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**\*Cabinet minutes of the meeting on 30 November 2011 to follow under separate cover.**

EAST DEVON DISTRICT COUNCIL  
Minutes of the Meeting of the Council held at  
Knowle, Sidmouth, on Wednesday, 12 October 2011

Present:

Councillors:

Peter Halse (Chairman)  
Frances Newth (Vice Chairman)

David Atkins	Douglas Hull
Ray Bloxham	Ben Ingham
Roger Boote	Stephanie Jones
Graham Brown	Sheila Kerridge
Peter Burrows	David Key
Derek Button	Jim Knight
Bob Buxton	Andrew Moulding
Geoff Chamberlain	John O'Leary
David Chapman	Helen Parr
Maddy Chapman	Geoff Pook
Iain Chubb	Philip Skinner
Trevor Cope	Pauline Stott
David Cox	Peter Sullivan
Deborah Custance Baker	Brenda Taylor
Alan Dent	Ian Thomas
Paul Diviani	Graham Troman
Christine Drew	Phil Twiss
Martin Gammell	Chris Wale
Steve Gazzard	Mark Williamson
Roger Giles	Tim Wood
Graham Godbeer	Eileen Wragg
Pat Graham	Steve Wragg
Steve Hall	Claire Wright
Mike Howe	Tom Wright
Stuart Hughes	

Honorary Aldermen:

Ann and Graham Liverton

Officers:

Mark Williams, Chief Executive  
Richard Cohen, Deputy Chief Executive  
Denise Lyon, Deputy Chief Executive  
Rachel Pocock, Corporate Legal & Democratic Services Manager  
Diana Vernon, Democratic Services Manager

**Apologies**

Councillors:

Mike Allen	Tony Howard
Peter Bowden	John Humphreys
Vivien Duval Steer	John Jeffery
Jill Elson	Ken Potter

Honorary Aldermen:

Bernard Hughes	Margaret Rogers
Bob Peachey	Dr Waterworth

The meeting started at 6.30 pm and ended at 8.00 pm.

- \*33 Opening prayer  
The Chairman introduced Reverend Alastair McCollum who opened the meeting with readings from the scriptures and a prayer.
- \*34 Public question time  
The Chairman welcomed Honorary Aldermen and members of the public to the meeting. No questions were raised.
- \*35 Minutes  
The minutes of the Extra Ordinary and Ordinary meetings of the Council held on 27 July 2011 were confirmed and signed as a true record.

\*36 Best Kept Village Competition

The Chairman congratulated all of the Villages that had taken part in the 2011 Competition and acknowledged the significant community effort 'behind the scenes'. The Vice Chairman presented the awards to the villages who had achieved success in the Devon-wide Competition and within East Devon.

Baker Cup – awarded jointly to Dunkeswell and East Budleigh with Bicton as the villages in East Devon which scored the highest number of points in the Large Village Category;

Glanvill Cup – awarded to Hawkchurch as the village scoring the highest number of points in East Devon in the Small Village Category;

EDDC Certificate to Offwell as runner up to Hawkchurch within East Devon in the Small Village Category;

EDDC Certificate to Upottery which won the Devon-wide Past Winners' Section.

EDDC Certificate to Talaton which was runner up in the Devon-wide Past Winners' Category.

EDDC Certificate to Musbury which was runner up in the Devon-wide Large Village Category.

\*37 Long Service Awards

The Chairman acknowledged, with gratitude, the loyalty of long-serving staff. The Vice Chairman spoke of the careers and valued contribution to the Council of the East Devon District Council staff who were presented with Long Service Awards.

	Length of service	Section
<b>Ben Chesters</b>	10 years	Planning
<b>Nick Wright</b>	10 years	Planning
<b>Tracey Morgan</b>	10 years	Home Safeguard

- \*38 Questions (Procedure Rules 9.2 and 9.5)  
 Printed answers to the two questions submitted for consideration had been circulated to Members at the meeting.

In answer to a supplementary question, the Portfolio Holder – Economy advised that he was disappointed that funding had not been available to provide the cycle hub for the Stop Line Cycle Way at Seaton. However he confirmed that the Council was seeking alternative funding streams to try to complete the project. He up-dated Members on the progress of the Cycle Way and commented on its value to the area.

In respect of the questions on use of consultants, the Portfolio Holder – Corporate Business added that the Council was committed to achieving best value for money. This intent was robustly monitored by the Council’s auditors (SWAP) and the Audit and Governance Committee. He asked Councillors to raise any individual cases of possible concern and believed that this would be more cost effective than a blanket review.

- \*39 Minutes of Cabinet and Committees

**RESOLVED** (1) that the under-mentioned minutes be received and the recommendations approved

Cabinet	Minutes	44-56, 57-73, 74-100
Development Management	Minutes	6-9, 10-16, 17-21
Planning Inspections	Minutes	3-4, 5-6
Licensing & Enforcement	Minutes	5-6
Licensing & Enforcement Sub	Minutes	10-13, 14-15, 16-22

(2) that the under-mentioned minutes be received.

The Cabinet (minutes 50 and 80) had noted or accepted the following Overview/Scrutiny Committees’ recommendations with or without amendment.

Overview and Scrutiny Committee	Minutes	11-19, 20-25
Housing Review Board	Minutes	17-25

- \*40 Empty dwellings/second homes - motion

The following motion (in the names of Councillors Claire Wright, Roger Giles, Trevor Cope, Ben Ingham and Douglas Hull) was proposed by Councillor Claire Wright and Seconded by Councillor Roger Giles:

“This Council is concerned about the large number of empty dwellings in East Devon, particularly because of the large number of local people seeking Council housing and calls on the Government to introduce measures to bring empty properties into use such as removing the Council Tax discount on second homes.”

