likely to mirror a typical demographic structure of a new town i.e. younger age profile.

3.9. Consideration should also be given to opportunities that arise should Devon County Council co-locate a Library, Youth Services and Family Hub within the leisure centre footprint. This could include potential shared use of reception, café and meeting spaces e.g. evening use of meeting rooms for low impact exercise and health related activities, and sports club meetings etc.

### **Cranbrook – Wet Facility Options**

3.10. In terms of swimming pool provision, it would be financially more cost effective for EDDC both in terms of capital and revenue, for one pool to serve both communities and that this pool should be located in Cranbrook. The Cranbrook community consultation exercise undertaken in 2023 highlighted the

inclusion of a swimming pool as a priority for residents. Although the latest SFC suggests that an 8 lane 25m pool should be provided, it is clear that given the younger age profile of Cranbrook with its high proportion of young families with children, any water provision should cater for the needs of this younger demographic.

- 3.11. There is therefore the option of providing a 6 lane 25m pool as recommended in the Leisure Strategy, but to also include a 13m x 7m learner pool to cater for Learn to Swim and family swimming. There is an option to replace the learner pool with a larger training pool (20m x 10m) with a moveable floor to provide greater flexibility in terms of swim programming and the ability to offer adult and club-based activities in the same space.
- 3.12. A new leisure centre in Cranbrook would essentially operate as a community facility. Although it would be advantageous to have fixed spectator seating (@120 seats) to allow for the future introduction of a new swimming club(s) and subsequent competitions on site, it is not seen as essential part of the core facility mix. Swim England has confirmed this. Space could be provided on pool side to accommodate temporary benches/seating during school swimming galas etc. Swim club competition could be catered for in neighbouring Exeter (e.g. St Sidwell's Point Leisure Centre) which is within close proximity to Cranbrook and the proposed new settlement.
- 3.13. Ancillary wet facilities should include a changing village with showers and toilets, group changing rooms for schools, disabled changing room, a cleaning store and pool storage. A first aid room on site that could serve both wetside and dryside facilities would also be advantageous.

page 248

### **Cranbrook – Dry Facilities**

- 3.14. The Leisure Strategy identifies the need for a minimum of one 4 badminton court sports hall to serve the additional population. The latest SFC suggests a minimum of two 5 badminton court sports halls, but this does not take into account the relatively small used capacity of a number of existing sport halls in the district. Realistically, EDDC should look to provide a minimum of one new 4 badminton court sports hall to serve the two settlements.
- 3.15. The space allocated for a leisure centre in Cranbrook is not large enough to accommodate a 4-court sports hall, unless the proposed building is stacked, which will add to the capital cost. The Cranbrook Education Campus already has a 4-court sports hall which is available for hire by the local community and is identified in the Leisure Strategy as a site where there is scope to increase used capacity levels on this site.
- 3.16. One option would be to include a new 4 court sports hall as part of a secondary school build serving the proposed new 10,000 homes development. Given that a sports hall on a school site would only be accessible to the community evenings, weekends and holidays, consideration should be given to provision of a supplementary multi-purpose hall (equivalent of 2 badminton courts) as part of any new leisure facility build for the proposed second new community.
- 3.17. A minimum 101 station gym should be included within the facility mix for the new Cranbrook Leisure Centre to meet the current shortfall in fitness station provision as identified in the Leisure Strategy. As a minimum, an equivalent size gym should be considered for the proposed second new community since the shortfall in fitness provision is estimated to reach 253 stations by 2040.

- 3.18. A minimum of 2 studios (or 1 large studio with a moveable divide) should be included within the facility mix for the new Cranbrook Leisure Centre. This will offer flexibility in programming and allow different classes to run concurrently, particularly during peak hours. Ideally a separate spin studio would also be provided of 100sqm in size to accommodate 20 persons; this would allow back-to-back virtual, and instructor led classes to take place throughout the day, negating the need for a separate store for the bikes and reducing the amount of operational downtime and staff resources in moving the bikes in and out of storage. A spin studio would also improve the financial viability of the site.
- 3.19. Ancillary dry facilities would include a studio store, male and female dry changing rooms, Changing Places room, public and accessible toilets.
- 3.20. Optional dry facilities which would improve the financial viability of the site and support Cranbrook's young demographic include the provision of soft play, a party room, and café/servery. The café should ideally be located adjacent to both the soft play and learner pool viewing area and include a toilet and baby change facilities. This allows parents to take advantage of refreshment facilities whilst allowing continued supervision of their child(ren). A buggy store off reception would also be advantageous for those parents with children using the swimming pool, particularly with the young family demographic in Cranbrook.
- 3.21. An alternative option to soft play is Clip 'n' Climb which caters for toddlers, teenagers, adults, families and groups. This offers a range of fun and challenging climbing activities and often sits alongside and compliments a soft play facility.

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East Devon District Council  
*Addendum to East Devon Leisure Strategy – Cranbrook*

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## 4. Recommendations and Next Steps

4.1. This report has reassessed the core facility mix for a new Cranbrook Leisure Centre, taking into consideration the town's key demographics and the potential development of a second housing development of 10,000 dwellings in close proximity to Cranbrook. This report recommends that the following core facility mix be considered for a new leisure centre in Cranbrook.

**Table 1: Core Facility Mix for Cranbrook Leisure Centre**

Cranbrook Leisure Centre Core Facility Mix	
Facility Type	Size/Details
Main Pool	25m x 6 lane
Learner Pool	13m x 7m
First Aid Room	Ideally dual aspect, serving wetside and dryside
Fitness Suite	101 fitness stations (4.5 sqm/station)
Exercise Studio 1	130 sqm (22-person capacity)
Exercise Studio 2	130 sqm (22-person capacity)
Studio store	30 sqm
Changing Village	Including showers and toilets
Group Change x2	For schools
Pool Storage	Minimum 10% of water area
Cleaners store on poolside	

page 250

4.2. The following optional facilities should be given consideration, subject to available space, capital funding and supporting business case:

**Table 2: Optional Facilities for Cranbrook Leisure Centre**

Cranbrook Leisure Centre – Optional Facilities	
Facility Type	Size/Details
Spectator seating on poolside	120 sqm

Cranbrook Leisure Centre – Optional Facilities	
Facility Type	Size/Details
Spin Studio	100 sqm (20 persons)
Cafe	100 sqm (50 covers)
Soft Play	Including WC/baby change
Clip 'n' Climb	
Party Room	

4.3. Should EDDC proceed with a second housing development, consideration should be given to the provision of a minimum 4 court sports hall, 2 studios and a 100-station gym as part of the leisure infrastructure requirements for this community.

4.4. It is anticipated that this Addendum will inform the work currently undertaken by the Cranbrook Leisure multi-discipline Project Team as they develop a Cranbrook Leisure Centre scheme through to RIBA Stage 1 and beyond.

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East Devon District Council  
***Addendum to East Devon Leisure Strategy – Cranbrook***

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**Report to:** Council

**Date of Meeting** 10 December 2025

**Heading/TITLE:** Changes to the Constitution – Part 3 – Officer Scheme of Delegation

**Cabinet Member(s):** Communications and Democracy (Councillor Sarah Jackson)

**Director/Assistant Director:** Governance (Melanie Wellman)

**Author and Directorate:** Andrew Melhuish (Democratic Services Manager – Governance Directorate)

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**Key decision No**

**If a Key Decision has it appeared on Forward Plan** N/A

**Document classification:** Part A Public Document

**Exemption applied:** None

#### **Report Summary and Recommendations/Decision**

The report includes an update on amendments to the Council's Constitution following a review of the Constitution by the Constitution Working Group.

In accordance with the Council's Constitution Full Council is responsible for the changes to the Constitution.

The Officer Scheme of Delegation – Part 3 has been updated to reflect changes made to job titles and recent changes to the Directorate reorganisations. The Officer Scheme of Delegation is set out in Appendix 1 and the proposed changes are set out in the document. The revised Officer Scheme of Delegation – Part 3 has been considered by the Constitution Working Group and it is recommended that Council approves them.

#### **RECOMMENDATIONS:**

That the Council:

1. Approves the Officer Scheme of Delegation – Part 3, to be included in the Council's Constitution.

2. Delegates authority to the Monitoring Officer in consultation with the Portfolio Holder for Communications and Democracy to make any minor drafting changes to the Officer Scheme of Delegation – Part 3, prior to publication on the Council's website.
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## 1. **Background**

### **Updating of the Constitution**

- 1.1 The Constitution Working Group has been carrying out a phased review of key elements of the Constitution over a series of working group meetings.
- 1.2 The Constitution Working Group was set up in 2024 at Annual Council to review the Constitution. The Constitution Working Group is a cross-party membership consisting of:  

Councillor Sarah Jackson (Chair & PFH for Communications & Democracy), Councillors Paul Arnott, John Loudoun, Tim Dumper, Mike Goodman, Jenny Brown, Mike Howe, Peter Faithfull and Kim Bloxham and officer support is provided by the Monitoring Officer and Democratic Services Team.
- 1.3 The Officer Scheme of Delegation – Part 3 sets out details of the delegations and provides clarity on the powers and responsibilities delegated by the Council and its committees to officers, ensuring that decisions are taken effectively, lawfully and in accordance with approved policies.
- 1.4 The Protocol is set out at Appendix A.

## 2. **Reasons for Recommendations/Decision**

- 2.1 It is important that the Council's Constitution is regularly reviewed to ensure that it remains fit for purpose and meets the Council's requirements.
- 2.2 This report recommends the approval of the Officer Scheme of Delegation – Part 3.

## 3. **Options**

- 3.1 As this is a requirement of legislation and the Council's Constitution no other options were considered.

## 4. **Relevance to Council Plan/priorities**

Set out how report links to the Council Plan/priorities:

- A supported and engaged community that has the right homes in the right places, with appropriate infrastructure.
- A sustainable environment that is moving towards carbon neutrality and which promotes ecological recovery.
- A vibrant and resilient economy that supports local business, provides local jobs and leads to a reduction in poverty and inequality.

- A well-managed, financially secure and continuously improving council that delivers quality services.

Having an up-to-date Constitution ensures the Council is able to support its Council Plan and priorities through the governance arrangements set out in the Constitution.

## **5. Financial Comments/Implications**

5.1 There are no financial implications arising from this report.

## **6. Legal Comments/Implications**

6.1 Under Section 9P of the Local Government Act 2000, the Council is required to prepare and keep up to date a Constitution containing the standing orders of the Council and such other information as is required or desirable.

## **7. Risk Implications**

7.1 It is important that the Council keeps its Constitution up to date to reflect best practice and any changes in legislation.

## **8. Equality Implications (Public Sector Equality Duty)**

8.1 No specific negative equalities implications have been identified with the proposals set out in the new Constitution. Decisions taken by the Council, in accordance with its Constitution, will consider equalities implications and have due regards to its legal duties under the Equality Act 2010. The arrangements for committee meetings will take full consideration of equalities and public accessibility requirements. An Equalities Impact Assessment is not considered necessary for this decision as there are no direct impacts.

## **9. HR and Workforce Implications**

9.1 There are no HR and Workforce implications arising from the recommendations in the report.

## **10.2 Community Safety Implications (Crime and Disorder)**

10.1 There are no Community Safety Implications arising from the recommendations in this report.

## **11. Climate Change Implications**

11.1 There are no Climate Change implications arising from the recommendations in this report.

## **12. Health & Safety and Health & Wellbeing Implications**

- 12.1 There are no public health, health and safety or health and wellbeing implications arising from the recommendations in this report.
- 12.2 There are no safeguarding issues that may arise from the recommendations in the report.

### **13. Procurement and Social Value implications**

- 13.1 There are no procurement and social value implications arising from the recommendations in this report.

### **14. Land and Buildings (non-housing)/Asset Management Implications**

- 14.1 There are no land and buildings/asset management implications arising from the recommendations in this report.

### **15. Overview and Scrutiny Committees Comments/Recommendations**

- 15.1 N/A.

### **16. Digital and Data**

- 16.1 N/A

### **17. Consultation and Engagement**

- 17.1 Consultation on the proposals from the Constitution Working Group has been undertaken with the Directors and Assistant Directors.

### **18. Communications**

- 18.1 Subject to approval by full Council the Council's website will be updated.

### **19. Next Steps**

- 19.1 To update the Council's website to reflect the recommendations arising from this report.

### **20. Appendices**

Appendix 1 – Officer Scheme of Delegation – Part 3.

### **21. Background Papers**

- 21.1 None.

## **Section 3: Delegated Powers of Officers**

## General Provisions

- 1.1. In this Constitution references to Senior Officers are references to the Chief Executive (reference to whom shall for the avoidance of any doubt also include any interim Chief Executive~~s~~), the Monitoring Officer, the Chief Finance Officer and Directors (including the Monitoring Officer and Chief Finance Officer). For the avoidance of doubt it is confirmed that a Director may exercise the delegated powers of the Chief Executive ~~in cases of urgency~~ in ~~his/her~~ ~~their~~ absence or other unavailability.
- 1.2. A Senior Officer and (where specified) an Assistant Director or Corporate Lead or other person is authorised to exercise such powers as are shown in this scheme of delegation including those reasonably implied or reasonably incidental to the matters specified. Every such power shall be exercised in the name of the Council. Where a power is shown to be exercisable by a Senior Officer and an Assistant Director or Corporate Lead then any either of them may exercise the said power.
- 1.3. Exercise of the powers is without prejudice to the right of the Council and/or the Cabinet to withdraw or amend any such power, and the person with a delegated power may decline to exercise it and refer the decision to the appropriate body.
- 1.4. In addition to these delegated powers, powers are also exercisable by staff through Financial Regulations, Contract Standing Orders, and elsewhere in this Constitution.
- 1.5. The delegated powers shall be exercised in accordance with Council policy and Standing Orders, Financial Regulations and any other guidance given by a Senior Officer.
- 1.6. Another officer nominated by either a Senior Officer or Assistant Director or Corporate Lead may also exercise any power delegated to that Senior Officer or Assistant Director or Corporate Lead.
- 1.7. The Chief Executive (or in ~~his~~ ~~their~~ absence a Director) may also exercise all powers set out in this scheme.
- 1.8. Where a power delegated to an officer is expressed to be exercisable in consultation with the Chair of a Committee, in the absence of that Chair the consultation shall take place with the Vice-Chair.
- 1.9. A reference to any statute or regulation or similar includes any subsequent amendment or replacement.
- 1.10. In the event of any position ceasing to exist following reorganisation, changes of job title or responsibilities the delegated powers set out herein for that role and any specific delegation given by the Council acting through one of its committees shall be exercised by the Senior Officer who has for the time being been allocated the statutory functions relevant to the power being exercised.
- 1.11. ~~The Deputy Monitoring Officer is the Principal Solicitor and the Deputy S.151 Officer is the Financial Services Manager or such officers as the Council may from time to time appoint.~~

## Senior Officers

1.12. To take urgent decisions in consultation with either the Leader or Deputy Leader of the Council or the relevant Committee Chair in any case where it is not practicable to refer the matter to a meeting of the Council, the Cabinet or other Committee. Any Senior Officer other than the Chief Executive taking an urgent decision shall notify the Chief Executive at the time of carrying out the consultation. A report on any major decision taken shall subsequently be made and the decision shall in any event be based on a written report that contains an assessment of the legal, financial and all other relevant implications.

1.13. To exercise all powers and duties delegated to them so far as the law permits. There is also a delegation to carry out all statutory powers and duties, so far as the law permits, relating to the statutory functions in their remit in the absence of a specific delegation to an officer, Portfolio Holder or committee.

1.14. To authorise and issue any documents for the purposes of any of the Council's functions, including all court proceedings.

1.15. To take all necessary action for the economic, efficient and effective day to day management, administration and supervision of ~~his/her~~ their service subject to compliance with the Council's policies on the management, employment and remuneration of staff (or in their absence the agreement of the Head of Paid Service) including but without prejudice to the generality of the foregoing:

- a) The appointment of staff within the approved budget and in accordance with the Council's grading policy for his/her service;
- b) The taking of any disciplinary action, including suspension or dismissal of an employee, after consultation with the Head of Paid Service;
- c) The approval of changes to the establishment structure subject to existing budgetary provision, and the approval of the Head of Paid Service;
- d) Consent or Refusal of consent to Officers in their respective Services ~~above SCP-30~~ who make application to engage in any other business or to take up any other additional appointment to the work of the Council.

1.16. To administer formal cautions within the Guidelines set out in ~~relevant~~ the Ministry of Justice Guidance '~~Simple Cautions for Adult Offenders~~' effective from 13 April 2015 (~~or any new Guidelines from time to time issued by the Ministry of Justice~~) in consultation with the Monitoring Officer or any Solicitor employed by the Council.

1.17. To serve such Notices as might be necessary to enable duly authorised persons to obtain entry to premises to permit or facilitate the carrying out of any of the powers or duties of the Council or the Cabinet and in the event of such entry being refused to take such proceedings as might be necessary to effect such entry.

1.18. To exercise statutory powers of entry and inspection for the purposes of any functions performed by his/her service.

1.19. To require information as to ownership of land or premises and, in the event of such information not being provided to institute such proceedings as might be necessary to obtain such information.

1.20. To authenticate any documents necessary for the exercise of the delegated powers described above.

- 1.21. To sign Statements of Truth in civil proceedings as required by ~~Part 22 of the Civil Procedures Rules 1998~~.
- 1.22. To appoint consultants, ~~suppliers~~ and contractors up to a contract value of £100K within budgetary provision .
- 1.23. Authority to reimburse (up to a limit of £250) a claim for loss or damage to an employee's property arising during the course of their employment.
- 1.24. In consultation with the relevant Portfolio Holder to enter into Memorandums of Understanding where what is covered is within the scope of the service.
- 1.25. In consultation with the relevant Portfolio Holder to submit bids for funding which fall within the scope of the service and, in consultation with the Directors of Governance and ~~Licensing~~ and Finance, to enter into any related documentation for any funding secured. **This delegation is subject to approval of the submission of bids by the Executive Leadership Team.**
- 1.26. To make minor amendments to policies to reflect changes in legislation, statutory fees, organisational changes and / or to address any other incidental matter.

### **Consultation**

- 1.27. All officers exercising a delegated power are expected to consult with the appropriate Cabinet Member or Committee Chair where any doubt arises as to the exercise of a function delegated to that Officer.
- 1.28. All officers exercising a delegated power are expected to consult with the local Ward councillors where the exercise of a function delegated to that Officer would significantly affect a person or group of persons resident in that councillors Ward or otherwise be of particular importance or significance to that Ward as opposed to residents of the district generally.
- 1.29. Special arrangements for consultation with Ward ~~Members~~ **Councillors** on planning applications are set out in the delegations to the Chief Executive.