\*40 Empty dwellings/second homes – motion (cont)..

Members had been given advice on declaration of interest under the Code of Conduct in advance of the meeting by the Corporate Legal and Democratic Services Manager. Members were recommended that they only needed to declare a personal interest in this agenda item if they owned or had a beneficial interest in an empty property in East Devon, including a second home, leaving them free to speak and vote. (No decision was being taken at the meeting which would directly impact Members' financial position but Members knew that it was their own responsibility to make the appropriate declaration based on their own personal circumstances.)

Councillors David Cox, Graham Godbeer, Mike Howe, Andrew Moulding and Ian Thomas declared personal interests as owners of second properties.

In proposing the motion, Councillor Claire Wright gave statistical information on empty homes and numbers of people on the district's housing registers. She said that the current situation in respect of empty dwellings/second homes did not benefit the local economy or communities.

In seconding the motion, Councillor Roger Giles spoke of the shortage of homes in the district and how this situation could be alleviated by removing the 10% discount afforded to second homes.

The Leader of the Council proposed that any debate on the motion be deferred, with a detailed report on the issue being referred to the Cabinet on 30 November 2011. The report would include relevant and up-to-date statistical detail, giving a clear differentiation between issues relevant to empty homes and those in respect of second homes. The proposal was seconded by Councillor Graham Godbeer.

**RESOLVED** that a full and detailed report on the issues of empty dwellings and Council Tax discount on second homes be referred to the Cabinet meeting of 30 November 2011.

\*41 Changes to Constitution

**RESOLVED**

- (1) that the Council's Constitution be amended to include provision for two EDDC Councillors as substitute EDDC Members of the Standards Committee to create a wider pool of elected Members who can be called on to serve on the Sub Committees' Assessment or Review meetings;
- (2) that delegated authority be given to the Chief Executive in consultation with the three Group Leaders to appoint two substitute EDDC Members to the Standards Committee (as outlined in (1) above).

**Note:** Following the meeting, the Chief Executive contacted Group Leaders for nominations. This resulted in the appointment under delegated powers of Councillors Frances Newth and Derek Button as substitute EDDC Members of the Standards Committee.

\*42 Office Accommodation Working Party

**RESOLVED** that Membership of the Office Accommodation Working Party be increased from 6 (currently: Leader, Portfolio Holder – Economy, Portfolio Holder – Corporate Business, Design Champion, Councillors Vivien Duval Steer and Steve Wragg) to 12 Members to help progress this project; with the following elected Members being appointed:

- Portfolio Holder – Corporate Services (Ian Thomas)
- Portfolio Holder – Strategic Development and Partnerships (Andrew Moulding)
- Portfolio Holder – Finance (David Cox)
- Asset Management Member Champion (Bob Buxton)
- Peter Burrows (Liberal Democrat Group)
- Trevor Cope (Independents)

\*43 Changes to Membership of Outside Bodies/Think Tanks

**RESOLVED** (1) **Exeter Science Park** that the Portfolio Holder Finance be appointed as the Council’s shareholder representative.

(The Portfolio Holder – Economy is EDDC Director on the Exeter Science Park Board).

(2) **Corporate Business Think Tank** that Councillor Claire Wright be included in the membership of the Corporate Business Think Tank.

(3) **Local Development Framework Panel** that Membership be increased from 8 (currently: Portfolio Holder Strategic Development and Partnerships, Councillors Mike Allen, Ray Bloxham, Peter Bowden, Alan Dent, Helen Parr Geoff Pook, Steve Wragg) to 11 Members, with the following additional elected Members being appointed: David Atkins, David Key, Douglas Hull.

\*44 Presentation – Exeter and East Devon Growth Point

Members of the Growth Point Team, Drew Aspinwall and Lesley Crocker gave a presentation, including a short film, to up-date Members on major projects to the west of the district and on the evolving future work programme. They emphasised the economic and community benefits being achieved in a sustainable and innovative way.

The Chairman thanked the Officers for their interesting and informative presentation. The Portfolio Holder – Strategic Development and Partnerships added his praise for the work achieved to-date and the invaluable contribution of Officers and Councillors.

Chairman .....

Date.....

EAST DEVON DISTRICT COUNCIL  
Minutes of a Meeting of the Cabinet  
held in the Council Chamber, Knowle, Sidmouth  
on Wednesday, 2 November 2011

Present:           **Councillors:**  
Paul Diviani (Leader/Chairman)  
Andrew Moulding (Vice Chairman)

Ray Bloxham  
Iain Chubb  
David Cox  
Jill Elson  
Graham Godbeer  
Stephanie Jones  
Ian Thomas  
Chris Wale

Also Present:           **Councillors:**  
David Atkins  
Roger Boote  
Geoff Chamberlain  
Maddy Chapman  
Trevor Cope  
Deborah Custance Baker  
Vivien Duval Steer  
Steve Hall  
Stuart Hughes  
Sheila Kerridge  
Frances Newth  
John O'Leary  
Geoff Pook  
Pauline Stott  
Phil Twiss  
Tim Wood  
Eileen Wragg  
Tom Wright

Also present:           **Officers:**  
Mark Williams, Chief Executive  
Richard Cohen, Deputy Chief Executive  
Denise Lyon, Deputy Chief Executive  
Simon Davey, Head of Finance  
John Golding, Head of Housing  
Simon Smale, Head of Environment  
Karen Jenkins, Corporate Organisational Development Manager  
Nigel Harrison, Economic Development Manager  
Claire Read, Accountant  
Diana Vernon, Democratic Services Manager

Apologies           **Councillors**

Non-Cabinet Members:   Peter Bowden                           Peter Halse  
                                  Alan Dent                               Mark Williamson  
                                  Steve Gazzard

The meeting started at 5.30 pm and ended at 6.42 pm.