### **1.30. Powers delegated to the Chief Executive**

- 1.30.1. To determine applications for all licences or registrations (other than those specifically falling to be dealt with by the Director of Housing, Health and Environment ~~or Director of Governance and Licensing~~).
- 1.30.2. In consultation with the Chair or Vice Chair of the Licensing and Enforcement Committee to amend, as necessary from time to time, the regulations prescribing standard conditions for sex establishments.
- 1.30.3. To issue proceedings arising from failure to provide returns and declarations as to expenses ~~and/or report the matter to the police~~ in connection with ~~District and Parish Council~~ elections. **Move to Director of Governance**
- 1.30.4. To exercise those functions relating to elections as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 in paragraphs 2, 7, 10, 12, 13, 14, 16, 17, 18, 19, 20.

- 1.30.5. To exercise those functions relating to community governance as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 in paragraphs 1, 2, 3, 5, 6, 7, 8, 9.
- 1.30.6. To exercise those functions relating to local government pensions as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 in paragraph 1.
- 1.30.7. In consultation with the Leader of the Council and the Portfolio Holder for Finance and Council and Corporate Coordination authority to agree individual staff redundancies (other than any relating to a Chief Officer) in accordance with the Council's adopted policy and procedure. To prepare a quarterly summary of any such redundancies for information to the Cabinet, the Overview and Scrutiny Committees and Audit and Governance Committee.
- 1.30.8. To authorise in writing such Officer or Officers of the District Council as the Chief Executive may from time to time decide as an Authorised Officer or Officers for all or some of the purposes of Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982 and for such officer or officers to act in pursuance thereof.
- 1.30.9. To give the Council's consent or consultation response (as appropriate) under Section 31 Anti-Social Behaviour Act to a proposed police authorisation or proposed withdrawal of authorisation under Section 30.
- 1.30.10. To make a closure order in relation to premises where a premises licence or temporary event notice has effect under the Licensing Act 2003 and he believes that a public nuisance is being caused by noise coming from the premises and its closure is necessary to prevent that nuisance; to cancel such closure order; and to authorise an environmental health officer to exercise such power or duty, under sections 40 and 41 of the Anti-Social Behaviour Act 2003.
- 1.30.11. To serve a closure notice on the person having control of or responsibility for the activities carried on at the premises if satisfied the premises is or has been used for the unlicensed sale of alcohol for consumption on or in the vicinity of the premises, and to make application to a justice of the peace for a closure order following service of a closure notice, under sections 19 and 20 of the Criminal Justice and Police Act 2001.
- 1.30.12. To make an order for the temporary appointment of **Town/Parish Councillors** under section 91 of the Local Government Act 1972.
- 1.30.13. Authority to approve the absence of a Member from attending meetings of the Council for a period longer than 6 months on the provision of a justifiable reason.
- 1.30.14. In consultation with the Chair or Vice-Chair of the Planning Committee, the **Town/Parish Council** and the Ward Member(s), power to determine requests for street naming. **Move to Director of Place**
- 1.30.15. To take appropriate action (including issuing notices and taking relevant decisions) to administer the First Homes scheme in relation to any property secured as such through a S106 agreement in accordance with agreed Council policy.

**Move following under the Director of Place**

**The following relate to Planning and Building Control and are also exercisable by Assistant Director Planning ~~Strategy~~ and Development ~~Management~~**

- 1.30.16. Authority, in common with other Senior Officers where appropriate and in consultation with the relevant Portfolio Holders, to take appropriate action in those cases where to await Committee authorisation would result in unreasonable delay in taking action to issue or serve such notices, proceedings or licences as are within the purview of the Committee concerned and fall to be dealt with by the Officer in so far as such issue or service is not already authorised or delegated.
- 1.30.17. Authority in consultation with the Chair or Vice-Chair of the Planning Committee ~~to take~~ emergency action under the Building Act 1984 and Building Regulations, the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Government (Misc. Provisions) Act 1976 and all associated legislation including prosecution ~~except where such action would result in the expenditure of money by the Council~~.
- 1.30.18. Authority to serve notices to recover expenses under section 55 Planning (Listed Buildings and Conservation Areas) Act 1990.
- 1.30.19. Power to serve counter notices of the Council's requirements as to demolition arrangements, in accordance with S.8 of the Building Act 1984, on persons giving notice of intention under the Act to carry out a demolition.
- 1.30.20. Power to determine Building Regulations matters including service of notices, and applications including dispensations and relaxations except where major policy decision or objection from consultee.
- 1.30.21. Power to serve Notices to uncover works under the Building Act 1984 and Building Regulations.
- 1.30.22. Power to take emergency action in relation to dangerous structures.
- 1.30.23. The unquestioned right to bring before the Planning Committee matters which it is considered the Committee should decide or of which they should be made aware.
- 1.30.24. General Authority to enter, survey, examine and inspect premises and land for the purpose of determining whether any powers should be exercised or statutory notices served, monitor the progress of works, ascertain whether the requirements of a notice served or an undertaking accepted or conditions imposed have been complied with and to designate and issue authorisations in writing to officers of the Authority for these purposes as a consequence of the following legislation (as amended): Town and Country Planning Act 1990; Planning (Listed Buildings and Conservation Areas) Act 1990; Building Act 1984; Part 8 of the Anti-Social Behaviour Act 2003 (in respect of high hedges).

## **Determining planning applications**

1.30.25. **The types of application are:**

- a) 'Minor' Applications which comprise;
  - 1 to 9 dwellings (or the number of dwellings is not specified in the application), for full or outline planning permission (where site area is less than 0.5 Ha.) or for approval of reserved matters for residential development of the same size;
  - Approval of reserved matters for up to 9 dwellings as a phase of a larger development;
  - All types of office development of less than 1000 sq.m. floor area or less than 0.5 Ha;
  - All types of industrial development – general, light, storage and warehousing, research and development of less than 1000 sq.m. floor area or less than 0.5 Ha;
  - All types of retail development of less than 1000 sq.m. or less than 0.5 Ha;
  - Gypsy and traveller sites up to 9 pitches;
  - Small development such as stable blocks outside the curtilage of a dwelling;
  - Other minor developments
- b) 'Major' Applications which comprise;
  - Applications for the following which exceed the size limitations set out under 'Minor' applications;
  - Residential development;
  - Offices, research and development;
  - All industrial development;
  - All retail and commercial development;
  - Gypsy and traveller sites;
  - Large scale leisure and recreation proposals;
  - Other major applications
- c) 'Other' Applications comprise;
  - Householder (excludes flats) extensions or development within the curtilage of a dwelling;
  - Changes of use (where no operational development is involved or such work is Permitted Development);

- Advertisement Consent (including those dealt with by Quality Councils);
- Listed Building Consent for internal and external alterations and demolition;
- Conservation Area Consent;
- Notifications relating to Trees in Conservation Areas;
- Works to TPO trees;
- Agricultural notifications for new buildings and agricultural or forestry related works (but not dwellings);
- Certificates of appropriate alternative development;
- Notifications under the Hedgerow Regulations;
- Telecommunication notifications under the General Permitted Development Order;
- Hazardous substances notifications

1.30.26. **Ways of determining applications:** Applications can be determined solely by officers under delegated powers, by officers under delegated powers in consultation with the Chair (or Vice Chair in the absence of the Chair) of Planning Committee (“Chair’s Delegations”) or by the Planning Committee. Subject to paragraph 3.27.27 (Applications that must be determined by Committee) below applications shall be determined as follows;

- ‘Other’ Applications: If, prior to a decision being taken, the Ward Member expresses a contrary view from the officer recommendation and such view is on the basis of material planning considerations then the Ward Member will receive a copy of the draft report and the application will be considered at Chair’s Delegations where the Chair shall decide if the application is to be referred to the Planning Committee or whether it shall be determined at Chair’s Delegations. Where the Ward Member is in agreement with the officer recommendation notwithstanding any contrary views to the officer recommendation expressed by consultees, Parish Councils/Town Councils, neighbours or other interested parties the application will be determined under delegated powers by the Assistant Director Planning Strategy and Development Management.
- ‘Minor’ Applications: If both the Town Council / Parish Council and the Ward Member agree with the officer recommendation then the application is delegated to the Assistant Director Planning Strategy and Development Management. If, prior to the decision being taken, the Ward Member expresses a contrary view to the officer recommendation **and such view is on the basis of material planning considerations**, then the application shall be considered by the Planning Committee. If the Ward Member is in agreement with the officer recommendation but the Town Council / Parish Council expresses a contrary view then the application will be determined at the Chair’s Delegations.

- 'Major' Applications: May be determined at Chair's Delegations where officers have recommended the application for approval on the basis it is in accordance with the development plan or for refusal on the basis it is considered contrary to adopted policies and in either case where, prior to the decision being taken, no contrary view has been expressed by the Ward Member or the Town or Parish Council. Otherwise the application should be determined by the Planning Committee.
- NOTE: In the event that a planning application in which the Council has a financial interest is capable of being determined under delegated powers that decision may only be taken by the Assistant Director Planning **Strategy** and Development **Management**

1.30.27. **Applications that must be determined by the Planning Committee** are where:

- Applicant is a district councillor or an officer (of any service within the Council) or is a close relative of a district councillor or an officer (of any service within the Council);
- The application relates to land owned by a district councillor or an officer (of any service within the Council);
- Application where the Assistant Director Planning **Strategy** and Development **Management** is recommending a material departure from adopted policy (applications which are not material departures include where (i) the relevant local plan policy to which a departure is proposed is out of conformity with the National Planning Policy Framework; or (ii) the application relates to an already approved scheme where the principle of development is accepted, is still capable of implementation and only minor changes are proposed; or (iii) the application relates to the conversion of listed buildings and the proposal complies with paragraph 79 of the NPPF in terms of representing the optimal viable use of a heritage asset; or (iv) extensions to residential curtilages within the countryside; or (v) the application relates to a scheme where the principle of development is accepted through the prior approval procedure);
- There are financial implications for the Council (e.g. EDDC is the applicant/landowner) and the officer recommendation is in conflict with any comments **relating to material planning considerations** received on the application from a member of the public, a statutory consultee, a Town or Parish Council or a Ward Member;
- Any application referred at the discretion of the Assistant Director Planning **Strategy** and Development **Management** and / or at the request of the Chair of Planning Committee following Chair's Delegations.
- Note: 'close relative' in this section means either; (i) a spouse or civil partner, a person living with the district councillor or officer as husband or wife or living with them as if they are civil partners, or (ii) a parent, sibling or child (or the spouse / civil partner or someone living with them in that capacity of any of these persons) of the district councillor or the officer.
- Note: Non-material amendment applications are excluded from the operation of this paragraph.

1.30.28. Ward ~~Members-Councillors~~ have the following opportunities to comment on applications:

- Where a Ward ~~Member Councillor~~ has commented on an application within the initial 21 day consultation process, s/he will receive a further 3 working days consultation with the draft report following which the application will be determined in accordance with the delegated powers detailed above;
- Ward ~~Members-Councillors~~ will automatically be sent the draft report if the Officer's view is contrary to the view of the Town/Parish Council on 'minor' applications with an invitation to the Chair's Delegations where the matter will be discussed;
- Ward ~~Members-Councillors~~ will be sent a copy of a draft report and given notification of any application in their Ward which will be discussed at a Chair's Delegations with at least 3 working days' notice

1.30.29. Other planning delegations to Assistant Director Planning ~~Strategy~~ and Development ~~Management~~ are :

- Appropriate assessment under the Habitats Regulations;
- Environmental Impact Assessment screening and scoping opinions;
- Notifications under Circular 14/90 (overhead lines and electrical plant);
- Notifications by other statutory bodies for permitted development works;
- Certificates of lawful use for existing development, following consultation with the Director of Governance ~~and Licensing~~;
- Certificates of lawful use for proposed development;
- Non-material and minor amendment applications;
- Discharge of conditions;
- Footpath diversion orders, unless there is an objection to the diversion from a Ward Member, in which case the application shall be referred to the Planning Committee;
- Consultation responses to other authorities on development and policy proposals;
- Service of planning contravention notices;
- Obtaining independent viability appraisals;
- Obtaining independent agricultural appraisals;
- To determine all applications for prior approval under the Town and Country Planning (General Permitted Development) (England) Order 2015 other than where there is an objection from a ward member in relation to one or more of the relevant technical issues being considered under that application in which case the application be determined in consultation with the Chair of the Planning Committee;
- To agree to requests from external bodies and council departments, in consultation with the Chair of Planning Committee and the relevant Ward Member(s), to withdraw requests for planning obligations where these have previously been a requirement of a

resolution of the council but have not yet formed part of an engrossed Section 106 agreement and the relevant body or council department no longer consider it to be necessary. [No amendments as a result of viability issues to be considered under the delegated powers];

- Deeds of variation where the change complies with the adopted policy of the Council, unless a ward member takes a contrary view to the officers within 3 working days of receipt of a draft report detailing officers' views. In the event of a contrary view being taken the matter will be reported to the Chair's Delegations for decision. Where any change included in a deed of variation does not comply with policy the decision on the variation will be considered at the level of the original decision on the application;
- To amend and add to the conditions and heads of terms contained within any report on an application considered by the Planning Committee or the Chair's Delegations where such changes do not conflict with the purpose of the draft condition or heads of terms, unless a Ward member takes a contrary view to the officers within 3 working days of receipt of a draft report detailing officers' views. In the event of a contrary view being taken the matter will be reported to the Chair's Delegations for decision;
- To determine which non-designated heritage asset should be included on the Council's Local List.
- Deeds of variation to amend mortgagee exemption clauses in line with the securitisation working group template clause in consultation with the Chair of the Planning Committee.
- To suggest modifications to planning policy documents to the Planning Inspectorate as required to address concerns and issues raised by the Inspector through the plan examination process.
- to agree and enter into planning performance agreements, service level agreements and similar performance related documentation.

1.30.30. Telecommunication notifications: Where the Assistant Director Planning **Strategy** and Development **Management**/Ward Member/Town/Parish are in agreement (or no comment received within the response period) the decision is delegated to the Assistant Director Planning Strategy and Development Management. If any contrary view has been submitted from any of these parties these notifications are to be considered at the Chair's Delegations.

1.30.31. County Matter applications: Where there are no objections raised by Planning Officers such applications to be delegated to the Assistant Director Planning **Strategy** and Development **Management**. In the case of an objection by Planning Officers this to be subject to consultation with the Chair or Vice Chair in his absence and Ward Member(s) for consideration and decision under delegated powers.

1.30.32. Neighbourhood Areas: Authority to designate, in consultation with the Leader of the Council and Ward Member(s), Neighbourhood Areas where the area proposed to be designated is contiguous with the **Town/Parish** boundary and there are no strategic sites contained within the area proposed to be designated.

1.30.33. Legal action covers

- No formal consultation with **Town/Parish** Councils.

- The decision whether to take enforcement action and issue related notices to be delegated to the Assistant Director of Planning Strategy and Development Management in consultation with the Director of Governance **and Licensing**.
- The decision to take direct action and court injunctions is delegated to Assistant Director Planning **Strategy** and Development **Management** in consultation with the Director of Governance **and Licensing** and Chair/Vice Chair.
- Issuing of a Stop Notice to be delegated to the Assistant Director Planning **Strategy** and Development **Management** in consultation with the Director of Governance **and Licensing**.
- To confirm no further action is to be taken where a material breach of the legislation has been identified to be delegated to Assistant Director Planning **Strategy** and Development **Management** in consultation with Chair/Vice Chair **Town/Parish Councils** and Ward **Members Councillors** to be notified of any agreed action or where no action is to be taken.

1.30.34. Community Infrastructure Levy covers:

- Authority to progress the service of notices in connection with the operation of the Community Infrastructure Levy Regulations 2010 for the collection of monies;
- Authority to determine whether to take any enforcement action under Community Infrastructure Levy Regulations 2010 following the non-payment of any liability

1.30.35. Notes on interpretation of delegated planning powers are:

- Expressions of “concern” or “preference” are not material planning reasons, or objections, neither are requests for “Site Inspection” or “reference to Committee”
- A decision of approval cannot be delegated if it involves a substantial departure from the provisions of the Development Plan and requires reference to the Secretary of State

Matters which the Assistant Director Planning **Strategy** and Development **Management**, in consultation with the Chair/Vice-Chair of the Planning Committee, consider are of such interest, importance or controversy that the Planning Committee should determine them can be so referred.

1.31. **Powers delegated to the Monitoring Officer**

- 1.31.1. To decide whether or not in relation to remedies in the Complaints Procedure, financial compensation should be paid.
- 1.31.2. To grant dispensations to **Members Councillors** to allow them to participate in matters where they have a Disclosable Pecuniary, Other Registerable and / or Non-Registerable Interest under the Code of Conduct on the following grounds:
  - (a) That without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
  - (b) That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of

any vote on the matter.

- 1.31.3. To discharge those functions related to Standards and the Localism Act 2011 ~~as approved by Council on 27 June 2012 and as may be subsequently varied by Council.~~
- 1.31.4. To discharge duties relating to the Community Right to Challenge ~~set out in the report to Cabinet dated 28 November 2012.~~
- 1.31.5. To update the Constitution as and when required to:
  - (a) comply with any statutory requirements, and;
  - (b) to make changes to the Councillors listed in Article 2 and details in the name and description of area of wards and number of councillors to reflect any in year changes;
  - (c) revise Article 6 in relation to any changes made to portfolio holders, assistant portfolio holders, portfolio names and areas of responsibility and make any consequential amendments to the Leader's Scheme of Delegation to Portfolio Holders and Delegated Powers of Officers so that any specific powers align to changed portfolios.
- 1.31.6. To revise the Membership of Committees to reflect the wishes of any group to make minor in year changes to their appointments.
- 1.31.7. To ~~establish and revise Portfolio Teams as necessary in consultation with Group Leaders and to~~ revise as appropriate the makeup of the Panels, Forums and Joint Bodies when there are changes to the Portfolios or Assistant Portfolio positions in year.

- 1.32. **Powers delegated to the Director of Finance**
- 1.32.1. To provide all necessary information regarding the Council Tax base and precepts except where the determination must be made by the Council.
- 1.32.2. To implement systems and procedures across the Council necessary to comply with the Director of Finance's role as the Authority's Chief Finance Officer (s151 officer) including the operation of an internal audit function.
- 1.32.3. To enter into business rate pooling arrangements.