\*101 Public Questions

The Chairman welcomed Councillors and members of the public to the meeting. No questions were raised at this part of the meeting.

- \*102 Declarations of interest  
No declarations of interest were made.
- \*103 Minutes  
The minutes of the meeting of the Cabinet held on 5 October 2011 were confirmed and signed as a true record.
- \*104 Exclusion of the Public  
**RESOLVED:** that the classification given to the documents to be submitted to the Cabinet, be confirmed, and that the reports relating to exempt information, be dealt with under Part B.
- \*105 Forward Plan  
The contents of the Forward Plan for the period 1 November 2011 to 29 February 2012 were noted. The Plan had been reviewed and up-dated; it was a useful and comprehensive working document.
- \*106 Matters referred to the Cabinet  
There were no matters referred to the Cabinet by the Overview and Scrutiny Committee or the Council.
- \*107 Minutes of the Overview and Scrutiny Committee meeting 29 September 2011  
The Cabinet noted the minutes of the meeting of the Overview and Scrutiny Committee held on 29 September 2011. The recommendations of the Ward Member Customer Satisfaction with Planning Task and Finish Forum would be referred to the next meeting of the Cabinet.  
**RESOLVED:** that the following decisions be noted:  
**Minute 30** that the update from the Portfolio Holder for Environment be noted.  
**Minute 31** that the Committee's comments on the Ward Member Customer Satisfaction with Planning Task and Finish Forum recommendations be noted with the final recommendations being referred to the Cabinet at its meeting on 30 November 2011.  
**Minute 32** that the report on Preventable Demand and Performance in the Customer Service Centre be noted.  
**Minute 33** that the update from the East and Mid Devon Crime and Disorder Scrutiny Panel be noted.  
**Minute 34** that the Overview and Scrutiny Forward Plan be noted.

\*108 Minutes of the Housing Review Board meeting 8 September 2011

The minutes of the meeting of the Housing Review Board held on 8 September 2011 had already been referred to Council (12 October 2011) and were included on the Cabinet agenda for Members' information.

Councillor Pauline Stott, Chairman of the Housing Review Board spoke on the Housing Revenue Account and self-financing of Council homes item (Minute 21 of the Board minutes). Although welcoming the freedom and flexibility this new arrangement would give, the Council needed to be fully aware of the implications of taking on such a burden of debt and the potential risks. The final level of the debt was expected to be announced later this month.

\*109 Financial monitoring report 2011/12 – Month 6 September 2011

Members considered the financial monitoring report which gave a summary of the Council's overall financial position for 2011/12 at the end of month 6 (30 September 2011). Current monitoring indicated that:

- The General Fund Balance was being maintained at or above the adopted level. Predicted over and under spends to the year-end were highlighted.
- The Housing Revenue Account Balance would be maintained at or above the adopted level. Savings had been identified over and above the level required to allow for unforeseen expenditure.
- There was sufficient Capital Reserve to balance this year's Capital Programme but it was estimated that only £0.774m would be available in the Reserve to support the Programme from 2012/13 onwards.

The report included an up-date on procurement. The Council was already pursuing and introducing steps to meet local community needs with less money. A 10 point action approach was suggested which included developing a procurement strategy, up-skilling staff, aggregating procurement through category management, collaboration and management. This would form the basis of a monitoring report which would be referred to Cabinet on a 6-monthly basis.

The Portfolio Holder – Finance praised the effective work of the Member Champion – Procurement and congratulated him on his efforts.

- RESOLVED**
- (1) that the variances identified as part of the Revenue and Capital Monitoring process up to Month 6 be noted;
  - (2) that the procurement up-date position (Appendix A to the report) be noted with progress being reported to the Cabinet on a 6-monthly basis.

**REASON** To keep the Council's finances under review, including considering whether any corrective actions were required for the remainder of the financial year.

Members noted the steps being taken to improve procurement to achieve value for money and would be involved in future monitoring of the Council's position.

\*110 Thelma Hulbert Gallery – forecast budget report

Members considered the report of the Head of Environment which followed up Cabinet concerns in respect of the Thelma Hulbert Gallery's income levels which were significantly lower than forecast. It was estimated that the shortfall would be £80,000 at year end.

Members noted that the Gallery had reached the target of 7,500 visitors but the shop and gallery sales had not met the optimistic Business Plan (2008) expectations. The Cabinet proposed that a review be undertaken to include the future of arts development within East Devon.

Members spoke in support of the work of the Gallery and the importance of culture within communities, particularly in challenging times.

**RESOLVED** that a review of the Business Plan for the Thelma Hulbert Gallery together with a wider review of arts development in East Devon be undertaken.

**REASON** The original Business Plan produced in 2008 was no longer realistic for reasons relating to the current economic climate, the market conditions in Honiton and the reduction in grants and funds available from Government Bodies, Charities and Trusts. The review of arts development including the role of the Gallery would be reported back to a future meeting of the Cabinet.

\*111 Performance monitoring report until September 2011

Denise Lyon, Deputy Chief Executive, presented the performance information for the 2011/12 financial year until September 2011.

The information indicated that all services continued to show good steady performance. Results in respect of Council Tax Collection rates were out-standing.

The Deputy Chief Executive advised that future performance reports would be made available to Members electronically rather than in printed form.

**RESOLVED** that the progress and proposed remedial action for performance measures for the 2011/12 financial year until September 2011 be noted.

**REASON** To enable the Cabinet to continue to monitor the Council's progress in achieving excellent customer service using relevant performance measures.

## \*112 Exmouth Business Improvement District (BID) Feasibility Study

Members considered the report introduced by the Economic Development Manager outlining the results of the feasibility study undertaken through the Exmouth Town Management Partnership by a specialist consultant. The results from the sample of businesses indicated that a clearly defined portion of Exmouth town centre and waterfront could be viable as a BID. The proposed BID area comprised 630 local business premises within the vicinity of the town centre. A viable BID would help provide an opportunity for closer collaboration between the town centre businesses in Exmouth, their local authority partners and other stakeholders. To progress the initiative, the consultations recommended the setting up of a dedicated Exmouth BID company and the employment of a BID Manager. Some funding could be available from Section 106 monies but the funding shortfall would need to be addressed and could involve a ballot of business ratepayers to assess local commitment.

The report had been considered by the Overview and Scrutiny Committee at its meeting on 27 October 2011 where concerns had been raised on behalf of local traders. It was suggested that inadequate consultation had been undertaken with businesses in the area bearing in mind that the levy of a BID could adversely affect traders already struggling in the current economic climate.

Local Ward Members were invited to speak and local concerns as well as potential benefits were discussed. The local Chamber of Trade and Commerce had indicated its support but this did not represent all businesses within the proposed BID area. There was a problem of misinformation about the BID that was causing concern amongst local traders. A local Exmouth businessman present at the meeting spoke to the meeting and advised that a significant number of traders within the BID area had withdrawn their support.

The Cabinet understood that businesses were trading in difficult times and although there would be a cost to individual businesses if the BID was successful, it could open up opportunities to access funding over a 5 year period. Businesses within the proposed BID area needed to be assured that the BID process was democratic and it was a decision of the majority of businesses within the BID area and not a decision being taken by local authorities. They also needed to be assured that there would be no cost to them until after the vote had been taken. The BID would only progress with a majority vote.

The Cabinet voted unanimously in support of the BID process which was being led by the Exmouth Town Management Partnership.

- RESOLVED**
- (1) that the positive findings of the Exmouth Business Improvement District Feasibility Study, published in September 2011, be noted;
  - (2) that this Council's willingness to work with its local authority and business partners in the Exmouth Town Management Partnership to explore ways of progressing the Exmouth BID proposal to and beyond a ballot of National Non-Domestic Ratepayers be noted.

- \*112 Exmouth Business Improvement District (BID) Feasibility Study (cont)..

**REASON**

To help promote and maintain the vitality of retailing and commercial activity within East Devon's coastal and market towns – this was an important measure of the overall health of the district's economy. The BID progress could provide an opportunity for closer collaboration between the town centre businesses in Exmouth, their local authority partners and other stakeholders.

- \*113 Ice/snow/frost treatment plan

The Leader advised that this report had been withdrawn for further negotiation with Devon County Council.

- \*114 Exclusion of the 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, is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

- \*115 Seaton Regeneration Programme Board – 21 September 2011

Members considered the action points from a meeting of the Seaton Regeneration Programme Board held on 21 September 2011. This updated Members on the Regeneration agenda including the Visitor Centre, Seaton Tramway, the Wetlands and Town Management.

The Portfolio Holder – Economy (Chairman of the Board) and Member Champion for Seaton advised that it had been a very positive meeting.

There were potential opportunities for improvements to Seaton seafront which would encourage further investment in the town. The Tesco Store Manager would be invited to join as a member of the Board with the Constitution being amended accordingly. The 'Brand of Seaton' could assist with marketing the town and would be explored at the next meeting. It was also hoped that the Council could work strategically with the Seaton Tramway to harness potential within the wider area.

- \*116 Treasury Strategy Exemption

Members considered the report of the Head of Finance in respect of recent downgrading of several UK banks and building societies by credit ratings agencies. This had resulted in some Council investments being held now contravening the Council's investment criteria as laid down the 2011/12 Treasury Management Strategy. The Head of Finance asked for an exemption from the Treasury Strategy in the short term to continue with the current investment in Lloyds Bank until maturity and to continue to use the Bank of Scotland but with reduced investment. The Council would review the whole investment strategy in the light of recent legislation on the use of corporate bonds by local authorities and the retendering of the external fund contract.

\*116 Treasury Strategy Exemption (cont)..

The Portfolio Holder – Finance outlined the recommended need for changes in the Council’s current external lending list to reflect the current situation in respect of banks within the Eurozone.

- RESOLVED**
- (1) that the current investment in Lloyds Bank be kept until maturity or is sold as part of normal trading;
  - (2) that the limit for savings held in the Council’s instant access account with the Bank of Scotland be reduced to £2 Million, pending a full review of the Council’s internal lending criteria and savings arrangements;
  - (3) that, in view of the growing uncertainty facing South European Countries, EDDC’s investments within the Eurozone Area, for the time being, be confined to the Deutsche Bank, Rabobank International, Nordea Bank, European Investment Bank and the European Bank for Reconstruction, and that the External Fund (Investec) lending list be amended accordingly.

**REASON** For reasons set out in the report and the current Eurozone banking situation.

Chairman ..... Date .....

EAST DEVON DISTRICT COUNCIL  
Minutes of a Meeting of the Cabinet  
held in the Council Chamber, Knowle, Sidmouth  
on Wednesday, 30 November 2011

Present:           **Councillors:**

Paul Diviani (Leader/Chairman)  
Andrew Moulding (Vice Chairman)  
Ray Bloxham  
David Cox  
Jill Elson  
Graham Godbeer  
Stephanie Jones  
Ian Thomas  
Chris Wale

Also Present:       **Councillors:**

Roger Boote	Frances Newth
Peter Bowden	John O'Leary
Bob Buxton	Helen Parr
Geoff Chamberlain	Philip Skinner
Maddy Chapman	Pauline Stott
Deborah Custance Baker	Peter Sullivan
Steve Gazzard	Graham Troman
Steve Hall	Phil Twiss
Tony Howard	Tim Wood
Stuart Hughes	Claire Wright
Sheila Kerridge	Tom Wright

Also present:       **Officers:**

Mark Williams, Chief Executive  
Denise Lyon, Deputy Chief Executive  
Simon Davey, Head of Finance  
John Golding, Head of Housing  
Kate Little, Head of Economy  
Simon Smale, Head of Environment  
Rachel Pocock, Corporate Legal & Democratic Services Manager  
Donna Best, Principal Estates Surveyor  
Laurelie Gifford, Financial Services Manager  
Claire Read, Accountant  
Diana Vernon, Democratic Services Manager

Apologies       **Councillors**

Iain Chubb

Non-Cabinet Members:	Graham Brown	Vivien Duval Steer
	David Chapman	Geoff Pook
	Alan Dent	Mark Williamson

The meeting started at 5.30 pm and ended at 8.15 pm.