**The following relate to Revenues and Benefits and are also exercisable by Assistant Director Revenues and Benefits**

- 1.32.4. The administration and payment of Housing Benefit ~~(rent allowances and rent rebates)~~ and the Council Tax Reduction Scheme and all related functions.
- 1.32.5. The administration, collection, ~~and~~ recovery ~~and enforcement~~ of Council Tax and all related functions.
- 1.32.6. The administration, collection and recovery of Business Rates and all related functions.
- 1.32.7. The administration, collection and recovery of Housing Benefit overpayments ~~and all related functions.~~

- 1.32.8. To carry out officer reviews of council tax, housing benefit and Council Tax Reduction Scheme decisions in accordance with regulations.
- 1.32.9. To undertake ~~Housing Benefit, Council Tax Reduction and other~~ fraud investigations linked to Council Services and to make appropriate determinations including ~~issuing sanctions and~~ penalties ~~and other sanctions~~, and to take such proceedings as may be necessary subject to consulting with the Director of Governance ~~and Licensing~~ where appropriate.
- 1.32.10. The administration, collection and recovery of sundry debts due to the Council and all related functions.
- 1.32.11. To take such proceedings as may be necessary to recover monies due to the Council ~~subject to consulting with the Director of Governance and Licensing~~.
- 1.32.12. To write off bad and irrecoverable debts relating to the Revenue and Benefits function within financial limits determined by the Director of Finance.
- 1.32.13. To award discretionary Council Tax and Business Rate reliefs and Government Grant Schemes which are in line with agreed Council Policy or in line with Government Guidance which falls outside existing policy in consultation with the Finance Portfolio Holder and where costs are recovered from Government.
- 1.32.14. To appoint enforcement agents for the recovery of outstanding debts ~~including those related to S106 and community infrastructure levy payments and to refer debts to enforcement agents or collection agencies.~~

**The following relates to general matters and civil parking enforcement and are also exercisable by the ~~Financial Services Manager Corporate Lead Finance~~**

- 1.32.15. To write off bad and irrecoverable debts and stores other than those which might involve action by the External Auditor.
- 1.32.16. To raise and repay loans to the Council in accordance with the Treasury Management Strategy and at such rates of interest as appear reasonable.
- 1.32.17. To make investment in respect of fund balances in accordance with the Treasury Management Strategy and at such rates of interest as appear reasonable.
- 1.32.18. To make payments on behalf of the Council as necessary.
- 1.32.19. In consultation with Senior Officers to effect such insurances as are considered necessary.
- 1.32.20. To determine any matters in relation to applications for grants that are ancillary to the scheme approved by the Council.

**The following car parking delegations to also be exercisable by the Director of Place**

- 1.32.21. Authority to take any action in connection with civil parking enforcement, including the service of notices and the removal of vehicles.
- 1.32.22. To exercise the Council's powers and duties under the Traffic Management Act 2004 and Road Traffic Regulation Act 1984.
- 1.32.23. To manage, patrol and collect income from Council car parks.

- 1.32.24. Authority to amend the Parking Places Orders including charges for car parking permits and car parking tariffs except where the changes are more than minor and where any objections made to such changes cannot be overcome or where the charges / tariffs would be increased by more than 5%.
- 1.32.25. In consultation with the portfolio holder, agree alternative temporary uses of car parks.
- 1.32.26. In consultation with the portfolio holder, to offer special rate car parking charges.
- 1.32.27. Authority to enter into lease arrangements for individual car parking spaces in the Council's car parks.

**The following relates to Authority for Court Attendance**

- 1.32.28. Authority under Section 223 of the Local Government Act 1972 for the following officers to prosecute or defend on the Council's behalf, or to appear on the Council's behalf in proceedings for the recovery of Council Tax or Non-Domestic Rates before a Magistrates Court: Director of Finance Assistant Director Revenues and Benefits Manager, **Council Tax Manager, Revenues Manager** and Team Leader posts within Revenues and Benefits Further officers may be authorised by the Chief Executive, Monitoring Officer or Deputy Monitoring Officer.

**The following relate to Property matters and are also exercisable by the Assistant Director Place, Assets & **Commercialisation Leisure****

- 1.32.29. Authority to serve notices under the Landlord and Tenant Act 1954 where there is no reason to oppose an application for the renewal of a tenancy and the proposed new tenancy falls within the criteria set out in paragraph 3.29.32 below.
- 1.32.30. Authority (after consultation with the relevant Portfolio Holder) to serve notices under the Landlord and Tenant Act 1954 where there is no reason to oppose an application for the renewal of a tenancy and the proposed new tenancy falls within the criteria set out paragraph 3.29.34 below.
- 1.32.31. Authority (after consultation with the relevant Portfolio Holder) to serve notices under the Landlord and Tenancy Act 1954 opposing the renewal of a tenancy agreement.
- 1.32.32. Authority to negotiate renewal terms following receipt of a notice under the Landlord and Tenant Act 1954 offering the Council a new tenancy where the term/premium payable/rent payable under the Council's proposed new tenancy fall within the limits set out in paragraph 3.29.32 below.
- 1.32.33. Authority (after consultation with the relevant Portfolio Holder) to negotiate renewal terms following receipt of a notice under the Landlord and Tenant Act 1954 offering the Council a new tenancy where the term/premium payable/rent payable under the Council's proposed new tenancy fall within the limits set out in paragraph 3.29.34 below.
- 1.32.34. Authority to end a tenancy in favour of the Council whether or not it is protected under the Landlord and Tenant Act 1954.

- 1.32.35. Authority to serve a notice under the Landlord and Tenant Act 1954 requesting a new tenancy where the term/premium payable/rent payable under the Council's proposed new tenancy fall within the limits set out paragraph 3.29.32 below.
- 1.32.36. Authority (after consultation with the relevant Portfolio Holder) to serve a notice under the Landlord and Tenant Act 1954 requesting a new tenancy where the term/premium payable/rent payable under the Council's proposed new tenancy fall within the limits set out paragraph 3.29.34 below.
- 1.32.37. Authority to accept the early surrender of a licence/lease of Council property.
- 1.32.38. Authority to grant landlord's approval to minor modifications and alterations to Council property where the property is leased out.
- 1.32.39. Authority to grant wayleaves and easements to public utility companies and statutory undertakers where they are determinable upon 12 months' notice or less or there is a 'lift and shift' clause agreed.
- 1.32.40. Authority to grant or enter into licences and leases providing they are in accordance with the Policy Framework and Budget, where; a. the term is 7 years or less, and b. if a premium is payable it is £30,000 or less, and c. the annual licence fee/rent is £15,000 or less.
- 1.32.41. Authority to grant landlord's approval to assignments and sub-lettings where acceptable references have been received and where the lease allows for such assignments and sub-lettings.
- 1.32.42. Authority (after consultation with the relevant Portfolio Holder) to grant or enter into licences and leases provided they are in accordance with the Policy Framework and the Budget, where a. the term is more than 7 years but does not exceed 125 years, and b. if a premium is payable it is £30,000 or less, and c. the annual licence fee/rent is £15,000 or less.
- 1.32.43. Authority (after consultation with the relevant Portfolio Holder) to dispose of property assets which have a market value which does not exceed £30,000.
- 1.32.44. Sale of vehicles, equipment or machinery surplus to the Council's needs where the consideration does not exceed £30,000.
- 1.32.45. Authority to negotiate and agree revised licence fees/rents pursuant to licence fee/rent review clauses contained in licences/leases.
- 1.32.46. Authority to grant express tenancies at will.
- 1.32.47. Authority to negotiate and agree a premium for the; a. variation or release of (a) restrictive covenant(s) benefitting (former) Council owned (non-housing) property, or b. variation or release of (a) restrictive covenant(s) burdening Council owned (non-housing) property, and where in either case the premium payable is £10,000 or less and in the case of (b) it is within the Policy Framework and Budget.
- 1.32.48. Authority (after consultation with the relevant Portfolio Holder) to negotiate and agree a premium for the; a. variation or extinguishment of (a) restrictive covenant(s) benefitting (former) Council owned (non-housing) property, or b. release of (a) restrictive covenant(s) burdening Council owned (non-housing) property, and where in either case the premium payable exceeds £10,000 but is £30,000 or less and in the case of (b) it is within the Policy Framework and Budget.

- 1.32.49. Authority (after consultation with the relevant Portfolio Holder) to obtain/grant wayleaves or easements (in fee simple or for a term certain) to non-public utility companies or non-statutory undertakers over Council property/**for the benefit of Council property** where the premium payable does not exceed £30,000.
- 1.32.50. Authority to grant garden licences and access licences where the licence period is for a fixed period and thereafter continues from month to month until determined by either side on one months' notice.
- 1.32.51. Authority to negotiate and agree dilapidation terms with an outgoing tenant.
- 1.32.52. Authority (after consultation with the relevant Portfolio Holder) to acquire property assets for a previously approved project where the consideration payable does not exceed £30,000.
- 1.32.53. Authority to approve tenant's charging Council property.
- 1.32.54. Authority, in consultation with the relevant Portfolio Holder, to agree variations to leases.
- 1.32.55. Authority (after consultation with the relevant Portfolio Holder) to negotiate and accept or decline the transfer of property offered to the Council in accordance with the terms of a planning obligation (S106 agreement) provided such transfer is in accordance with the Policy Framework and the Budget.

**1.33. ~~Powers delegated to the Director of Housing and Health and the Assistant Director Environmental Health and Licensing Governance and Licensing~~**

- 1.33.1. The ~~Director of Housing and Health, Assistant Director of Environmental Health and Licensing Governance and Licensing, Licensing Manager, Senior Licensing Officer, Licensing Officers and Assistant Licensing Officers~~ be authorised persons for the purposes of Section 13 of the Licensing Act 2003 (authority to carry out inspections etc.).
- 1.33.2. The authority to make any decision under the Licensing Act 2003 (Hearings) Regulations 2005 and any amendment thereof and to the Council's Procedure for Hearings which does not have to be decided under the Act or Regulations by a committee or sub- committee.
- 1.33.3. Authority to make determination of premises licence or variation of premises licence, provisional statement, club premises certificate or variation of club premises certificate under the Licensing Act 2003 provided that no relevant representations have been made or where any relevant representation which has been made has been resolved through written agreement between the parties to amend the application and the determination is in accordance with the terms of the written agreement.
- 1.33.4. Authority to make the determination of applications to vary or remove the designated premises supervisor or application for or to renew a personal licence, transfer a premises licence, consideration of interim authority notice under the Licensing Act 2003 provided that (with the exception of requests to be removed as the designated premises supervisor) no notice of objection has been given by the Senior officer of police.

- 1.33.5. Authority to decide whether a representation is frivolous or vexatious under the Licensing Act 2003.
- 1.33.6. All other functions under the Licensing Act 2003 and regulations made there under not already delegated to a committee of the Council.
- 1.33.7. The authority to grant permits subject to a condition restricting their number in respect of amusements with prizes machines in premises licensed for the sale of alcohol for consumption on the premises following the second appointed day under the Licensing Act 2003 or such earlier date as legislation may provide.
- 1.33.8. The Director of **Housing and Health, Assistant Director Environmental Health and Licensing Governance and Licensing**, Licensing Manager, Senior Licensing Officer, Licensing Officers and Assistant Licensing Officers be authorised persons for the purposes of Section 304 of the Gambling Act 2005 (authority to carry out inspections and enforcement functions etc.).
- 1.33.9. The Director **Housing and Health, Assistant Director Environmental Health and Licensing of Governance and Licensing** authority to make minor changes to the procedure for hearings under the Gambling Act 2005 to comply with changes to relevant regulations or for efficient administration.
- 1.33.10. Authority to carry out all functions under the Gambling Act 2005 which have not been delegated to a committee of the Council.
- 1.33.11. Authority to make determination of premises licence or variation of premises licence, provisional statement or application for club gaming/club machine permits under the Gambling Act 2005 provided in all cases that no representations/objections have been made or have been withdrawn.
- 1.33.12. Authority to make the determination of applications for other permits, of consideration of temporary use notice, and of cancellation of licensed premises gaming machine permits, all under the Gambling Act 2005.
- 1.33.13. The Director of **Housing and Health, Assistant Director Environmental Health and Licensing of Governance and Licensing** and Licensing Manager delegated power to issue and renew all Hackney Carriage and Private Hire licences to applicants, subject to all Members of the Council being given 7 days' notice of officers proposals under delegation in cases where drivers have 6 to 9 penalty points issued in one year or 9 penalty points in a three period, as exempt information, and if after this period a representation has been made by a Member, the decision be made in consultation with the Chair of Committee.
- 1.33.14. The power to approve, in consultation with the Chair or Vice Chair of the Licensing and Enforcement Committee, the type of Specialist Classic Cars which may be licensed for private hire in respect of applications for initial licensing of such cars being more than four years old from the date of first registration as shown on the registration document.
- 1.33.15. The Director of **Housing and Health, Assistant Director Environmental Health and Licensing Governance and Licensing** be appointed as the authorised officer for the purpose of Part II of the Local Government (Miscellaneous Provisions) Act 1976 to sign any licences granted by the Council under the Town Police Clauses Act 1847 or under Part II of the 1976 Act.

- 1.33.16. Without prejudice to the power granted to an authorised officer (or constable) under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976, in any case which the Director of Governance ~~and Licensing~~ considers to be of such urgency that the matter cannot wait until the next meeting of the Licensing and Enforcement Committee to suspend or revoke the licence of a hackney carriage driver, private hire driver, hackney carriage vehicle, private hire vehicle or private hire operator on any of the grounds specified in the Local Government (Miscellaneous Provisions) Act 1976.
- 1.33.17. The power to authorise in writing such officer or officers of the District Council as he or she may from time to time decide as an authorised officer or as authorised officers for all or some of the purposes of Part II of the 1976 Act and for such officer or officers to act in pursuance thereof or the Town Police Clauses Act 1847.
- 1.33.18. Authority to the Director ~~Housing and Health, Assistant Director Environmental Health and Licensing of Governance and Licensing~~ and Licensing Manager, Senior Licensing Officer and Licensing Officer to act as authorised officers for the purposes of paragraph 25(3) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, [as supplemented by paragraph 25A] which give authority to exercise the powers in paragraph 25(1) and (2) of the said schedule in relation to a sex establishment in the District of East Devon and to act as authorised officers for the purposes of Part II of the Local Government (Miscellaneous Provisions) Act 1976, to act in pursuance of that Part of the 1976 Act or the Town Police Clauses Act 1847 other than in connection with the signing of licences granted by the Council.
- 1.33.19. To take legal proceedings against persons who contravene the Public Health (Shell Fish) Regulations.
- 1.33.20. In consultation with the Director of ~~Governance Housing, Health and Environment~~, ~~to agree~~ to institute legal proceedings for all dog related offences.
- 1.33.21. Power to serve a Planning Contravention Notice and in the event of non-compliance with any requirement of the Notice to institute proceedings in respect thereof.
- 1.33.22. Subject to the applicant showing housing need, to exercise in consultation with the Director of ~~Governance Housing, Health and Environment~~, the Council's discretion in giving a voluntary waiver of the right to recover improvement grants for breach of conditions, under the Housing Act 1974 (other than a nominal 5 pence to satisfy the requirements June 2020 94 of S.73(v) of the Housing Act 1974) where this would encourage a Building Society to lend money on an unimproved property.

**Following to remain with Director of Governance**

- 1.33.23. To give consent to the sale of land in mortgage to the Council and to determine whether the consideration there from shall be applied to the mortgage debt.
- 1.33.24. To give consent in cases where such consent may not be withheld, to applications for resale (pursuant to S.104C of the Housing Act 1957 or S.19 of the Housing Act 1980) of former Council dwellings.
- 1.33.25. To determine those cases where the prospective occupiers of any housing association accommodation applying to acquire the freehold, comply with the

requirement of Section 157 of the Housing Act 1985 and to submit applications for Portfolio holder consent in appropriate cases where the applicant does not comply.

- 1.33.26. To agree terms (~~to reflect the matters referred to in paragraph 4 of the Chief Executive's report to the Committee on 19 January, 1994~~) for covenants to be entered into on the sale of Council Housing flats, or in respect of former Council Housing flats, for the enforcement of covenants given by other flat owners in the same building.
- 1.33.27. To determine applications, in accordance with the Council's policy (~~Housing Committee Minute No. 5 of 14.6.95 refers~~), to postpone – where postponement is discretionary – the Council's charge in respect of discount on sale price of Council houses.
- 1.33.28. In consultation with the Director of Finance, authority to institute legal proceedings where fraudulent applications for benefit are suspected.
- 1.33.29. Authority to serve notices to commence possession proceedings in cases of serious infringement of tenancy conditions and where necessary to take legal proceedings to seek possession.
- 1.33.30. In consultation with the Director of Housing ~~and Health and Environment~~ authority to institute legal proceedings in all cases where landlords of houses in multiple occupation fail to comply with the statutory notices within the time specified in the notice.
- 1.33.31. To take immediate necessary action, including legal proceedings, against gypsies and travellers or other itinerants as and when they take, or where the relevant officer has sufficient reason to believe they are about to take, unauthorised possession of Council Land.
- 1.33.32. In consultation with the **Director of Finance and** Finance Portfolio Holder, to take all appropriate action to settle or otherwise deal with all claims and litigation involving the Council where such action is in pursuance of legal advice and it is inappropriate (through unacceptable delay) to report the matter to the Cabinet.
- 1.33.33. Unless set out elsewhere within this Section to take or defend any or all legal action in the name of the Council including enforcing access to premises for the purpose of carrying out any statutory duty or power.
- 1.33.34. The power to serve statutory notices on behalf of the Council and to take proceedings in the name of the Council.
- 1.33.35. Authority in consultation with the Director of Housing ~~and Health and Environment~~ and Assistant Director Planning **Strategy** and Development **Management** to enter into deeds of variation to existing planning agreements where revisions are sought to affordable housing obligations where the revisions are necessary to enable prospective purchasers to satisfy lenders requirements to secure borrowing provided that such amendments do not alter the number of affordable houses to be provided nor the tenure split of the affordable housing.
- 1.33.36. Authority to issue consents under Part III of the Local Government (Miscellaneous Provisions) Act 1982 (street trading consents). **Move to Assistant Director Environmental Health and Licensing**

- 1.33.37. Determination of reviews for listing or compensation under the Community Right to Bid (asset register) provisions of the Localism Act 2011.
- 1.33.38. To act as client officer for the contract with Strata and monitor performance.
- 1.33.39. Engage in strategic partnerships and promote and communicate the Council's services and corporate priorities in respect of the Climate and Ecological Emergency.