**\*117 Public Questions**

The Chairman welcomed Councillors and members of the public to the meeting. No questions were raised at this part of the meeting.

**\*118 Minutes**

The minutes of the meeting of the Cabinet held on 2 November 2011 were confirmed and signed as a true record subject to clarification of the pre-amble at Minute 110 (Thelma Hulbert Gallery – forecast budget report). The likely net cost of running the Gallery this year was £81,821 – that is £29,821 more than the original estimated sum of £52,000.

**\*119 Declarations of interest**

<b>Councillor/ Officer</b>	<b>Minute number</b>	<b>Type of interest</b>	<b>Nature of interest</b>
Cllr David Cox	128	Personal	Owner of a second home in East Devon
Cabinet members, Chairman of Overview and Scrutiny Committee, Chairman of Housing Review Board, Chairman of Licensing and Enforcement Committee, Vice Chairman of Development Management and Leader of Liberal Democrat Group	130	Personal	In receipt of Special Responsibility Allowances
Cllr Jill Elson	132	Personal	Governor, Exmouth Community College
Cllr Graham Godbeer	132	Personal	Governor, Axe Valley School
Cllr Stuart Hughes	133	Personal	Devon County Council Portfolio Holder for Highways & Transportation, Snow Warden for Sidmouth

**\*120 Exclusion of the Public**

**RESOLVED:** that the classification given to the documents to be submitted to the Cabinet, be confirmed, and that the reports relating to exempt information, be dealt with under Part B.

**\*121 Forward Plan**

Members noted the contents of the Forward Plan for the period 1 December 2011 to 31 March 2012. The Chief Executive advised that the Plan would be further refreshed in January.

\*122 Matters referred to the Cabinet

There were no matters referred to the Cabinet by the Overview and Scrutiny Committee or the Council.

\*123 Minutes of the Overview and Scrutiny Committee meeting 27 October 2011

The Cabinet noted the minutes of the meeting of the Overview and Scrutiny Committee held on 27 October 2011.

Councillor Peter Bowden who had chaired the Ward Member Customer Satisfaction with Planning Task and Finish Forum presented the final version of the report. He advised that the recommendations of the Forum would give greater opportunities for Ward Members to be involved throughout the planning application process. The Forum recognised that co-operation between Officers and Ward Councils would benefit the service provided.

Councillor Bowden advised that the planning teams were organising an interactive planning training session for all Members in February. The aim was to demonstrate the work of the teams throughout 'the life of a planning application' and would include all of the processes involved from receipt to sign-off. Members recognised the importance of understanding and being involved in planning decisions affecting their Wards.

In respect of Minute 31, the Chairman fed back discussion on the Exmouth Business Improvement District (BID) Feasibility Study at the meeting of the Cabinet on 2 November. The Ice/Snow/Frost Treatment Plan report on which the Chairman intended to comment had been withdrawn from that meeting and would be considered later in this agenda.

**RESOLVED:** that the following decisions be noted:

**Minute 38** the up-date from the Devon and Cornwall Constabulary on budget implications.

**Minute 40** the update from the Portfolio Holder – Finance.

**Minute 41** the Overview and Scrutiny Committee Forward Plan.

**RESOLVED:** that the recommendations of the Task and Finish Forum – Improving Ward Member interaction with Planning be approved and implemented as printed.

\*124 Minutes of the meeting of the Recycling and Refuse Partnership Board

Members noted the minutes of the meeting of the Board held on 25 October 2011.

In the absence of Councillor Iain Chubb, Portfolio Holder – Environment, Councillor Cox highlighted the Side Waste Policy. The Board recognised the importance of how this Policy was communicated to residents.

Councillor Cox confirmed that there would be wider consultation in respect of the cardboard and mixed plastics collections trial in Beer. In reply to a question, he said that discussions were on-going with SITA for possible reinstatement of rear collections within specified areas of the Colonies and that Ward Members would be kept informed.

125 Council Plan (key decision)

Councillor Ray Bloxham, Portfolio Holder – Corporate Services outlined the consultation on the draft Plan which had been undertaken to-date. A wider consultation exercise would take place during December until early January. A copy of the draft Council Plan together with a summary would be presented to all Members at the Council meeting on 7 December. He would ask Members to encourage residents and businesses within their own Wards to give feedback on the draft Plan.

Councillor Jill Elson, Portfolio Holder – Sustainable Homes and Communities reminded Members of the 'Working Together for the Future of East Devon' event which was to be hosted by the Council on Friday, 2 December. Invitees included representatives from all local councils and voluntary organisations. The agenda included speakers on the Localism Act, Voluntary Sector, health and wellbeing changes and opportunities for input into the Council's future plans and priorities.

- RECOMMENDED**
- (1) that the content of the draft Council Plan be agreed for consultation,
  - (2) that the consultation process (set out in Appendix A to the report) and the consultation summary example (in Appendix B to the report), be agreed.

**REASON** The recommendations emphasised the Council's wish to hear the views of the public and partners before finalising its plans.

\*126 Financial monitoring report 2011/12 – Month 7 October 2011

Members considered the financial monitoring report which gave a summary of the Council's overall financial position for 2011/12 at the end of month 7 (31 October 2011). Current monitoring indicated that:

- The General Fund Balance was being maintained at or above the adopted level. The predicted under-spend was noted.
- The Housing Revenue Account Balance would be maintained at or above the adopted level due to identified savings.
- There was sufficient Capital Reserve to balance this year's Capital Programme. The current position was improved over last month with £1.134m being available in the Reserve to support the Programme from 2012/13 onwards.

## \*126 Financial monitoring report 2011/12 – Month 7 October 2011(cont)..

The Head of Finance up-dated his report due to further downgrading of UK financial institutions announced the previous evening. The current position was that Santander UK (formerly Abbey), Nationwide Building Society and Barclays had been downgraded from AA- to A+ and Lloyds TSB and the Royal Bank of Scotland from A+ to A. This took them below the Council's external lending list criteria. The Council did not currently have external investments in Santander, Lloyds TSB or the Royal Bank of Scotland but had £5.7M in external investments in Nationwide and £3M in Barclays. The Head of Finance recommended that investments in Nationwide and Barclays be held until maturity. He also recommended that the Council's criteria be changed to allow investments in an agreed list of A+/A rated UK institutions - up to a maximum proportion of the total Fund. This action would avoid over-exposure to foreign institutions.

- RESOLVED**
- (1) that the variances identified as part of the Revenue and Capital Monitoring process up to Month 7 be noted;
  - (2) that the Council hold the investments in Nationwide and Barclays until maturity;
  - (3) that, for future investments, the Council's lending list criteria be changed to allow a maximum of 20% of the fund (currently £6M) to be invested in specified A+/A rated institutions, namely, Nationwide Building Society, Lloyds TSB, Royal Bank of Scotland, Santander (formerly Abbey) and Barclays.

**REASON** To keep the Council's finances under review, including considering whether any corrective actions were required for the remainder of the financial year.

Changes to the Council's investment criteria as detailed would help protect the Council from over-exposure to foreign institutions.

## \*127 Treasury Management Performance 2011/12 – 1 April 2011 to 30 September 2011

Members considered the Finance Management Performance half yearly report which detailed the overall performance of the Council's investment portfolio during the first 6 months of 2011/12. The half yearly reporting was a requirement of the Council's investment strategy. Members questioned the performance of the Council's external investors' performance.

**RESOLVED** that the investment return for the first six months of 2011/12 be noted

**REASON** The Investec report to 30 September 2011 (Appendix A to the report) substantiated the performance of the Council's externally managed funds. Members acknowledged the safeguards in place to protect the Council's investments.

- \*128 Empty Dwellings in East Devon and the Council House discount on second homes (report on motion to Council)

Councillor Jill Elson Portfolio Holder – Sustainable Homes and Communities presented the Chief Executive's report which was in response to a motion submitted to the October meeting of the Council on the issue of empty dwellings and possible action needed. Councillor Elson advised that she had held a useful Think Tank on empty homes and progress continued to be made.

The Council's policy commitment was to bring empty homes back into use. Members were reminded of the Empty Homes Strategy 2009-2014 which set out this commitment and positive action being taken

Councillor Claire Wright who proposed the motion was invited to speak. She recognised positive action being taken by the Council's housing service to bring empty homes back into use but referred to the scale of the problem and the size of the Council's waiting list. She said that ownership of second homes and holiday lets was a growing problem and that empty homes did not benefit the local economy or communities.

The report advised that removing the 10% discount currently given to owners of second homes would generate only limited funds and would be unlikely to deter people from owning a second home. In April 2004, the Second Home Council Tax discount had been reduced from 50% to 10% and yet the number of second homes in the district had significantly risen since then.

The Department for Communities and Local Government was currently consulting on reforms to Council Tax which could result in billing authorities having greater discretion over Council Tax relief

Members noted the number of local people on the waiting list for Council housing.

There was a national housing crisis and this picture was reflected within East Devon. There were not enough houses being allocated in development plans or being built to satisfy growing demand.

The Chief Executive referred to the local housing market as 'broken'. He explained that the average cost of a house in the district was £266,000 and with an average wage of £18,500, the only option for the majority of local working people was social/Housing Association housing opportunities. He emphasised the importance of the Council taking positive steps to meet demand and keep provision of affordable housing high on its agenda.

**RESOLVED**

- (1) that the consultation response to the motion on empty dwellings in East Devon and the Council Tax discount on second homes as set out in Appendix B to the report be adopted;
- (2) that the Council continue to take positive action to bring empty homes back into use;
- (3) that provision of affordable homes remain a Council priority.

- \*128 Empty Dwellings in East Devon and the Council House discount on second homes (report on motion to Council) (cont)..

**REASON** To support steps being taken to remove the Council Tax discount from second home, bring empty properties into use and increase the quantity of affordable homes in the district.

- \*129 New Homes Bonus – recommendations of Panel

Members considered the report of the New Homes Panel. The Panel had been set up by the Cabinet on 13 July 2011 to consider various options on how to use the New Homes Bonus (NHB) funds to meet local priorities for the benefit of the wider community. The Panel had considered basic criteria for the allocation of the funds.

A favoured option for one third of the sum available this year was to contribute to the Devon County-wide scheme. This would add up to a combined annual Community Fund of around £115,000 per annum to be distributed across towns and parishes. This Council's contribution could fund the scheme for the next 10 years. The Panel proposed that the remainder of the funds be used to fund community Capital and One-off projects.