**1.34. Powers Delegated to the Director of Housing and Health and Environment**

**The following relate to Environmental Health and Streetscene and are also exercisable by the Assistant Director Environmental Health and Licensing and Assistant Director Streetscene**

- 1.34.1. General Authority to Enter, Examine, Inspect and Enforce: To enter, survey, examine and inspect premises and vehicles, inspect animals, take samples, determine whether any powers should be exercised or statutory notices served, monitor the progress of works, ascertain whether the requirements of a notice served or an undertaking accepted have been complied with, and exercise any other power which is necessary to enforce the legislation contained in the following relevant statutory enactments (or amendments made thereto) (or Regulations or Orders made there under or under any European Community legislation enforced by the Authority as a consequence of the following and any other public health legislation):

Animal Boarding Establishments Act 1963

Animal Health & Welfare Act 1984

Animal Welfare Act 2006

**Animal Welfare (Primate Licences) (England) Regulations 2024**

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

Anti-Social Behaviour Act 2003

Anti-Social Behaviour Crime and Policing Act 2014

Breeding and Sale of Dogs (Welfare) Act 1999

Building Act, 1984

Caravan Sites and Control of Development Act 1960

Clean Air Act 1993

Clean Neighbourhoods and Environment Act 2005

Control of Pollution Act 1974

Control of Pollution (Amendment) Act 1989

Criminal Justice & Police Act 2001

Criminal Justice and Public Order Act 1994

Dangerous Dogs Act 1991

Dangerous Wild Animals Act 1976

Deregulation Act 2015

Dogs Act 1906

Energy Conservation Act 1981

Environment Act 1995

Environmental Protection Act 1990

Food and Environment Protection Act 1985

Food Safety Act 1990

Gaming Act 1968

Guard Dogs Act 1975

Health Act 2006

Health Protection (Notification) Regulations 2010  
Health Protection (Local Authority Powers) Regulations 2010  
Health Protection (Part 2A Orders) Regulations 2010  
Health and Safety at Work etc. Act 1974  
Housing Acts and Housing Grants, Construction and Regeneration Act 1996  
Housing and Planning Act 2016

Hypnotism Act 1952  
Law of Property Act 1925  
Landlord and Tenant Act 1985  
Licensing Act 2003  
Local Government Act 1972  
Local Government (Miscellaneous Provisions) Acts 1976 and 1982  
Mobile Homes Act 2013  
National Assistance Act 1948  
Noise Act 1996  
Noise and Statutory Nuisance Act 1993  
Offices, Shops and Railway Premises Act 1963  
Pet Animals Act 1951  
Pesticides Act 1998  
Petroleum Acts 1928 and 1936  
Pollution Prevention & Control Act 1999  
Prevention of Damage by Pests Act 1949  
Protection of Animals Act 1911 (amended)  
Public Health Acts 1875, 1936 and 1961  
Public Health (Amendment) Act 1890  
Public Health (Aircraft) Regulations 1979  
Public Health (Control of Disease) Act 1984  
Riding Establishments Acts 1964 and 1970  
Scrap Metal Dealers Act 2013  
Slaughter of Poultry Act 1967  
Sunbeds (Regulation) Act 2010  
Sunday Entertainment Act 1972  
Sunday Trading Act 1994  
Water Industry Act 1991  
Zoo Licensing Act 1981  
Legislation relating to the control, licensing, registration or issue of permits for food hawkers, Sunday entertainment, takeaway food shops

1.34.2. Statutory Notices and licences: To determine licence and registration applications and to impose or vary conditions, serve statutory notices including "Minded To" notices, fixed penalty notices, to vary notices, require information, execute work in default and discharge all the powers and duties of inspectors and authorised officers under the:

Animal Boarding Establishments 1963  
Animal Welfare Act 2006  
Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018  
Antisocial Behaviour Act 2003  
Antisocial Behaviour Crime and Policing Act 2014  
Breeding and Sale of Dogs (Welfare) Act 1999  
Building Act 1984  
Caravan Sites and Control of Development Act 1960

Clean Air Act 1993  
Clean Neighbourhoods and Environment Act 2005  
Control of Pollution Act 1974  
Criminal Justice and Police Act 2001  
Criminal Justice and Public Order Act 1994

Dangerous Dogs Act 1991  
Dangerous Wild Animals Act 1976  
Environmental Protection Act 1990  
Guard Dogs Act 1975

Health Act 2006 Health Protection (Notification) Regulations 2010  
Health Protection (Local Authority Powers) Regulations 2010

Health Protection (Part 2A Orders) Regulations 2010  
Housing Act 2004

Housing and Planning Act 2016  
Local Government (Miscellaneous Provisions) Acts 1976 and 1982  
Mobile Homes Act 2013

National Assistance Act 1948

Noise Act 1996  
Noise and Statutory Nuisance Act 1993  
Pet Animals Act 1951  
Pollution Prevention & Control Act 1999  
Prevention of Damage by Pests Act 1949  
Public Health Acts including 1936 & 1961  
Public Health (Control of Disease) Act 1984  
Refuse Disposal (Amenity) Act 1978

Riding Establishments Acts 1964 and 1970  
Scrap Metal Dealers Act 2013

Water Industry Act 1991  
Zoo Licensing Act 1981

And all Regulations and Orders made under the above Acts

- 1.34.3. Note: applications for licences for dangerous wild animals shall be in consultation with the Chief Executive to decide the terms of the insurance policy.
- 1.34.4. Authority to order emergency works or vary contracts where there is a necessity to do so at short notice.
- 1.34.5. Purchase of stores and equipment and acceptance of tenders up to limit imposed by Standing Orders.
- 1.34.6. To act in respect of controlling alcohol from unlicensed premises by closure under Sections 19 to 23 of Criminal Justice and Police Act 2001.
- 1.34.7. **Authorisations:** To authorise, in writing, veterinary surgeons, dog wardens and pest control operatives and other officers to act on behalf of the Authority in respect of animal welfare or pest control legislation.

- 1.34.8. To authorise the Consultant in Public Health Medicine (or any person with the authority to deputise) to sign any notices and take necessary action on behalf of the Council for the purposes of Section 47 of the National Assistance Act 1948 as amended.
- 1.34.9. To appoint the 'Proper Officer' and authorise other appropriately qualified and appointed persons for the purposes of legislation relating to the control of communicable diseases.
- 1.34.10. To appoint such medical practitioners including suitably qualified persons designated by Public Health England and who appear on the current Public Health out of hours duty rota to act as "authorised officers" under the Public Health (Aircraft) Regulations 1979.
- 1.34.11. To designate and issue authorisations in writing to officers of the Authority and to others, as the legislation may provide, to enter inspect and/or act under those powers thereby delegated to them by all or some of the legislation set out in paragraph 3.33.1 (General Authority to Enter, Examine, Inspect and Enforce) and 3.33.2 (Statutory Notices and licences) of this section and any statutory amendment or replacement thereof or under any other public health legislation having regard to the qualifications and experience of the Officer.
- 1.34.12. In addition to paragraph 3.31.11 above the ability to appoint as 'Inspectors' persons having suitable qualifications as are appropriate for the exercise of any or all of the powers specified in the Health and Safety at Work Act 1974 to be carried out by Inspectors and to specify which of the powers may be exercisable by the duly appointed Inspector.
- 1.34.13. **Registrations and Approvals:** To determine applications relating to registration or approval of food premises, persons carrying on the business of acupuncture, tattooing, ear piercing and electrolysis together with premises used for that purpose, and premises where rag flock is stored, used or manufactured.
- 1.34.14. The licensing of persons for the sale of milk using special designations.
- 1.34.15. To determine applications under Part 2 of the Clean Air Act 1993 (furnaces and heights of chimneys).
- 1.34.16. Authority on receipt of satisfactory report from a veterinary surgeon to issue a licence under Section 1 of the Dangerous Wild Animals Act 1976 and to decide the terms of the insurance policy in conjunction with the Senior Executive.
- 1.34.17. To determine applications made for "Authorisation" under Part I of the Environmental Protection Act 1990.
- 1.34.18. Authority to grant the following :
  - a) Use of foreshore in accordance with approved scale of charges;
  - b) Licences or occasional lettings of any property controlled by the Council (in consultation with the Assistant Director Place, Assets and Commercialisation as to terms) and to determine conditions (if any) to be imposed;
  - c) Applications for Boat and Boatmen's Licences;
  - d) To determine applications for non-recurring cemetery grants.

- 1.34.19. To seek an injunction restraining offenders from violating the Council's Parking Places Orders where unlicensed or scrap vehicles or vehicles undergoing repair continue to be placed on the Council's car parks despite efforts to stop this.
- 1.34.20. To determine applications and to impose or vary conditions relating to licences for scrap metal dealers under the Scrap Metal Dealers Registration Act 2013.
- 1.34.21. **Restoration or Continuation of Services:** To exercise, after consultation with the Director of Finance, the powers contained in Section 33 of the Local Government (Miscellaneous Provisions) Act 1976.
- 1.34.22. **Drains and Sewers:** To deal with notices of intention to repair, alter or reconstruct underground drains or sewers. To require work for the proper provision of soil pipes and ventilation pipes, to require disconnection of disused drains.
- 1.34.23. To administer those parts of the Local Government (Miscellaneous Provisions) Act 1976 concerning the provision of sanitary accommodation at places of entertainment (sections 20 and 21) and the removal of obstructions from private sewers (Section 35).
- 1.34.24. To serve Notices on the owners or occupiers of land of the Council's intention on behalf of the South West Water Authority to lay a sewer in accordance with S.153 of the Water Act, 1989.
- 1.34.25. Authority to require that sewers be constructed so as to form part of a general system.
- 1.34.26. Authority to repair private drains.
- 1.34.27. Authority to connect private drains with public sewers.
- 1.34.28. Authority to require drains to be disconnected from the public sewer.
- 1.34.29. Authority to alter the drainage system of premises.
- 1.34.30. Authority to cleanse cesspools.
- 1.34.31. Authority to grant or withhold consent for the erection of buildings over public sewers or combined drains.
- 1.34.32. Authority to serve Notices under Section 24 of the Public Health Act 1936 in respect of the power to recover on behalf of the Water Company the cost of maintaining certain lengths of public sewer.
- 1.34.33. Authority to require the cleansing of culverts, streams, ditches and ponds including the service of Notices under the Land Drainage Acts.
- 1.34.34. **Noise Control and Environmental Protection:**** To determine applications for prior consent for work on construction sites.
- 1.34.35. The exercise of any power or duty necessary to enforce Part II A of the Environmental Protection Act 1990 (Contaminated Land Provisions) as amended by the Environment Act 1995.
- 1.34.36. The exercise of any power or duty necessary to administer Part IV of the Environment Act 1995 in so far that it deals with air quality reviews and those powers of entry under section 108 in so far as they relate to the authority's

enforcement functions under Part I and Part II A of the Environmental Protection Act 1990 (integrated pollution control and contaminated land).

- 1.34.37. Consents for noise levels under s.61, 65 and 67 of the Control of Pollution Act 1974.
- 1.34.38. Inspection of premises to ensure that standard conditions of public entertainment licences are complied with.
- 1.34.39. To all **Environmental Health designated** Officers authority :
  - a) to take emergency enforcement action for noise nuisances under the Environmental Protection Act 1990 (as amended by the Noise and Statutory Nuisance Act 1993);
  - b) Where a statutory notice under Section 81(3) of the Environmental Protection Act 1990 in respect of a noise nuisance has been served and the nuisance might be abated by the seizure of equipment, authority to seize and remove such equipment;
  - c) To serve notices under Section 80 of the Environmental Protection Act 1990;
  - d) To inspect, seize and/or destroy animals under the Dangerous Wild Animals Act 1976.
  - e) To serve Community Protection Notices under Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014
- 1.34.40. Under the Noise Act 1996 authority to all **Environmental Health designated** Officers :
  - a) To enter property and seize equipment under Section 10 of the Noise Act 1996;
  - b) To serve notices under Section 3, 8 and 9 of the Noise Act 1996 and when necessary apply to a Magistrate for a warrant to carry out the terms of the notice.
- 1.34.41. Under the Clean Neighbourhoods and Environment Act sections 77 to 79 authority to all **Environmental Health designated** Officers to enter premises and take others with them to deal with sounding intruder alarms.
- 1.34.42. Within the policy approved by the Council to arrange for the destruction of rats, mice and other pests.
- 1.34.43. To provide a pest control service.
- 1.34.44. To carry out the Council's functions under the Scrap Metal Dealers Act 2013.
- 1.34.45. **Food Safety:** To act in matters arising under the Food Safety Act 1990 and European Communities Act 1972 and any regulations or orders insofar as those responsibilities are allocated to the Authority.**
- 1.34.46. To exercise powers of entry, survey, examination, inspection and seizure and to serve statutory notices including "Minded To" notices and notices relating to the detention and seizure of suspected food (Section 9(3)), the service and removal of improvement June 2020 101 notices (Section 10), the service and removal of prohibition orders (Section 11) and the service and removal of emergency prohibition orders (Section 12). (Food Safety Act 1990).
- 1.34.47. To nominate Officers for security clearance at Lympstone Commando Training Centre in connection with the Food Safety Act 1990.
- 1.34.48. To appoint Public Analysts for the purposes of the Food Safety Act 1990.

1.34.49. To administer that part of the Local Government (Misc. Provisions) Act 1982 concerning control of refreshment premises but to submit reports to the relevant Committee regarding proposals to make a Closing Order to vary or revoke such an Order.

**1.34.50. Health and Safety:** To act in matters arising under the Health and Safety at Work etc., Act 1974.

1.34.51. To exercise powers of entry, survey, examination, inspection and seizure and to serve statutory notices including "Minded To" notices.

1.34.52. To exercise the powers of an inspector specified in Sections 20, 21, 22, 25 and 38 of the 1974 Act and the relevant statutory provisions of the Acts mentioned in Schedule 1 to the 1974 Act which are specified in the third column of that Schedule.

1.34.53. To exercise the powers of any health and safety regulations, orders or other instruments of a legislative character made or having effect under any provision so specified as enforced from time to time.

1.34.54. To authorise other people to accompany the Inspectors appointed by East Devon District Council for its enforcement functions under the provisions of the Health and Safety at Work etc. Act, 1974.

1.34.55. To act in matters arising under the Food and Environment Protection Act 1985 – Part III in relation to Pesticides legislation, as amended by the Pesticides Act 1998.

1.34.56. To agree procedures and arrangements for formulating a plan for communicable disease control in East Devon.

1.34.57. To act in matters arising under the Food and Environment Protection Act 1985 – Part III in relation to Pesticides legislation, as amended by the Pesticides Act 1998.

1.34.58. To lead and advise on matters of Health and Safety affecting the Council **resulting from the Council being a workplace/employer.**

1.34.59. To secure the necessary care and attention for residents who are suffering from grave chronic disease or are aged, infirm or physically incapacitated and living in unsanitary conditions under Section 47 of the National Assistance Act 1948 as amended.

1.34.60. **Health and Safety Enforcement Authority Responsibility:** To exercise powers under the Health and Safety (Enforcing Authority) Regulations including the power to transfer and assign enforcement responsibility.

**1.34.61. Sunday Trading:** To exercise the Council's powers under the Sunday Trading Act 1994.

**1.34.62. Water Industry Act 1991:** To act in matters arising under the Water Industry Act 1991 and exercise the powers of the Council with regard to wholesomeness or sufficiency of public and private water supplies.

**1.34.63. Control of Dogs:** To act for the purpose of Section 149 of the Environmental Protection Act 1990, and to submit to tender the duties and functions of the appointed officer and other responsibilities including those in the Dangerous Dogs Act 1991 and any services that may be provided by contractors under the Clean Neighbourhoods and Environment Act 2005.

1.34.64. **Waste functions:** To consider and approve on their merit individual recycling credit applications from commercial organisations.

1.34.65. Authority to submit tenders, appoint staff and acquire plant and equipment to undertake contracts awarded.

1.34.66. To operate refuse and recycling collection in accordance with contract requirements and to vary refuse and recycling collection schedules for bank holidays and other operational reasons.

1.34.67. To progress the Devon Integrated Waste Strategy.

1.34.68. To make decisions in relation to the Council's waste management in consultation with the elected Member representatives of the Recycling and Waste Partnership Board :

- a) The contractual agreement/arrangement with the preferred supplier;
- b) The selection of any options for securing further efficiency savings in the new contract;
- c) Establishing detailed arrangements for achieving the full delivery of the Waste Strategy over the life of the contact;
- d) Any Partnership arrangements with the preferred contractor.

1.34.69. **Streetscene functions:** To carry out street cleansing in accordance with adopted standards (currently the Code of Practice for Litter and Refuse).

1.34.70. To manage and maintain the Streetscene including public conveniences, cemeteries, street furniture and fixtures.

1.34.71. To undertake grounds maintenance and the management of the Council's parks and gardens, beaches and open spaces.

1.34.72. To commission and appoint consultants and contractors to undertake works on Council assets / land.

1.34.73. To undertake engineering projects on public assets.

1.34.74. To undertake flood prevention and coastal defence works.

1.34.75. To implement emergency responses and recovery operations in accordance with the Emergency Plan.

1.34.76. Authority to serve Notices for the removal of abandoned vehicles or boats, to remove derelict vehicles or boats abandoned in the open air and to dispose of derelict vehicles or boats.

1.34.77. Power:

- a) to remove any boats or winches habitually obstructing the three metre wide boat access corridor across the beach at Port Royal, Sidmouth, and
- b) to recover the associated costs (including those of transport and storage) from the owner.

1.34.78. Authority to exercise powers relating to the removal of things so deposited on highways as to be a nuisance.

1.34.79. **Coastal protection:** The granting of consent, levying of charges and taking of enforcement action under the Coastal Protection Act 1949.

**1.34.80. Private Sector Housing:**

1.34.81. With the agreement of the ~~Chief Executive or~~ Director of Governance ~~and Licensing~~ authority to institute legal proceedings in all cases where landlords of houses in multiple occupation or private rented housing fail to comply with the statutory notices within the time specified in the notice.

1.34.82. To undertake enforcement of housing standards and exercise the powers of a Housing authority.

1.34.83. To serve improvement notices (and suspended improvement notices), prohibition orders (and suspended and emergency prohibition orders), hazard awareness notices and to take emergency remedial action under Housing Act 2004.

1.34.84. To make demolition orders (s.265 Housing Act 1985) and clearance areas (s.289 Housing Act 1985).

1.34.85. In consultation with the Director of Governance ~~and Licensing~~ authority to institute legal proceedings in cases where owners or occupiers fail to comply with statutory notices within the time specified in the notice.

1.34.86. In consultation with the Director of Governance ~~and Licensing~~ the authority to exercise the powers in relation to banning orders under the Housing and Planning Act 2016 including applying for a banning order, instituting legal proceedings in cases where there has been a breach of a banning order and updating any database of rogue landlords and property agents.

1.34.87. In consultation with the Director of Governance ~~and Licensing~~ authority to impose and enforce financial penalties as an alternative to prosecution under Housing Act 2004 and Housing and Planning Act 2016.

1.34.88. The authority to exercise the powers in relation to rent repayment orders under the Housing and Planning Act 2016 70. To institute the undertaking of works in default in appropriate circumstances.

1.34.89. To grant, refuse, vary, revoke licences for Houses in Multiple Occupation (HMO) subject to mandatory licensing as appropriate; to add licence conditions (in line with statutory guidance) and to serve Temporary Exemption Notices. To serve/revoke HMO declarations.

1.34.90. To determine applications for disabled facilities and other home improvement grants and administer or cause to be administered any loan or other scheme set out within the policy agreed by the Council and to authorise interim and final payments of approved grants.

1.34.91. To make applications to the Residential Property Tribunal for rent repayment orders.

1.34.92. To make/vary/revoke interim (special interim) and final management orders.

1.34.93. To serve/vary/revoke overcrowding notice if having regard to the rooms available, an excessive number of persons as being/likely to be accommodated in a property.

1.34.94. To take action to bring empty homes back into use including make interim and final empty dwelling management orders.

1.34.95. Authority to service notice under Section 76 of the Building Act 1984 where any premises are in such a state as to be prejudicial to health or a nuisance and there

would be unreasonable delay if the procedure prescribed by Sections 93-96 of the Public Health Act 1936 was followed.

- 1.34.96. Authority to determine Closing Orders or cancel Demolition Orders on completion of satisfactory remedial work.
- 1.34.97. Authority to commission Home Improvement **Agency** services.
- 1.34.98. To organise and implement arrangements for the sampling and risk assessment of private water supplies, including charging and taking enforcement action where water quality presents a risk to health.
- 1.34.99. To enforce the redress schemes for lettings agency work and property management work.