- RESOLVED**
- (1) that the principle of New Homes Bonus (NHB) funding being distributed between a Community Fund and a Capital One-off Programme be agreed on the following basis:
    - Community Fund allocation to be £105,000 annually;
    - Capital One-off Programme allocation to be £205,000 (2010/11) with a further £600,000 (approximately) being made available from 2012/13 onwards.
  - (2) that the following conditions be agreed in principle for the two funding streams:
 

**Community Fund**

    - a) Alignment with Devon County Council (DCC) elector fund;
    - b) Reflect local priorities and deliver benefits for the wider community;
    - c) One-off local funding and no on-going/revenue funding implications;
    - d) Encouragement to multiple parish and town proposals.

**Capital and One-off Programme**

    - a) Prioritise spend on projects that will show return on investment;
    - b) Prioritise projects that will optimise EDDC assets – such as marketing, planning disposal, refurbishment and redevelopment;
    - c) Time limited project spend that does not require on-going financial commitments such as running costs.

\*129 New Homes Bonus – recommendations of Panel (cont)..

- (3) that Officers under the guidance of the NHB Panel, undertake further work to examine the mechanisms required to distribute the NHB funding including taking forward arrangements to discuss with DCC the alignment of EDDC Community Fund with the existing DCC elector related funding.

**REASON**

To make best use of the New Homes Bonus for the benefit of local communities within East Devon.

130 Independent Remuneration Panel - recommendations

The Leader welcomed Bob Wiltshire, Chairman of the Panel, to the meeting together with other Panel members – Tina Day, Susette Henson and Malcolm Elliott. Mr Wiltshire introduced the report of the meeting of the Panel held on 13 October 2011 and the recommendations made.

Although outside its remit, the Panel had expressed their strong concern over the lack of opposition representation on the Cabinet. The Leader advised that although his appointed Cabinet comprised Conservative Members, all Councillors were encouraged to take part in debate at Cabinet and be involved in the Portfolio Holder Think Tanks.

The Chairman of the Housing Review Board was advised that the allowances in respect of the Board would be considered at the next meeting of the Panel.

The Panel expressed their respect for the work that Councillors undertook and appreciated the efforts made to serve their local communities. The Leader thanked the Panel for their valued work and comments.

**RECOMMENDED**

- (1) that no change be made to the allowance currently paid to the Vice Chairman of the Licensing and Enforcement Committee;
- (2) that no change be made to the allowance currently paid to the Chairman of the Overview and Scrutiny Committee;
- (3) that no change be made to the allowances currently paid to the Leader and Deputy Leader of the Liberal Democrats Group;
- (4) that no allowance be made at this time to the Leader of the Independent Group (the Group Leader had previously received an allowance as a Member of the Cabinet),
- (5) that the attendance fee paid to non-councillor members of the Standards and other Committees be £50 for half a day (4 hours) or multiples thereof, this to come into effect from 1 April 2012;

## 130 Independent Remuneration Panel – recommendations (cont)..

- (6) that the Panel meet with the Leader of the Council annually to discuss any proposed changes to the committee structure before the start of the new Council year;

(The Panel was now sent an electronic copy of the Knowledge and Members of the Panel would endeavour to attend Cabinet meetings as a way of keeping up-to-date with Council business).

**REASON**

The Cabinet appreciated the work undertaken by the Panel and the reasoning behind the recommendations which would be referred to Council.

## \*131 Building Control Financial statement 2010/11

Members considered the report of the Head of Economy setting out an annual end-of-year financial statement. This was a requirement following the setting up of the new fees regulations based on cost recovery only. The identified surplus would be invested in the mobile working initiative to help achieve improvements within the service.

**RESOLVED**

that the annual financial statement of the Building Control chargeable and non-chargeable accounts 2010/11 be noted.

**REASON**

The annual end of year financial statement was provided to Members for their information.

## \*132 Sustainability of the Exeter and Heart of Devon (EHOD) Employment and Skills Board

Members considered the report of the Head of Economy setting out the case and resource implications for retaining dedicated Employment and Skills Board officer support and to facilitate the continuing delivery of projects. Members considered the 3 year development and funding plan.

The Employment and Skills Board was now actively seeking to engage stakeholders and to attract sponsorship and had requested financial support from the Council. Members noted that financial support committed by Growth Board partners could lever additional funds into the Exeter and Heart of Devon area via the use of European Social Fund Technical Assistance which matched any public sector funding.

Members discussed the rising level of unemployment within the district, the employment opportunities of the New Growth Point, the importance of developing skills that matched the needs of current and future employers in the district and of providing timely careers advice to schools and colleges.

\*132 Sustainability of the Exeter and Heart of Devon (EHOD) Employment and Skills Board (cont)..

- RESOLVED**
- (1) that the business case for sustaining the Employment and Skills Board be noted;
  - (2) that a special bid to the Service Planning and Budget Task and Finish Forum for a contribution of £12,500 per annum for 3 years be supported. This commitment would be subject to the contribution being matched equally by Devon County Council and Exeter City Council. The other half of the funding would be found by the private sector members of the Exeter and Heart of Devon Growth Board.

**REASON** To sustain the Employment and Skills Board and its benefits to local businesses.

\*133 Ice/Snow/Frost Treatment Plan

Members considered the report of the Head of Environment setting out an interim plan for dealing with ice and snow disruption and related issues within the district and significantly in respect of Council-owned land including high risk areas such as access to sheltered housing.

Members appreciated that it would not be possible to treat all areas. The Plan set out a reasonable and practical response to dealing with severe weather conditions and included key areas to be treated. Members recognised the importance of co-operation between the District Council, County Council and local volunteer Snow Wardens.