**The following relate to Countryside functions and are also exercisable by Assistant Director Countryside **Environment and Ecology**:**

- 1.34.100. To manage local and community nature reserves in accordance with the adopted management plans.
- 1.34.101. To set charges for visitors events and the marketing and promotion of activities on nature reserves.
- 1.34.102. To organise and run events and activities to protect habitat and encourage learning about the importance of the natural environment.
- 1.34.103. To appoint and supervise volunteers to support the work on nature reserves.
- 1.34.104. To lead for the Council on matters affecting the Areas of Outstanding Natural Beauty.
- 1.34.105. To act as client officer for LED and monitor performance.
- 1.34.106. To lead on arts development and culture. **Move to Director of Governance**
- 1.34.107. To agree operational matters in respect of theatres and galleries (including bookings and programmes) provided within budget or where income to the Council is increased. **Move to Director of Governance**
- 1.34.108. Production of **AONB** Natural Landscapes Management Plans under the Countryside and Rights of Way Act 2000.
- 1.34.109. To take action to conserve and enhance the natural beauty of **an a Natural Landscape AONB** under the National Parks and Access to the Countryside Act 1949.
- 1.34.110. Exercise powers and duties for the protection of wildlife under the Wildlife and Countryside Act 1981.
- 1.34.111. To appoint wardens and manage public access to Local Nature Reserves and run education and information programmes under the National Parks and Access to the Countryside Act 1949 and Wildlife and Countryside Act 1981.
- 1.34.112. Carry out works to a Local Nature Reserve.

- 1.34.113. Entering into management or access agreements over land under the National Parks and Access to the Countryside Act 1949 and Wildlife and Countryside Act 1981.
- 1.34.114. Tree Preservation Orders:** Authority for the making of provisional Tree Preservation Orders.
- 1.34.115. In consultation with the Assistant Director Planning **Strategy and Development Management** authority for confirming/non-confirming, modifying, varying or revoking Tree Preservation Orders where there is no objection within 28 days of the relevant notification being given.
- 1.34.116. In consultation with the Assistant Director Planning **Strategy and Development Management** the authority to non-confirm Tree Preservation Orders where there is an objection within 28 day of the relevant notification being given.
- 1.34.117. In consultation with the Assistant Director Planning **Strategy and Development Management** and the Chair/Vice Chair of the Planning Committee authority for confirming, modifying, varying or revoking Tree Preservation Orders where there is an objection within 28 day of the relevant notification being given.
- 1.34.118. To enter, survey, examine and inspect premises and land for the purpose of determining whether any powers should be exercised or statutory notices served, ascertain whether an offence has been committed and the taking of samples from any tree or hedgerow or samples of soil and issue authorisations in writing to officers of the Authority for these purposes as a consequence of the following legislation (as amended); Chapter 1 of Part VIII of the Town and Country Planning Act 1990 Hedgerow Regulations 1997.
- 1.34.119. Representation:** To object on behalf of the Authority to the granting of any licence, registration or consent, or to a variation of a licence, registration or consent already granted, when it is considered appropriate to make such a representation.
- 1.34.120. To make representations to any Government Department, the Office of Fair Trading or any other body which has a power to prohibit or restrict any trading activity with a view to such powers being exercised when it is considered appropriate to make such a representation.
- 1.34.121. To issue export certificates.
- 1.34.122. Legal Proceedings:** To appear on behalf of the Authority in proceedings including making application for a warrant and for an Order for the forfeiture of any goods or documents.
- 1.34.123. Climate change:** To undertake periodic carbon footprinting exercises to inform the Climate Strategy and Action Plan and to implement those actions and projects approved by Cabinet or to carry out such actions which are necessary to help inform Cabinet and / or Council decision taking. **Move to Director of Governance**

**The following relate to Housing and are also exercisable by the Assistant Directors for Strategic Housing, Regulated Housing and Housing Development**

- 1.34.124. To assume responsibility for the Council's Housing Strategy and enabling role.
- 1.34.125. To prepare housing strategies and policies for adoption and oversee implementation.

- 1.34.126. To maintain an up to date Housing Revenue Account Business Plan and ensure that housing finances are adequate to operate the landlord activities.
- 1.34.127. To comply with the requirements of the **Regulator of Social Housing** ~~Housing Regulator (currently the Homes and Communities Agency)~~.
- 1.34.128. To negotiate and advise on affordable housing provision in respect of planning applications.
- 1.34.129. To initiate and work up development schemes for Council homes for approval.
- 1.34.130. To organise and discharge the Council's housing advice and housing options activities.
- 1.34.131. To discharge the Council's homeless duties under Part VII of the Housing Act 1996.
- 1.34.132. To determine homeless applications and homeless reviews under Part VII of the Housing Act 1996.
- 1.34.133. To allocate housing in accordance with the Council's policies and procedures under Part VI of the Housing Act 1996.
- 1.34.134. Hearing appeals by individuals against initial bandings/priorities allocated under the Choice Based Lettings Scheme.
- 1.34.135. To determine the medical and social priority for housing applications.
- 1.34.136. Approval of an applicant's need for a move to a particular locality under the Choice Based Lettings Scheme.
- 1.34.137. Any exceptional or unforeseen housing issues requiring a decision which fall outside the Council's adopted allocation criteria.
- 1.34.138. Agreeing changes to Devon Home Choice and monitoring of the Choice Based Lettings Scheme.
- 1.34.139. To carry out statutory reviews of decisions to refuse an application to be put on the Housing Register.
- 1.34.140. To determine additional preference groups and allocation priorities under the Housing Act 1996.
- 1.34.141. To approve transfers within Council housing (mutual exchanges) and nominations to Registered Social Landlords.
- 1.34.142. To discharge the Council's functions in connection with the Right to Buy under the provisions of Part V of the Housing Act 1985 with the exception of section 157 consents.
- 1.34.143. Authority to deny the Right to Buy in respect of those elderly persons dwellings meeting the requirements of the Housing Act 1985.
- 1.34.144. To discharge the Council's housing management functions under Part II of the Housing Act 1985. 44. To approve applications for the Cash Incentive, Tenant Improvement, Community Initiatives, Rent Deposit and Shared Ownership Schemes.

- 1.34.145. To issue introductory, secure, flexible and non-secure tenancy agreements and take action where tenants fail to adhere to the tenancy conditions, including demoting tenancies.
- 1.34.146. Planning and implementing major, annual, cyclical and responsive maintenance programmes of work to Council homes within the approved budgets.
- 1.34.147. Authority to enter into contracts including the appointment, liaison and monitoring of contractors and consultants working on Council homes.
- 1.34.148. Authority to assist people unable to arrange maintenance of gardens on non-sheltered estates where the dwellings are occupied by disabled elderly and any special cases.
- 1.34.149. Authority to obtain land and property surrendered by tenants.
- 1.34.150. Authority to negotiate Housing Revenue Account property disposals (including shared ownership properties where the lease provides for the leaseholder to purchase the freehold of the property during the lease term).
- 1.34.151. Authority to approve a licence/lease/easement/wayleave of Housing Land subject to terms and conditions to be agreed.
- 1.34.152. Authority to consent to use of a Community Centre, subject to terms to be agreed.
- 1.34.153. Authority to initiate action for breach of tenancy conditions, including rent arrears and estate management issues.
- 1.34.154. In connection with the Access to Personal Files Act 1987, to supply such information and take such action as necessary to comply with the relevant Housing Regulations.
- 1.34.155. To ensure that tenants are appropriately involved in decisions which impact on the management and maintenance of their homes.
- 1.34.156. To let bungalows to persons of below pensionable age when difficulties arise in finding a suitable tenant[s].
- 1.34.157. The signing of tenancy Agreements on behalf of the Council including the letting of garages, gardens and hard standings.
- 1.34.158. The assessment of Rent following modernisation and conversion or in respect of newly acquired or constructed dwellings within the policy approved by the Council.
- 1.34.159. Implementation of rent increases for homes, gardens and garages.
- 1.34.160. Approval of alterations to buildings, erection of sheds, greenhouses, installation of telephones, satellite antennae, aerials and hard standings.
- 1.34.161. To determine applications in connection with the installation of Home Safeguard equipment and setting of charges for equipment hire, purchase and monitoring.
- 1.34.162. To determine transfer applications by tenants on management grounds.
- 1.34.163. To set charges for community centres, garden maintenance and other housing related services where permitted by law and where not already covered by a specific service charge.

- 1.34.164. To set statutory service charges under the Housing Acts.
- 1.34.165. In consultation with the Director of Governance ~~and Licensing~~ the authority to make offers to purchase land and property within approved budgets (such offers to be subject to contract).
- 1.34.166. In consultation with the Portfolio Holder for Sustainable Homes and Communities and the Chair of the Housing ~~Scrutiny Committee Review Board~~ the authority to purchase land and property for the Housing Revenue Account (including use of Right to Buy receipts) subject to the funds being from within approved budgets.
- 1.34.167. Authority to negotiate and agree a premium for the; a. variation or release of a restrictive covenant(s) benefitting (former) Council owned (housing) property, or b. variation or release of a restrictive covenant(s) burdening Council owned (housing) property, and where in either case any premium payable is £10,000 or less and in the case of (b) it is within the Policy Framework and Budget.
- 1.34.168. Authority (after consultation with the relevant Portfolio Holder) to negotiate and agree a premium for the; c. variation or extinguishment of a restrictive covenant(s) benefitting (former) Council owned (housing) property, or d. release of a restrictive covenant(s) burdening Council owned (housing) property, and where in either case any premium payable exceeds £10,000 but is £30,000 or less and in the case of (b) it is within the Policy Framework and Budget.
- 1.34.169. ~~Subject to agreement with the Director of Finance (S151 officer) and the Director of Governance (Monitoring Officer), to authorise the disposal of individual non contiguous Housing Revenue Account assets up to a maximum value of £500,000, in accordance with the adopted 'Acquisitions and Disposals Policy' and in consultation with the Portfolio Holder for Sustainable Homes and Communities.~~

**The following relate to Health**

- 1.34.170. To lead on health and wellbeing and public health issues / strategies for the Council.
- 1.34.171. To act as lead officer for safeguarding children and vulnerable adults.

**1.35. Powers delegated to the Assistant Director Place, Assets &   
~~Commercialisation-Leisure~~**

Authority to make listing and compensation decisions relating to the Community Right to Bid (asset register) provisions under the Localism Act 2011.

**1.36. Proper Officers.**

- 1.36.1. The following to act as Proper Officers for the following purposes:

**Local Government Act 1972**

Section No	Item	Proper Officer
13	Parish Trustee	Chief Executive

Section No	Item	Proper Officer
39	Registration of Electors	Chief Executive-Director of Governance
41	Returning Officer	Chief Executive Director of Governance
83	Declaration of Acceptance of Office - Officer before whom made and to whom delivered	Chief Executive, Monitoring Officer or Deputy Monitoring Officer
84	Receipt of Notice of Resignation of Member	Chief Executive
88(2)	Convening of meeting for Election of Chairman following casual vacancy in that office.	Chief Executive
96(1) and (2)	Receipt of general notice and recording of disclosures of financial interest	Chief Executive
Section 100B (2)	Exclusion from public inspection of the whole of any report or any part which the meeting is not likely to consider in public.	Senior Officer initiating the report
Section 100B (7) (c)	To decide whether any newspaper should be supplied with other documents supplied to Members of the Council.	Senior Officer having custody of the document
Section 100C(2)	Making a written summary of the proceedings or part thereof, to provide a reasonable, fair and coherent record without disclosing exempt information.	Chief Executive
Section 100D (1)(a)	Compilation of lists of background papers to reports	Initiating Senior Officer
Section 100D (5) (a)	Identification of background papers	Initiating Senior Officer
Section 100F (2)	Papers to be withheld from <del>Members</del> <del>Councillors</del> on account of the exempt information they contain	Chief Executive
115	Accountability of Officers	Director of Finance
146	Transfer of Securities	Director of Finance
191	Ordnance Survey Act	Chief Executive
210(6)	Charities	Chief Executive
212	Registrar of Local Land Charges	Chief Executive
214	Grant of Exclusive Rights of Burial	Chief Executive

<b>Section No</b>	<b>Item</b>	<b>Proper Officer</b>
223	Appearance of Local Authorities in Legal Proceedings	Chief Executive/ Director of Governance <b>and Licensing</b>
225	Deposit of documents	Chief Executive
229	Photographic copies of documents (certification)	Chief Executive
Schedule 6 Para(1)	Deputy to registration officer	<b>Assistant Director of Corporate Lead Legal and Governance and Licensing</b>
236(9) and (10) and 238	Bye-laws	Chief Executive
248	Roll of Freemen of Existing Boroughs	Chief Executive
Schedule 12 Para 4(1) Part 1	Summons to attend Principal Council Meetings	Chief Executive
Schedule 14 Para's 13 and 15	Action under the Public Health Acts	Consultant in Public Health Medicine
Schedule 14 Para 25(7)	Certificate of Resolutions	Chief Executive
Schedule 16 Para 26	Receipt of Deposit of Lists of protected buildings	Chief Executive
Schedule 22 Para 17	Notices etc. under the Housing Act, 1985	Director of Housing, Health <b>and Environment</b>

## Other Acts

Section No	Item	Proper Officer
(Misc. Provisions) Act 1976 S. 41 Local Government (Misc. Provisions) Act 1976	Signing of Certificates	Chief Executive (or a person authorised in that behalf by him)
S.20 Local Government (Misc. Provisions) Act 1976	Signing and service of Notices	Director of Housing and Health and Environment
S.47 National Assistance Act 1948	Persons in need of care and attention	Consultant in Public Health and Medicine (or an alternative medical Officer authorised by them him)
S19 Local Government (Misc. Provisions) Act 1982	Signing documents for registration of food hawkers	Director of Housing and Health and Environment
S.93 Public Health Act 1936	Sign Notices	Director of Housing and Health and Environment
S.1 Public Health (Recurring Nuisances) Act 1969	Sign Notices	Director of Housing and Health and Environment
SS.58, 60, 66 & 80 Control of Pollution Act 1974	Sign Notices	Director of Housing and Health and Environment
S.19(2) Health and Safety at Work Act 1974	Signing appointments and authorisation of 'Inspectors' and other persons	Director of Housing and Health and Environment
	Functions for which no other Officer has been designated as the proper officer.	Chief Executive

## Representation of the People Act 1983

Section No	Item	Proper Officer
Section 82(4)	Declaration as to election expenses	Chief Executive Director of Governance

## Local Government and Housing Act 1989

Section No	Item	Proper Officer
Section 2(2) and (3)	Officer with whom lists and revised lists of politically sensitive posts are to be deposited.	Chief Executive

Sections 15-17	All purposes under Part III of the Local Government (Committees and Political Groups) Regulations, 1990.	Chief Executive
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Local Authorities (Standing Orders) (England) Regulations 2001	<b>Proper Officer</b>
Appointment and Dismissal of Chief Officers	Chief Executive (or if it relates to the Chief Executive then the Monitoring Officer)

### **Localism Act 2011**

<b>Section No</b>	<b>Item</b>	<b>Proper Officer</b>
Part	Receiving complaints of breach of the Member Code of Conduct	Monitoring Officer



**Report to:** Council

**Date of Meeting** 10 December 2025

**Heading/TITLE:** Changes to the Constitution – Part 5 – Codes and Protocols – Councils Petition Scheme

**Cabinet Member(s):** Communications and Democracy (Councillor Sarah Jackson)

**Director/Assistant Director:** Governance (Melanie Wellman)

**Author and Directorate:** Andrew Melhuish (Democratic Services Manager – Governance Directorate)

**Contact Details** [andrew.melhuish@eastdevon.gov.uk](mailto:andrew.melhuish@eastdevon.gov.uk)

**Key decision No**

**If a Key Decision has it appeared on Forward Plan** N/A

**Document classification:** Part A Public Document

**Exemption applied:** None

#### **Report Summary and Recommendations/Decision**

The report includes an update on amendments to the Council's Constitution following a review of the Constitution by the Constitution Working Group.

In accordance with the Council's Constitution Full Council is responsible for the changes to the Constitution.

The Council's Petition Scheme (Part 5 Codes & Protocols) was considered by the Overview Committee, following their recommendations for the introduction of an online e-petition scheme and their comments were reviewed by the Working Group. The revised Petition Scheme is recommended to Council for approval.

#### **RECOMMENDATIONS:**

That the Council:

1. Approves Part 5 Codes and Protocols – Councils Petition Scheme, to be included in the Council's Constitution.
2. Delegates authority to the Monitoring Officer in consultation with the Portfolio Holder for Communications and Democracy to make any minor

## 1. **Background**

### **Updating of the Constitution**

- 1.1 The Constitution Working Group has been carrying out a phased review of key elements of the Constitution over a series of working group meetings.
- 1.2 The Constitution Working Group was set up in 2024 at Annual Council to review the Constitution. The Constitution Working Group is a cross-party membership consisting of:  
Councillor Sarah Jackson (Chair & PFH for Communications & Democracy), Councillors Paul Arnott, John Loudoun, Tim Dumper, Mike Goodman, Jenny Brown, Mike Howe, Peter Faithfull and Kim Bloxham and officer support is provided by the Monitoring Officer and Democratic Services Team.
- 1.3 Part 5 Codes and Protocols – Councils Petition Scheme sets out details of how the petitions scheme operates and now includes a new section to reflect the use of online e-petitions.
- 1.4 The e-petitions scheme will be implemented shortly, and is being hosted through the Council’s website using Mod.Gov (Issue Manager).
- 1.5 The Petition Scheme is set out at Appendix A.

## 2. **Reasons for Recommendations/Decision**

- 2.1 It is important that the Council’s Constitution is regularly reviewed to ensure that it remains fit for purpose and meets the Council’s requirements.
- 2.2 This report recommends the approval of Part 5 Codes & Protocols – Councils Petition Scheme.

## 3. **Options**

- 3.1 As this is a requirement of legislation and the Council’s Constitution no other options were considered.

## 4. **Relevance to Council Plan/priorities**

Set out how report links to the Council Plan/priorities:

- A supported and engaged community that has the right homes in the right places, with appropriate infrastructure.
- A sustainable environment that is moving towards carbon neutrality and which promotes ecological recovery.
- A vibrant and resilient economy that supports local business, provides local jobs and leads to a reduction in poverty and inequality.

- A well-managed, financially secure and continuously improving council that delivers quality services.

Having an up-to-date Constitution ensures the Council is able to support its Council Plan and priorities through the governance arrangements set out in the Constitution.

## **5. Financial Comments/Implications**

5.1 There are no financial implications arising from this report. The Petition Scheme is included in the current contract with our suppliers, Civica.

## **6. Legal Comments/Implications**

6.1 Under Section 9P of the Local Government Act 2000, the Council is required to prepare and keep up to date a Constitution containing the standing orders of the Council and such other information as is required or desirable.

## **7. Risk Implications**

7.1 It is important that the Council keeps its Constitution up to date to reflect best practice and any changes in legislation.

## **8. Equality Implications (Public Sector Equality Duty)**

8.1 No specific negative equalities implications have been identified with the proposals set out in the new Constitution. Decisions taken by the Council, in accordance with its Constitution, will consider equalities implications and have due regards to its legal duties under the Equality Act 2010. The arrangements for committee meetings will take full consideration of equalities and public accessibility requirements. An Equalities Impact Assessment is not considered necessary for this decision as there are no direct impacts.

## **9. HR and Workforce Implications**

9.1 There are no HR and Workforce implications arising from the recommendations in the report.

## **10.2 Community Safety Implications (Crime and Disorder)**

10.1 There are no Community Safety Implications arising from the recommendations in this report.

## **11. Climate Change Implications**

11.1 There are no Climate Change implications arising from the recommendations in this report.

## **12. Health & Safety and Health & Wellbeing Implications**

- 12.1 There are no public health, health and safety or health and wellbeing implications arising from the recommendations in this report.
- 12.2 There are no safeguarding issues that may arise from the recommendations in the report.

### **13. Procurement and Social Value implications**

- 13.1 There are no procurement and social value implications arising from the recommendations in this report.

### **14. Land and Buildings (non-housing)/Asset Management Implications**

- 14.1 There are no land and buildings/asset management implications arising from the recommendations in this report.

### **15. Overview and Scrutiny Committees Comments/Recommendations**

- 15.1 N/A.

### **16. Digital and Data**

- 16.1 N/A

### **17. Consultation and Engagement**

- 17.1 Consultation on the proposals from the Constitution Working Group has been undertaken with the Overview Committee.

### **18. Communications**

- 18.1 Subject to approval by full Council the Council's website will be updated.

### **19. Next Steps**

- 19.1 To update the Council's website to reflect the recommendations arising from this report.

### **20. Appendices**

Appendix 1 – Part 5 Codes and Protocols – Councils Petition Scheme.

### **21. Background Papers**

- 21.1 None.

## Part 5 Codes and Protocols

### 5.5 Council's petition scheme

#### 1. Introduction

1.1 This Council believes it acts in the best interests of the people who live in the area and is responsive to their concerns. However sometimes there are issues that you believe the Council should address and there are a number of ways by which you can be heard. You can raise matters at any of our meetings, you can contact your elected district councillor and ask that they raise a matter on your behalf or you can contact any relevant officer direct. You can also raise matters by way of a petition. This Council welcomes petitions as it recognises that they are another way in which people can let us know their concerns.

1.2 There are several types of petitions (see 3 below for a description of each type) depending on the number of signatures. This scheme sets out how the Council will respond to petitions.

#### 2. What can petitions cover?

2.1 You can submit a petition on the following issues:

- Issues which relate to the Council and/or the services it provides to local people
- Matters which affect local people or local communities in East Devon. ~~more than the general public nationally~~

#### 3. What are the different types of petitions?

3.1 **'Ordinary' petitions:** Petitions containing at least 25 signatures. The petition organiser can present their petition to a meeting of the Council (that is a meeting to which the Chair and all Councillors are invited) who will, without discussion, refer the petition to the relevant decision-maker (this could be an officer of the Council or one of the Council's committees) OR the petition organiser (with two other people who signed the petition) can meet with the relevant decision-maker direct to present their petition.

3.2 **Petitions for Council debate:** Petitions containing at least 1500 signatures will be debated (or discussed) at a subsequent meeting of the Council.

3.3 **Petitions calling for Council employees to give evidence at any meeting of the Overview and Scrutiny Committees:** Petitions containing at least 750 signatures can call for a Senior Officer to give evidence at a public meeting of any of the Overview and Scrutiny Committees.

#### 4. Who can organise and sign a petition?

4.1 Anyone who lives, works or studies in East Devon, including under 18's, can sign or organise a petition.

#### 5. What must a petition include?

5.1 Petitions **must** include all of the following:

5.1.1 at least 25 signatories;

5.1.2 a clear and concise statement covering the subject of the petition and which petition type it is (*refer to section 3 above*). It should state what action the petitioners wish the Council to take;

5.1.3 where it is a physical petition the subject matter of the petition on each page;

- 5.1.4 Sufficient information to be able identify that the organiser and / or any signatories live, work or study in East Devon;
- 5.1.5 Physical or verified virtual signature of any person supporting the petition; and
- 5.1.6 contact details, including a phone number and address, for the petition organiser – this will be the person who we will contact to explain how we will respond to the petition.

#### **NEW SECTION – E-Petitions**

- 5.2 The Council will accept electronic petitions provided the above requirements are met. The Council has an online electronic petition which can be completed. We welcome e-petitions, which collect signatures online. An e-petition can be created and submitted through our [LINK TO electronic petition](#).
- 5.3 E-petitions must follow the same [guidelines](#) as paper petitions. The petition organiser will need to provide the council with their name, postal address and email address. The petition organiser will also need to decide how long the petition will be open for signatures. This may range from a few weeks to a maximum of 12 months.
- 5.4 After creation of an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.
- 5.5 If we feel we cannot publish the petition for some reason, we will contact the petition organiser within this time to explain. The petition organiser will be able to change and resubmit the petition if they wish. If this is not done within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.
- 5.6 When an e-petition has closed for signature, it will automatically be submitted to the Democratic Services Manager. In the same way as a paper petition and an acknowledgement will be received within 14 days. If the petition organiser would like to present the e-petition to a meeting of the Council [they should contact us](#) within five days of the petition closing.
- 5.7 A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The response will also be published on our website.
- 5.8 The Council may also ask for such additional information as it may require in order to confirm that the petition complies with the requirements of this scheme.
- 5.9 The Council's Monitoring Officer may decline to accept;
- 5.9.1 any petition where in [his](#) [their](#) opinion the petition does not satisfy any of the above,
- 5.9.2 any signatory where insufficient information has been provided to demonstrate that the person lives, works or studies in East Devon. This process may determine that the petition is determined to be a different type of petition than the basis upon which it was submitted.
- 5.10 A template to help you organise a written petition is provided at the end of this document.

#### **6. Are there petitions which the Council will not accept?**

- 6.1 The vast majority of petitions will be accepted provided they meet with the requirements of 5.1 above. However, there are certain circumstances when petitions will not be accepted by the Council's Monitoring Officer, including:

- 6.1.1 Petitions considered to be vexatious, abusive or otherwise inappropriate (such as for political campaigning). We will explain the reasons in our acknowledgement of receipt of the petition.
- 6.1.2 Petitions which are identical or very similar to a petition that has already been presented to the Council in the past 12 months.
- 6.1.3 The period immediately before an election or referendum we may need to deal with the petition differently – if this is the case we will explain the reasons and give the petition organiser revised timescales which will apply.
- 6.1.4 Petitions which relate to planning or licensing application, or is a statutory petition (such as requesting a referendum on whether the Council should continue to have an elected mayor), or is a matter where there is already an existing right of appeal such as council tax banding and non-domestic rates. We will advise the petition organiser what will happen to petitions under this category.
- 6.1.5 Petitions which relate to a subject where consultation by the Council is currently being undertaken or is due to be undertaken in the next six months. We will ensure the petition is included as part of the consultation and contact the petition organiser to give them details of the consultation.
- 6.1.6 Where the identities of a sufficient number of the signatories to the petition cannot be verified.
- 6.1.7 Petitions which relate to a subject or service that is provided by another authority or organisation i.e. Devon County Council.

## **7. How to submit a petition**

- 7.1 Petitions can be sent or emailed to: Democratic Services Manager East Devon District Council Blackdown House Heathpark Industrial Estate Border Road Honiton Devon EX14 1EJ  
[show1@eastdevon.gov.uk](mailto:show1@eastdevon.gov.uk) [democraticservices@eastdevon.gov.uk](mailto:democraticservices@eastdevon.gov.uk)
- 7.2 Alternatively, you can give your petition to your local councillor who will deliver it on your behalf.
- 7.3 Alternatively a petition can be presented by you at a Council meeting. If you wish for your petition to be presented to a meeting of the Council you have the option of speaking at that meeting. You can speak in support of your petition for up to five minutes. To register to speak you must inform the Democratic Services (by telephone 01395 517541 or e-mailing [show1@eastdevon.gov.uk](mailto:show1@eastdevon.gov.uk) [democraticservices@eastdevon.gov.uk](mailto:democraticservices@eastdevon.gov.uk)) by 4.00 p.m. the day before the Council meeting.
- 7.4 At the meeting the Chair will invite you to speak. When you make your speech you can only refer to matters relevant to the petition and must:
  - (a) not use discriminatory or offensive language;
  - (b) not make any party political statements;
  - (c) not use personal abuse; and
  - (d) treat others with courtesy and with respect.If the Chair considers that you have broken any of these requirements, appropriate action may be taken, (including preventing you from speaking further).

## **8. What will the Council do when it receives my petition?**

- 8.1 All petitions sent or presented to the Council will receive an acknowledgement within 10 working days of receipt. The acknowledgement will be sent to the petition organiser and

will explain what we plan to do with the petition and when you can expect to hear from us again. Details of your petition will be provided to the Chair of the Council, the political party group leaders, the Monitoring Officer and the Chief Executive so they are informed of the details of the petition.

8.2 If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council meeting debate, or a Senior Officer giving evidence, then the acknowledgement will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

8.3 If you submit an 'ordinary' petition (see 3.1 above) the Democratic Services Manager will contact the petition organiser and inform them which body/decision-maker will respond to the petition and invite them to choose whether they wish to make a presentation at a Council meeting or for the petition to be referred direct to the body/decision-maker concerned. However, if the subject of the petition is due to be considered by the decision-maker before the next meeting of the Council it will be referred to the decision-maker direct and you will not, therefore, have the opportunity to present your petition at a Council meeting. If you choose to submit your petition directly to the decision-maker you will be informed who makes the decision and who will be contacting you to make arrangements for you to meet with the decision-maker.

## **9. How will the Council respond to petitions?**

9.1 Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- Taking the action requested in the petition.
- Considering the petition at a Council meeting (where the subject of the petition does not fall within the remit of an appropriate body or person).
- Holding an inquiry into the matter.
- Undertaking research into the matter.
- Holding a public meeting.
- Holding a consultation.
- Holding a meeting with the petitioners.
- Referring the petition for consideration by one of the Council's Overview and Scrutiny Committees\*.
- Calling a referendum
- Writing to the petition organiser setting out our views about the request in the petition.

\*The Overview and Scrutiny Committees are responsible for scrutinising the work of the Council – in other words, the Councillors on these Committees have the power to hold the Council's decision-makers to account.

Report to: Council

Date of Meeting 10 December 2025

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



## Report and Recommendations from the Independent Remuneration Panel – November 2025

### Report summary:

This report outlines the recommendations from the Independent Remuneration Panel following recommendations from Council on 15 July 2025 to consider a Special Responsibility Allowance for the Vice Chair of Strategic Planning Committee and that the Scheme of Allowances is updated to reflect the range of railcards available and adopts the same approach for council and parish members as that applied to employees, for Family Friendly Policies (incorporating maternity, paternity, shared parental and adoption leave) and to include reference to these policies in the Councillor Scheme of Allowances for East Devon District Council. In relation to railcards the Panel supported that reference should be made to the range of rail cards available.

The Independent Remuneration Panel met on 25 November and their report and recommendation relating to the SRA to the Vice Chair of Strategic Planning is set out in Appendix 1.

The Panel agreed that the Scheme of Allowances should be updated to include the matters agreed by the Council at its meeting in July 2025 with regard to compassionate leave and age-related rail cards.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

1. That Council approve that the Vice Chair of the Strategic Planning Committee SRA is paid at 50% of the Licensing and Enforcement Committee Chairs allowance (£1,810.42). To be backdated to 1 June 2025.
2. That Council agree to give delegated authority to the Monitoring Officer to make minor changes to the Scheme of Delegation to reflect the range of railcards available and adopts the same approach for council and parish members as that applied to employees, for Family Friendly Policies (incorporating maternity, paternity, shared parental and adoption leave).

### Reason for recommendation:

It is important that the Scheme of Allowances for Councillors is reviewed to ensure that it remains fit for purpose and reflects best practice.

Officer: Andrew Melhuish Democratic Services Manager email:  
[andrew.melhuish@eastdevon.gov.uk](mailto:andrew.melhuish@eastdevon.gov.uk)

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Portfolio(s) (check which apply):

- Environment Nature & Climate
- Environment Operations
- Council, Corporate Co-ordination & External Engagement
- Communications and Democracy
- Economy and Assets
- Finance
- Place, Infrastructure & Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

### **Equalities impact** Low Impact

Public authorities are required to have due regard to the aims of the Public Sector Equality Duty (Equality Act 2010) when making decisions and setting policies. While there are no specific equalities implications arising from this report, it is important that the allowances claimable are reviewed regularly.

### **Climate change** Low Impact

Whilst an impact assessment has not been undertaken, it is considered that there are no climate change implications associated with this report.

**Risk:** Low Risk; It is important that the Council maintains an Independent Remuneration Panel to provide impartial and independent advice regarding the Members' Allowance Scheme.

**Links to background information** None.

### **Link to Council Plan**

Priorities (check which apply)

- A supported and engaged community
- Carbon neutrality and ecological recovery
- Resilient economy that supports local business
- Financially secure and improving quality of services

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### **Report in full**

The Local Authorities (Members' Allowances) (England) Regulations 2003 require the district council to establish and maintain an Independent Remuneration Panel, and to have regard to the recommendations of the panel before making or amending the Members' Allowance Scheme.

The Panels report which is appended to this report sets out in full their consideration of the request from Council on 15 July 2025.

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### **Financial implications:**

The allowance to the Vice Chair of Strategic Planning Committee has been included in the Special Duties allowance in the Democratic Services budget for 2025/2026.

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### **Legal implications:**

In accordance with the Local Government Act 2003 and the Local Authorities (Members' Allowances) (England) Regulations 2003, the Council is required to appoint an Independent

Remuneration Panel (IRP) to report and make recommendations on Members Allowances and this appointment supports this.

## **Independent Remuneration Panel**

### **Request for Special Responsibility Allowance (SRA)**

#### **Vice Chair, Strategic Planning Committee**

#### **Background**

- 1 The Strategic Planning Committee holds a central role in overseeing the development and implementation of the Council's planning policy framework, including the preparation and delivery of the Local Plan and other key documents. The Committee's remit now encompasses a wider range of strategic planning functions, including infrastructure delivery planning, housing land allocations, and responses to changes in the national planning framework. The scale and complexity of these matters has placed greater demands on the Chair and, increasingly, on the Vice-Chair, who is required to provide active support and leadership to ensure the efficient discharge of the Committee's responsibilities. This is a highly technical, resource-intensive, and time-critical process that has placed a significant additional workload on both Members and Officers, particularly those in leadership roles within the Committee.
- 2 In practice, the Vice-Chair undertakes a substantial share of preparatory work, including reviewing extensive agenda papers, attending officer briefings, and leading member workshops or public consultation sessions. The role also requires regular deputising for the Chair, chairing meetings, and representing the Committee in cross-committee and external liaison where planning, housing, and infrastructure issues intersect. These activities go beyond what might reasonably be expected of an ordinary committee member or a purely ceremonial deputy.
- 3 The Panel considered comparative evidence from other authorities, including North Yorkshire, Somerset, Westminster, Havering, Lewisham, South Tyneside and Cheshire East. Many other councils have planning bodies called "Planning Committee", "Development Management Committee", "Strategic Planning Committee", or different area planning committees. where Vice-Chairs of Strategic Planning or equivalent committees receive a Special Responsibility Allowance in recognition of similar workload demands.

#### **Current Position**

- 4 At present, no Special Responsibility Allowance (SRA) is paid to the Vice Chair of the Strategic Planning Committee. However, the level of activity, complexity, and public interest associated with the Local Plan process has resulted in the Vice Chair undertaking responsibilities well beyond those of an ordinary committee member. These include:
  - Supporting the Chair in managing an increased schedule of meetings, workshops, and briefings;
  - Deputising for the Chair as required, ensuring continuity of leadership;
  - Contributing to agenda planning and policy discussions with Officers and external stakeholders;

- Representing the Committee in member briefings, site visits, and public engagement activities.

## **Rationale for Award**

- 5 The enhanced workload and leadership role of the Vice Chair warrant formal recognition through a Special Responsibility Allowance. This position now requires significant time commitment, subject-matter expertise, and active engagement in strategic decision-making processes that directly influence the Council's planning and growth agenda.
- 6 There is also a clear precedent within the Council's allowance structure: the Vice Chair of the Licensing and Enforcement Committee currently receives an SRA equivalent to 50% of the Chair's allowance, in recognition of comparable responsibilities in a regulatory and high-demand area. Applying the same principle to the Strategic Planning Committee would ensure consistency, fairness, and alignment with existing practice.

## **Recommendation**

- 7 That the Independent Remuneration Panel recommends the allocation of a Special Responsibility Allowance to the Vice Chair of the Strategic Planning Committee, in line with that set for the Vice Chair of Licensing and Enforcement, set at 50% of the Chair's SRA (£1,810.42), in recognition of the increased workload and the leadership contribution required, particularly during the preparation of the Local Plan and that the SRA is backdated to 1 June 2025.

Report to: Council

Date of Meeting: 10 December 2025

Document classification: Part A Public Document



## Broadband in East Devon

### Report summary:

Following a Council motion in February 2025, East Devon District Council ran a Rural Broadband Survey to gather evidence of poor connectivity across the district. The survey revealed widespread dissatisfaction with broadband speed, reliability, and infrastructure, particularly among the most rural businesses and communities. These findings will inform a letter to be written to the Telecoms Minister and East Devon's MPs, to reiterate the serious impacts of broadband 'not-spots' in the district.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

That Council:

1. Acknowledge the results of the Rural Broadband Survey.
2. Request the Portfolio Holder for Assets and Economy write to the Minister for Telecoms and East Devon's Members of Parliament to reiterate the serious impacts of broadband 'not-spots' in the district, factoring in members' feedback on the Survey.
3. Request the Leader to invite other local authorities, public and industry bodies in Devon to a joint initiative exploring how superfast fibre rollouts can be further accelerated.
4. Request the Leader write to the Leader at Devon County Council, Cabinet Member for Rural Affairs, and the Programme Director of Connecting Devon & Somerset, inviting them to offer an urgent briefing to this Council regarding efforts to bring superfast broadband to all our residents.

### Reason for recommendation:

By presenting the results of the Rural Broadband Survey 2025 back to Council, members have an opportunity to reflect on its findings and help feed into the Portfolio Holder's letter to the Telecoms Minister and East Devon's MPs.

Officer: Tom Winters, Economic Development Manager [tom.winters@eastdevon.gov.uk](mailto:tom.winters@eastdevon.gov.uk)

### Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities

Culture, Leisure, Sport and Tourism

## **Equalities impact** Low Impact

## **Climate change** Low Impact

**Risk:** Low Risk; There are no immediate risks associated with the report, nor the process or outcomes of the survey.

**Links to background information** [Agenda for Council Wednesday, 26th February, 2025](#)

## **Link to Council Plan**

Priorities (check which apply)

- A supported and engaged community
- Carbon neutrality and ecological recovery
- Resilient economy that supports local business
- Financially secure and improving quality of services

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## **Report**

### **Background and Purpose**

1.1 On 26 February 2025, East Devon District Council passed a motion (proposed by Cllr Richard Jefferies and seconded by Cllr Paul Hayward) in response to widespread concerns about poor broadband connectivity across the district.

1.2 The motion highlighted the critical role of broadband in enabling access to essential services, supporting wellbeing, and driving rural economic growth. It also expressed disappointment over the failure of delivery schemes—particularly the decision by Devon County Council to release Airband from its contractual obligations, leaving over half of promised connections unfulfilled.

1.3 As a result, the Council requested the Portfolio Holder for Economy and Assets to:

- Canvass evidence from town and parish councils and rural businesses.
- Engage national government and MPs to advocate for action on broadband ‘not-spots’.

1.4 This led to the commissioning of the Rural Broadband Survey, designed to gather direct feedback from affected communities and inform future policy and advocacy.

### **Survey Scope and Participation**

1.5 The survey ran from 15 May to 6 June 2025, receiving:

- 62 responses from councils and representative organisations
- 48 responses from rural businesses

### **Key Findings**

1.6 The key findings of the survey are as follows:

- a) **Connectivity Issues:** Respondents reported extremely slow speeds (often <2 Mbps), frequent outages, poor mobile coverage, and lack of fibre infrastructure.
- b) **Broken Promises:** Many cited cancelled contracts (e.g. Airband, Gigaclear) and failed delivery by Connecting Devon & Somerset (CDS).
- c) **Economic and Social Impact:** Poor broadband is harming business viability, limiting remote work, reducing property values, increasing rural isolation and blocking growth.

d) Demand for Action: There is strong support for full fibre rollout, improved oversight of delivery programmes, and government-backed investment.

## **Next Steps**

1.7 Following the results of the survey, the Portfolio Holder for Assets and Economy will write to the Minister for Telecoms and East Devon's Members of Parliament to reiterate the serious impacts of broadband 'not-spots' in the district.

1.8 The letter will urge government to provide a clear plan of action, including reforms to delivery programmes, increased accountability for contractors, and a renewed commitment to delivering full fibre infrastructure in rural areas. With rural digital exclusion continuing to hinder local growth and community sustainability, national intervention is urgently needed.

1.9 The results of the survey also enable further local action, based on the February 2025 Council motion. This would involve:

- Inviting other local authorities, public and industry bodies in Devon to a joint initiative exploring how superfast fibre rollouts can be further accelerated.
- Inviting Devon County Council and Connecting Devon & Somerset to offer an urgent briefing to this Council regarding efforts to bring superfast broadband to all our residents.

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## **Financial implications:**

There appears to be no direct financial implication from the recommendations in the report.

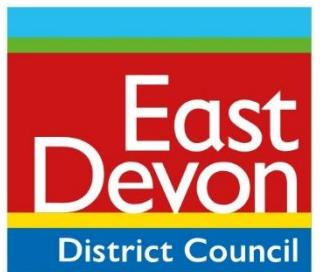
## **Legal implications:**

There are no substantive legal issues to be added to this report.

## **Appendix 1: Rural Broadband Consultation Summary Report**



Rural Broadband  
Consultation Summary



# Rural Broadband

## Consultation Summary Report

### Contents

1. Summary .....	1
2. Survey Goals and Methodology .....	2
3. Survey Process .....	2
4. Data Analysis .....	2
4.1 Analysis of responses to the questions submitted by town and parish councils, chambers of commerce, and other organisations representing businesses or residents....	2
4.2. Analysis of responses to questions submitted by businesses .....	6
5. Key Findings .....	11
6. Next Steps .....	12
Appendix 1: Responder Data .....	13

### 1. Summary

East Devon District Council ran the Rural Broadband Survey to better understand how poor broadband connectivity is affecting local communities, particularly rural businesses, town and parish councils, and organisations representing residents. This survey work followed on from a motion put to Council on 26 February 2025 requesting that the Portfolio Holder for Economy and Assets “write to all parish and town councils to canvass for evidence and experiences of poor connectivity in East Devon, and where feasible to seek the same from East Devon’s many rural businesses”.

Many stakeholders have raised ongoing concerns about slow speeds, unreliable service, and undelivered upgrade promises. The aim of this survey was to collect direct feedback on the social and economic impact of these issues. Findings from this survey will inform further action to address digital connectivity gaps across the district and support future advocacy with government and industry partners.

## 2. Survey Goals and Methodology

The goal of the survey was to gather clear evidence about the extent and consequences of broadband 'not-spots' in East Devon. Respondents were invited to share their personal and professional experiences, challenges faced due to poor connectivity, and any attempts they had made to resolve these issues. The survey was open to:

- Town and parish councils
- Rural businesses
- Organisations representing residents

The findings will help guide local policy decisions and support formal representations to central government, industry providers, and regional programmes such as Connecting Devon & Somerset.

## 3. Survey Process

The survey was created using an online platform and promoted through a multi-channel approach including:

- Direct emails to all town and parish councils
- Social media posts on the Council's platforms
- Outreach through business networks and stakeholder groups

The survey opened on the 15 of May at 5pm and closed on the 6 June at 5pm. After the closing date, responses were compiled and analysed to identify common patterns and key areas of concern. The feedback will support the Council's broader engagement strategy on rural digital infrastructure, including actions proposed by the Portfolio Holder for Economy and Assets and the Council Leader.

## 4. Data Analysis

The survey received 62 contributions from town and parish councils, chambers of commerce, and other organisations representing businesses or residents and 48 contributions from businesses. Appendix 1 shows a map of business responders by postcode and a list of those town and parish councils who responded.

### 4.1 Analysis of responses to the questions submitted by town and parish councils, chambers of commerce, and other organisations representing businesses or residents.

#### **From the businesses and/or residents you represent, what are the most common complaints or challenges raised about broadband connectivity in rural areas?**

A summary of the free text responses shows the key themes:

##### **1. Slow Speeds and Inconsistent Performance**

- Many areas experience extremely low broadband speeds, often below 2 Mbps.

- Performance is highly variable, with noticeable drops during peak times (e.g. evenings).
- Upload speeds are especially poor, affecting activities like video calls and cloud use.

## 2. Poor Reliability and Frequent Dropouts

- Broadband connections are often unstable, with regular outages or sudden dropouts.
- Some residents and businesses report being without service for several days at a time.
- This impacts daily life, work-from-home ability, and access to essential services.

## 3. Lack of Coverage and Infrastructure Gaps

- Significant 'not-spots' exist where fibre broadband is unavailable or limited.
- Some rural locations are entirely excluded from any current or planned upgrades.
- Mobile signals are poor or non-existent in many areas, leaving no backup option.

## 4. Broken Promises and Abandoned Schemes

- Widespread frustration over cancelled contracts (e.g. Airband, Gigaclear).
- Several communities report years of unmet upgrade promises by providers or Connecting Devon & Somerset (CDS).
- The digital divide between nearby connected and unconnected areas is stark and growing.

## 5. Cost and Inequality

- Households in rural areas pay premium prices for inferior service.
- Limited provider choice leads to monopolistic pricing or no affordable alternatives.
- Poor connectivity contributes to wider social and economic inequality, including reduced house prices, business impacts, and isolation for vulnerable residents.

**What initiatives or solutions have you seen (or would you recommend) to improve broadband services for rural communities? What can national or local government do to help?**

A summary of the free text responses shows the key themes:

### 1. Full Fibre Rollout and Infrastructure Investment

- Strong demand for **full fibre (FTTP)** connections to all rural properties and businesses.
- Many call for government-backed investment to complete unfinished or abandoned schemes.

- Widespread frustration with partial rollouts (e.g. poles or cabinets installed but not connected).

## 2. Accountability and Reform of Delivery Programmes

- Significant loss of confidence in **Connecting Devon & Somerset (CDS)** and contractors like Airband and Gigaclear.
- Respondents urge councils and government to **hold providers accountable** and improve oversight.
- Some suggest replacing failed schemes with a **coordinated, technology-neutral strategy** that combines fibre, mobile and satellite where appropriate.

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## 3. Support for Affordability and Accessibility

- **Subsidies or grants** are recommended to help households and not just businesses install broadband infrastructure.
- Cost concerns are widespread—residents want **fair pricing**, especially when receiving poor service.
- Suggestions include **price regulation** in monopoly areas and government-led service guarantees.

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## 4. Mobile and Backup Connectivity

- Many rural areas have **no reliable mobile signal**, leaving residents without any backup during outages.
- Suggested improvements include **better mobile coverage (e.g. 4G/5G masts)** and **battery backup** for broadband during power cuts, especially for vulnerable users.

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## 5. Legislative and Policy Action

- Calls for national government to **legislate high-speed broadband as a basic utility**, like electricity or water.
- Councils are urged to **prioritise digital infrastructure in planning** and engage directly with providers.
- Some propose **joint initiatives across Devon** to pool influence and resources—similar to the Devon Water Summit model.

**If broadband infrastructure were improved in rural areas, what potential economic, social or business opportunities do you foresee for those you represent?**

A summary of the free text responses shows the key themes:

## 1. Economic Growth and Business Resilience

- **More businesses could operate locally** (especially home-based or digital enterprises).
- **Improved online market access**, faster transactions, and efficient communications would boost productivity.
- Broadband upgrades would **help local shops, venues, and tourism businesses** stay competitive and take payments reliably.
- **House prices could increase** in line with better-connected areas, strengthening the local economy.

## 2. Increased Homeworking and Employment Opportunities

- Better broadband enables **more people to work from home**, supporting a wider range of employment options.
- Reduces the need for commuting, cutting costs and environmental impact.
- Opens up **job markets across regions**—especially relevant in remote or border parishes.

## 3. Reduced Rural Isolation and Improved Social Wellbeing

- Enhanced internet access helps **vulnerable residents stay connected** to services, friends and family.
- Broadband-enabled access to **telehealth, online education, and community support** helps reduce isolation.
- Supports mental health by enabling **everyday digital participation** (e.g. booking GP appointments, video calls).

## 4. Stronger Public Services and Community Facilities

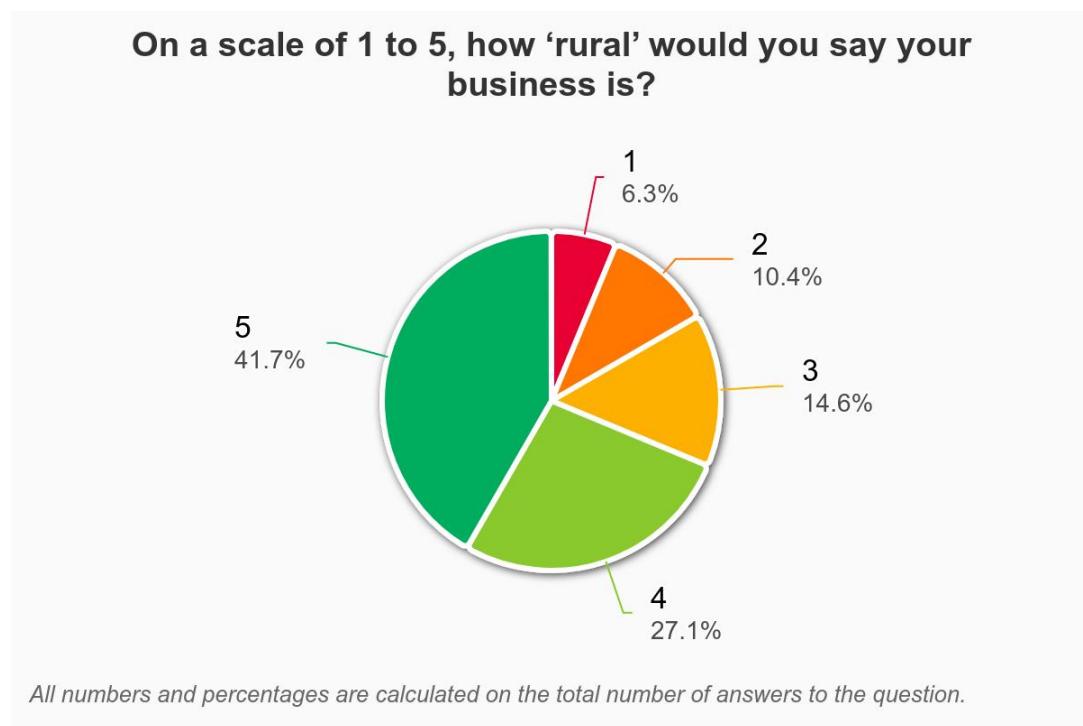
- Parish halls, schools, and community venues could **reliably host events, digital services, and video conferencing**.
- Card payments and Wi-Fi access in shared spaces would return or improve.
- Broadband is increasingly vital for **emergency communication systems and local service delivery**.

## 5. Greater Equality and Retention of Rural Populations

- Reliable broadband is seen as a **basic infrastructure need**, essential for inclusion in modern society.
- Improved service would **support younger people to remain in rural areas**, reducing population decline.
- Helps close the digital divide, ensuring rural residents aren't left behind in health, education, or business.

## 4.2. Analysis of responses to questions submitted by businesses

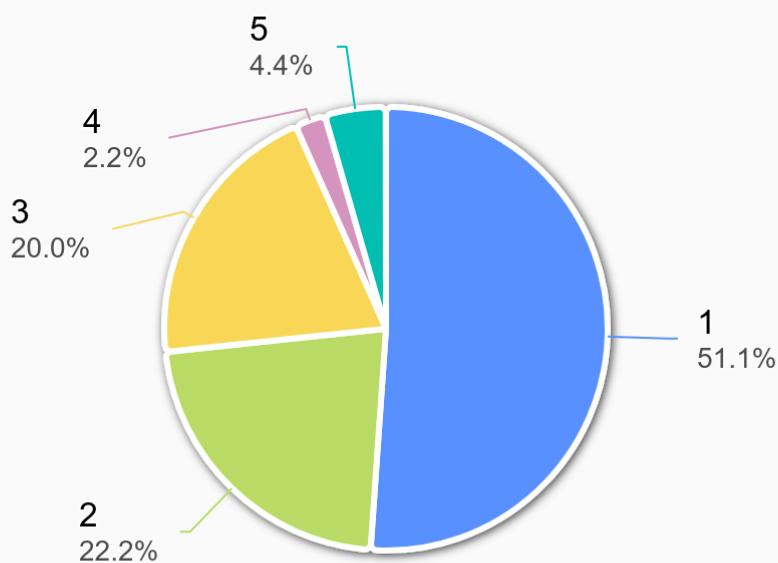
**On a scale of 1 to 5, how 'rural' would you say your business is?**



The majority of respondents consider their business to be located in a highly rural area, with 41.7% selecting the highest rating of 5 and a further 27.1% selecting 4. This means that nearly 70% of businesses that took part in the survey identified as being in very rural settings. A smaller proportion rated their business as moderately rural (14.6%), while only 10.4% selected 2 and just 6.3% selected 1, indicating a less rural environment. These results show that the consultation responses primarily reflect the experiences of businesses operating in rural and hard-to-reach locations, which is important context when considering the challenges they report with broadband connectivity.

**How would you rate broadband provision in your area on a scale of 1 to 5?**

## How would you rate broadband provision in your area on a scale of 1 to 5?



*All numbers and percentages are calculated on the total number of answers to the question.*

Over half of respondents (51.1%) rated broadband provision in their area as 1 out of 5, indicating very poor service, while another 22.2% rated it a 2, reflecting consistently slow or unreliable connections. Around 20% gave a neutral rating of 3, suggesting average performance—neither notably good nor bad. Only a small minority felt service was strong, with 2.2% selecting 4 and just 4.4% rating it 5. Overall, nearly three-quarters of respondents view their broadband provision as below average, underscoring the urgent need for improved connectivity in these communities.

### Have you faced any specific challenges due to poor internet connectivity? If so please detail them below, and explain how you worked around them (if at all)?

A summary of the free text responses shows the key themes:

#### 1. Unstable Connections Disrupting Business Operations

- Frequent dropouts and low reliability make it difficult to hold video calls, process transactions, or use cloud-based systems.
- Internet loss affects online bookings, card payments, and day-to-day communication.
- Businesses report reputational damage (e.g. lower ratings on booking sites) due to unreliable service.

#### 2. Slow Speeds Limiting Productivity and Growth

- Uploading large files, running multiple devices, and using data-heavy tools (e.g. Teams, Zoom) is often unworkable.

- Tasks that should take minutes are delayed, wasting staff time and causing frustration.
- Businesses cannot host their own websites or services due to bandwidth limits.

### 3. High Costs and Workarounds for Basic Connectivity

- Many have resorted to costly alternatives such as 4G hubs, additional routers, or satellite broadband—often paying £90+ per month for still-inadequate service.
- Some travel to towns or work from rented units for better internet access.
- Multiple responses mention **no viable workaround**, especially in mobile not-spot areas.

### 4. Lack of Infrastructure and Provider Support

- Some respondents have **no connection at all**, with fibre infrastructure installed but never activated.
- Users report outdated copper wiring, insufficient cabinet capacity, or being told there's "no capacity" left.
- Customer service from providers is often described as slow, unresponsive, or unhelpful.

### 5. Social and Economic Consequences

- Poor internet has a knock-on effect on rural economies, education, and quality of life.
- Businesses lose income; some cannot function properly or have relocated to cope.
- Remote learning, homeworking, and running rural accommodation or services are all significantly hindered.

#### 5.2 What improvements in broadband connectivity (if any) would make the biggest positive difference to your business? What can national or local government do to help?

##### 1. Fibre-to-the-Premises (FTTP) Installation

- A clear and repeated request for **full fibre connectivity directly to homes and business premises**, not just to cabinets.
- Many report fibre has been **promised but not delivered**, or that infrastructure is in place (e.g. poles or boxes) but never connected.
- Respondents are frustrated by years of **delayed rollouts and broken commitments**, particularly with CDS and Airband projects.

## 2. Reliable and Consistent Speeds (Not Just Faster Downloads)

- Businesses emphasise that **reliability and stability** are just as important as high speeds.
- Upload speeds are frequently too slow for modern business use (e.g. cloud backups, VoIP, video conferencing).
- Connections that drop out during poor weather or peak hours create major operational challenges.

## 3. Support for Truly Rural Properties

- Respondents call for **prioritisation of remote and hard-to-reach properties**, rather than focusing further investment in semi-rural or already-connected areas.
- Many want national or local government to **mandate universal rural access**, including one fibre and one wireless option per household.
- There are calls for **targeted subsidies or voucher schemes** for isolated areas where standard infrastructure is unviable.

## 4. Improved Accountability and Follow-through

- Strong feedback that **local and national government need to enforce delivery promises** made by providers.
- Several areas report fibre infrastructure passing through their land but with **no option to connect**.
- Respondents want greater **transparency on rollout plans** and timelines, and meaningful **penalties for providers who withdraw**.

## 5. Financial and Practical Support for Businesses

- Calls for **grants or vouchers** to help fund alternative solutions (e.g. Starlink, antennas, site surveys).
- Suggestions include **lower charges for slow service**, recognition of the cost burden for workaround systems, and **government-backed initiatives to close the affordability gap**.
- Some business owners report needing help just to understand what options are available and how to access them.

### 5.3 If broadband connectivity improved, what new products, services or opportunities (if any) would you consider offering?

## 1. Improved Hospitality and Guest Services

- Many tourism and accommodation providers (e.g. holiday lets, glamping, Airbnb) said they could:
  - **Attract more bookings** by advertising fast, reliable Wi-Fi
  - **Cater to remote workers and digital nomads**
  - Enable **on-site services like streaming, Wi-Fi access, and contactless payments**
- Poor connectivity is already causing **lost bookings** or negative guest feedback.

## 2. Enhanced Business Efficiency and Expansion

- Faster, more reliable broadband would enable:
  - Use of **cloud-based tools** (e.g. Xero, Google Drive, online booking systems)
  - Better customer response times through websites and social media
  - **Higher client volumes** and improved project delivery
- Some say they could **stop relying on expensive leased lines or satellite services**.

## 3. New Products or Digital Services

- Several businesses mentioned they could:
  - Launch an **online shop**
  - Provide **online training or longer digital courses**
  - Host **web services** or offer **remote consultancy or data work**
- One farm mentioned upgrading to **automated milking robots**, which require high-speed internet.

## 4. Work-from-Home and Employment Opportunities

- Better broadband would allow:
  - More people to **work entirely from home**, reducing travel and emissions
  - Hiring of **local support staff** instead of outsourcing to cities
  - Marketing rural properties as **remote working spaces**
- Professionals (e.g. interpreters, consultants, artists) highlighted the **barrier to expansion** caused by slow or unstable internet.

## 5. Increased Reliability for Existing Services

- While some businesses wouldn't launch new services, they said:
  - Improved broadband would **transform their reliability, customer service, and productivity**
  - They could **deliver existing services more efficiently and cost-effectively**
  - **Client satisfaction and competitiveness** would improve

## 5. Key Findings

A bulleted list summarizing the most important takeaways from the survey

### Responses from Town and Parish Councils, Chambers of Commerce, and Representative Organisations

- **Widespread dissatisfaction with speed, reliability, and infrastructure gaps**  
Many rural areas suffer from extremely slow speeds, unstable connections, and 'hot-spots' with no fibre access or mobile signal. This severely affects work, education, and day-to-day life.
- **Frustration over broken promises and failed delivery schemes**  
Respondents report long delays, cancelled contracts (e.g. Airband, Gigaclear), and minimal accountability from Connecting Devon & Somerset (CDS) and other providers.
- **Strong support for full fibre rollout and investment**  
There is a clear demand for government-backed full fibre infrastructure to every rural property, with concerns about unfinished rollouts and lack of progress.
- **Broadband seen as a basic utility with wide-ranging benefits**  
Improved broadband is linked to economic growth, reduced isolation, stronger public services, and greater equality for rural residents.

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### Responses from Businesses

- **Majority face very poor broadband provision in rural areas**  
Over 70% of businesses rate their service as poor or very poor, with common issues including dropouts, unusable upload speeds, and high costs for workarounds.
- **Connectivity challenges are harming business viability**  
Businesses report lost income, operational inefficiencies, damaged reputations, and in some cases, relocation due to poor service.
- **Clear demand for FTTP, rural prioritisation, and oversight**  
Businesses call for fibre-to-the-premises installation, improved rollout transparency, and stronger enforcement of provider commitments—especially in hard-to-reach areas.

- **Improved broadband would enable service expansion and innovation**  
Faster, more reliable connections would allow businesses to offer digital services, attract remote workers, adopt smart tech (e.g. milking robots), and improve existing operations.

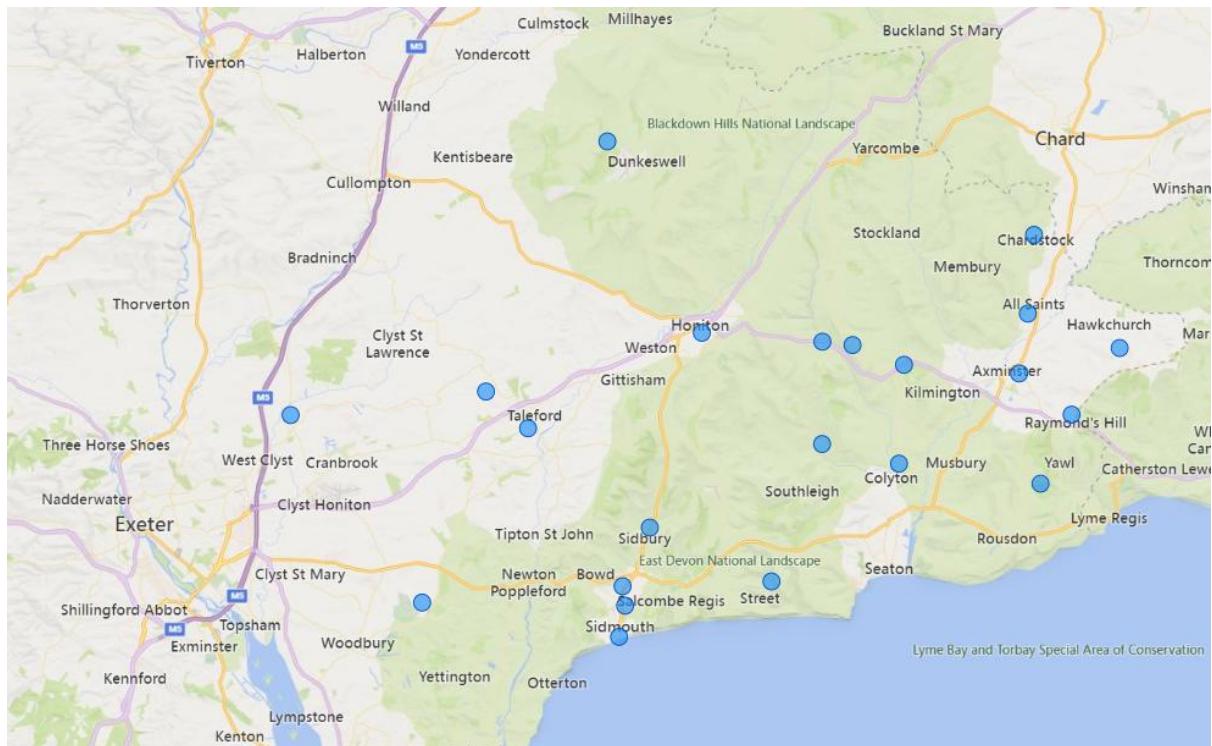
## 6. Next Steps

The motion put to Council on 26 February 2025 outlines the following three next steps:

- 1. The Leader is asked to invite other Devon authorities to participate in a joint initiative focused on rural broadband connectivity.** Using the Devon Water Summit as a model, this forum should bring together district councils, Devon County Council, telecoms providers, CDS representatives, and relevant public agencies to review the costs of poor connectivity and develop a coordinated strategy for accelerating superfast broadband rollout across Devon. Such a partnership would give rural communities a stronger voice and increase pressure on central government and infrastructure providers.
- 2. The Leader is also asked to write to the Leader of Devon County Council and the Programme Director of Connecting Devon & Somerset (CDS) to express disappointment at the cancellation of over half of Airband's connection commitments.** The letter should request an urgent briefing to East Devon District Council, explaining the current position, outlining the steps being taken to address delivery failures, and detailing how CDS has strengthened its due diligence to avoid future breakdowns in service provision. This transparency is vital to rebuild trust with affected communities and ensure public investment achieves its intended outcomes.
- 3. In parallel, the Portfolio Holder should write to the Minister for Telecoms and East Devon's Members of Parliament to reiterate the serious impacts of broadband 'not-spots' in the district.** The letter should urge government to provide a clear plan of action, including reforms to delivery programmes, increased accountability for contractors, and a renewed commitment to delivering full fibre infrastructure in rural areas. With rural digital exclusion continuing to hinder local growth and community sustainability, national intervention is urgently needed.

## Appendix 1: Responder Data

The map below shows the postcodes of the businesses who responded to the survey:



The list below shows the town and parish councils who responded to the survey. This list does not include business and other representative groups who responded.

- All Saints Parish Council
- Axmouth Parish Council
- Beer Parish Council
- Branscombe Parish Council
- Broadhembury Parish Council
- Clyst Hydon Parish Council
- Clyst St Lawrence Parish Council
- Colyton Parish Council
- Combe Raleigh Parish Council
- Dunkeswell Parish Council
- Exmouth Town Council
- Gittisham Parish Council
- Membury Parish Council
- Northleigh Parish Council
- Offwell Parish Council
- Plymtree Parish Council
- Rewe Parish Council
- Talaton Parish Council
- Uplyme Parish Council
- West Hill Parish Council
- Whimple Parish Council
- Yarcombe Parish Council

Report to: Council

Date of Meeting 10 December 2025

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

**Motion on Notice –****Report summary:**

The constitution provides that members of Council may submit written notice of motions for debate at Council. A motion must be signed by the proposer and seconder and at least 3 members and submitted not later than 10 clear days before the date of the meeting.

Motions must be about matters for which the council has a responsibility, or which affect East Devon District Council and will be listed on the agenda in the order in which notice received.

Motions for which notice has been given will be listed on the agenda in the order in which notice was received unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

**Is the proposed decision in accordance with:**Budget Yes  No Policy Framework Yes  No **Recommendation:**

That the Motion on Notice – Marine Health is debated and determined by Council.

**Reason for recommendation:**

The constitution makes provision for motions on notice to be debated and decided by Council.

Officer: Andrew Melhuish, Corporate Lead Democratic Services & Scrutiny  
[andrew.melhuish@eastdevon.gov.uk](mailto:andrew.melhuish@eastdevon.gov.uk) )

**Portfolio(s) (check which apply):**

- Assets and Economy
- Communications and Democracy
- Council, Corporate and External Engagement
- Culture, Leisure, Sport and Tourism
- Environment - Nature and Climate
- Environment - Operational
- Finance
- Place, Infrastructure and Strategic Planning
- Sustainable Homes and Communities

## **Equalities impact** Low Impact

The impact is low as this report is dealing with the submission of motions on notice. Any work undertaken following the consideration of the motion on notice would be subject to an equalities impact assessment being undertaken.

## **Climate change** Low Impact

**Risk:** Low Risk; A risk assessment would need to be completed on any works or further investigations resulting from the motions of notice.

## **Links to background information** N/A

### **Link to Council Plan**

Priorities (check which apply)

- A supported and engaged community
- Carbon neutrality and ecological recovery
- Resilient economy that supports local business
- Financially secure and improving quality of services

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## **Report in full**

### **Motion 1: Motion for the Ocean**

**Proposed by:** Cllr John Heath

**Seconded by:** Cllr Aurora Bailey

**Motion signed by:** Cllrs Geoff Jung, Tim Dumper, Paula Fernley, Olly Davey, Brian Bailey, Charlotte Fitzgerald, Alasdair Bruce, and Marianne Rixon.

It is the UN Ocean Decade, and the tide is turning on Ocean neglect. Our Ocean and climate are in a state of emergency, and whilst many local authorities have already declared a climate emergency, the Ocean is still missing from many of our climate action plans. By supporting this evidence-based Motion, based on Dr Pamela Buchan's pioneering research on marine citizenship, we can help local and national governments take action to improve Ocean health.

A model 'Ocean Recovery Declaration' – or Motion for the Ocean – seeks to help ALL local governments recognise that the world's Ocean is a fundamental part of climate regulation and that it must be considered as part of an effective climate emergency response. It is vital to ensure that local Councils commit to supporting a more ecologically healthy sea and to rethink how Ocean is taken into account in planning and decision-making at local level.

Many councils up and down the country have supported this important motion. They are too numerous to mention, and I believe that EDDC should add its name to the list. The councils that have so far affiliated to the motion are listed under Motion for the Ocean [Motion-for-the-Ocean-coastal-councils.pdf](#).

We welcome the opportunity to support Devon County Council colleagues in protecting our Oceans, and will work in conjunction with all signatories to play our continued part in improving our seas and oceans.

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**Financial implications:**

To be confirmed, subject to the outcome of the consideration on the Motion on Notice.

**Legal implications:**

The motions on notice have been submitted in accordance with the Part 4 of the Council's Constitution – Rules of Procedure 10.1 Notice: Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by at least 5 members, must be delivered to the Chief Executive not later than 10 clear days before the date of the meeting.

Report to: Council

Date of Meeting 10 December 2025

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



## **Appointment of Independent Representatives, Independent Persons and Town and Parish Representatives to the Standards Committee**

### **Report summary:**

This report sets out the Standards Committee recommendations to Council arising from their consideration of a report on 20 November 2025.

Note: The references in this report to Paper A relate to the relevant report considered by the Cabinet with recommendations for Full Council to consider and are appended to this report for reference.

### **Is the proposed decision in accordance with:**

Budget Yes  No

Policy Framework Yes  No

### **Recommendation:**

#### **That Council approve the appointment of:**

1. Mr Steve Jupp and Mr Philip Wilde as co-opted non-voting Independent Members on the Standards Committee for a term of 4 years, or until local government reorganisation, whichever is sooner;
2. Cllr Chris Lockyer of Sidmouth Town Council and Cllr Francis Pullman of Westhill Parish Council as co-opted non-voting Town/Parish Representatives on the Standards Committee for a term of 4 years, or until local government reorganisation, whichever is sooner;
3. Mr Martin Goscombe and Mr Pat Coulter as Independent Persons for a term of 4 years, or until local government reorganisation, whichever is sooner.

### **Reason for recommendation:**

To ensure that the critical Independent and Town and Parish perspective on the Committee is retained and that the Council is compliant with the Localism Act 2011 in relation to the appointment of Independent Persons.

Officer: Andrew Melhuish, Democratic Services Manager ([andrew.melhuish@eastdevon.gov.uk](mailto:andrew.melhuish@eastdevon.gov.uk))

Report to: Standards Committee

Date of Meeting 16 January 2025

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



## **Appointment of Independent Representatives, Independent Persons and Town and Parish Representatives**

### **Report summary:**

The Standards Committee includes two non-voting Parish Councillor representatives (with three spaces) and 3 non-voting independent members who play valuable input into the work of the Standards Committee. In addition, the Council has two Independent Persons who have a key role in the consideration of Code of Conduct complaints, alongside the Monitoring Officer. A number of those roles were due to expire this year and the Committee agreed a recruitment process to earlier this year. The first attempt at advertising only resulted in a couple of applications so the decision was made to re-advertise in September 2025. This report updates on the outcome of the advertising process, the interviews that followed and presents to the Committee the recommendation of the Interview Panel which consisted of the Chair, Vice Chair and Cllr Dumper together with the Monitoring Officer.

### **Is the proposed decision in accordance with:**

Budget Yes  No

Policy Framework Yes  No

### **Recommendation:**

That the Standards Committee:-

1. Recommend to Council the appointment of:

- i. Mr Steve Jupp and Mr Philip Wilde as co-opted non-voting Independent Members on the Standards Committee for a term of 4 years or until local government reorganisation, whichever is the sooner
- ii. Cllr Chris Lockyer of Sidmouth Town Council and Cllr Francis Pullman of Westhill Parish Council as co-opted non-voting Town/Parish representatives on the Standards Committee for a term of 4 years or until the local government reorganisation, whichever is the sooner
- iii. Mr Martin Goscomb and Mr Pat Coulter as Independent Persons for a term of 4 years or until local government reorganisation, whichever is the sooner

### **Reason for recommendation:**

To ensure that the critical Independent and Town and Parish perspective on the Committee is retained and that the Council is compliant with the Localism Act 2011 in relation to the appointment of Independent Persons.

Portfolio(s) (check which apply):

- Assets and Economy
- Communications and Democracy
- Council, Corporate and External Engagement
- Culture, Leisure, Sport and Tourism
- Environment - Nature and Climate
- Environment - Operational
- Finance
- Place, Infrastructure and Strategic Planning
- Sustainable Homes and Communities

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Medium Risk; The Authority has a legal duty to appoint an Independent Person and would be unable to carry out its statutory duties relating to the Code of Conduct without appointing at least one IP. Any subject member who is subject to a Code of Conduct complaint or Standards Committee investigation has a statutory right to consult with the IP. If that is not possible because there is no IP, the Authority is at risk of challenge.

**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
- Quality Services

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## Report in full

1. The Localism Act 2011 requires the Authority to have arrangements in place for dealing with complaints of breaches of the Code of Conduct. This must include provision for the appointment of at least one Independent Person (IP). The Council currently has two IP's. In addition, the Council has three Independent Representatives and two Town and Parish representatives (with one vacancy) on the Standards Committee. These are co-opted non-voting appointments. These representatives provide critical independent and town and parish perspectives.
2. With the exception of Cllr Sexton and Mr Ken Bryant, all of these appointments were due to expire this year. The Committee therefore agreed to conduct a recruitment process and delegated authority was granted to the Monitoring Officer to prepare the recruitment paperwork in consultation with the Chair of the Committee and to conduct the recruitment process on our website and via social media, as well as circulating details to Town and Parish Councils.

3. The first recruitment attempt only resulted in two applications and the decision was therefore made to advertise a second time. In total, combining the applications for both recruitment processes, there were 21 applications for the three roles. Those applications were shortlisted by the Chair and Monitoring Officer and 12 applicants were invited to interviews on 2<sup>nd</sup> and 10<sup>th</sup> October 2025.
4. The interview panel comprised three members of the Committee namely the Chair, Vice Chair and Cllr Dumper, supported by the Monitoring Officer. After a robust interview process the highest scoring applicants and those recommended to the Committee for appointment were:-
  - a) Mr Steve Jupp and Mr Philip Wilde as co-opted non-voting Independent Members
  - b) Cllr Chris Lockyer of Sidmouth Town Council and Cllr Francis Pullman of Westhill Parish Council as co-opted non-voting Town/Parish representatives
  - c) Mr Martin Goscomb and Mr Pat Coulter as Independent Persons.
5. All six successful applicants are recommended to be appointed for a term of 4 years or until local government reorganisation, whichever is the sooner.
6. The appointees will receive an annual allowance of £400 in accordance with the adopted Scheme of Member Allowances.
7. As appointments to Committees are made by Full Council, the Committee are invited to recommend the above appointments to Full Council. The next ordinary meeting of Full Council will take place on 10 December 2025.
8. The opportunity is taken to thank Cllr Pauline Stott (Town/Parish Representative), Professor Diana Kuh (Independent Person) and Mr Robert Wood (Independent Member) whose terms of office will expire on 10 December 2025 for all their hard work, commitment and valued contribution to the work of the Committee over many years.

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### **Financial implications:**

There are no financial implications directly arising from this recruitment process as the positions will be advertised on our website, on social media and through Town and Parish Councils. The successful applicants will receive the same allowance as existing role holders in accordance with the Council's adopted Scheme of Member Allowances.

### **Legal implications:**

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