**RESOLVED** that the Council approve Option 2 in the report, namely to grit the Council's primary car parks and other high risk areas which would require the following actions:

- To purchase bagged supplies of salt-grit and retain these at the main depots;
- Streetscene and Parking Civil Enforcement Officers to be supplied with manual snow cleaning equipment (including blowers and shovels) to enable them to manually clear key areas;
- To install lockable grit bins at the key car parks so that a stock of salt-grit is on site at the start of a severe weather event;
- To purchase two mechanical spreading hoppers to use with existing vehicles to spread salt-grit over key car parks;
- To close car parks which have not been treated or cleared;
- To liaise with the County Council and Snow Wardens.

**REASON** To establish a clear Council response to severe ice/snow/frost conditions.

**\*134** Performance monitoring report until October 2011

Denise Lyon, Deputy Chief Executive, presented the performance information for the 2011/12 financial year until October 2011. Detailed performance reports had been made available to Members on line rather than in printed form.

**RESOLVED** that the progress and proposed remedial action for performance measures for the 2011/12 financial year until October 2011 be noted.

**REASON** To enable the Cabinet to continue to monitor the Council's progress in achieving excellent customer service using relevant performance measures.

**\*135** Results of Staff Engagement Survey 2011

Members considered the report of the Corporate Organisational Development Manager which set out the results of the staff engagement survey undertaken this year. The majority of staff had completed the survey on-line.

Results were generally very positive. The last staff engagement survey had been undertaken in 2008 and action taken as a result of feedback included improved people management, training and engagement initiatives. The feedback from the current survey would similarly be used to address issues identified.

The Leader expressed his appreciation of the loyalty and high performance of staff.

**RESOLVED** that the results of the staff engagement survey be noted together with the actions to be taken by the Strategic Management Team to address issues raised on a service by service basis.

**REASON** To use the feedback from the staff engagement survey to address issues identified.

**\*136** Former Drill Hall, Esplanade, Sidmouth

Members considered the report of the Head of Economy setting out the current position in respect of the former Drill Hall in Sidmouth. Legal completion was due very shortly. The Hall had been purchased at the beginning of November this year. Its condition was considered unsafe and unusable. The Hall had been purchased for demolition as part of the wider planned re-development of the Port Royal area. The Head of Economy asked for approval for the building to be demolished as soon as possible to avoid the cost of any necessary maintenance of the building.

**RESOLVED** (1) that the former Drill Hall, Sidmouth, be demolished and the ground made safe, with a budget of £48,038 being made available for use in the current financial year to facilitate the necessary works as soon as the Council is in the legal position to effect this;

\*136 Former Drill Hall, Esplanade, Sidmouth (cont)..

- (2) that the Head of Economy investigate options for temporary use of the site including for possible car parking.

**REASON** Demolishing the Hall and making the site safe would avoid on-going maintenance costs and would mean that use could be made of the site.

\*137 Exclusion of the 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, is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

\*138 Asset Management Update

Members considered the joint report of the Head of Economy, Deputy Chief Executive (Richard Cohen) and the Principal Estates Surveyor which set out the revised Asset Management Plan 2011/14 and progress on delivery. Additional staff resource within the Estates Team had enabled identified asset transfers to be progressed.

The Deputy Leader expressed his appreciation of the work being carried out by the Asset Management Team (Councillors and Officers).

- RESOLVED**
- (1) that the revised Asset Management Plan 2011/14 be adopted;
  - (2) that the progress in the delivery of the Corporate Property Asset Management Plan made during the last year be noted;
  - (3) that the progress made and key achievements across the range of other services provided by the Council's Estates Team be noted.

**REASON** To endorse action taken so far in respect of managing the Council's assets in a strategic and structured way.

139 Office relocation

Members considered the joint report of Richard Cohen (Deputy Chief Executive) and the Principal Estates Officer on progress being made in respect of the office relocation project. The Office Accommodation Member Working Party had already met on a number of occasions and had supported the need for work to be carried out at an early stage to assess the feasibility of the move.

Discussion included the proposed budget for the initial investigatory works, an Exmouth base, mobile and smarter working, planning opportunities, partnership working, potential impact on staff and Sidmouth, site valuations and the current market down-turn.

## 139 Office relocation (cont)..

- RECOMMENDED**
- (1) that the action points from the Office Accommodation Member Working Party held on 19 October 2011 (Appendix 2 to the Committee report) be noted;
  - (2) that the project work undertaken to date be endorsed and Kensington Taylor's refreshed costings and confirmation that the project remains financially viable be noted;
  - (3) that Officers be authorised to pursue options for a partnership approach to bring forward the development of the project;
  - (4) that a budget of up to £200,000 be authorised to enable the immediate requirements of commencing necessary studies, the procurement of external legal advisors, the procurement of project management and the appointment of a relocation manager.

**REASON** To enable the project to progress.

## \*140 Exmouth Regeneration

Members considered the joint report of the Head of Economy, Deputy Chief Executive (Richard Cohen) and the Principal Estates Surveyor on how to progress the Masterplan for Exmouth. Work to date had developed a vision for the future development of the town and seafront. Members supported the incremental approach being adopted within the strategic plan.

**RESOLVED** that the Council commits to bringing forward the delivery of projects as identified in the report over a phased period of 4 years.

**REASON** As set out in the main body of the report.

## \*141 Cleaning Services at Knowle

Members considered the report of the Property Services Manager setting out the results of the market testing of outsourcing cleaning services at Knowle and future options. This had identified limited financial savings.

**RESOLVED** that cleaning services at Knowle be not outsourced.

**REASON** The proposed out-sourcing would not achieve significant savings.

Chairman ..... Date .....

EAST DEVON DISTRICT COUNCIL  
Minutes of a Meeting of the  
Overview and Scrutiny Committee held  
at Knowle, Sidmouth on 29 September 2011

**Present:**

**Councillors:**  
Stuart Hughes (Chairman)  
John Humphreys (Vice-Chairman)  
Mike Allen  
Peter Bowden  
Peter Burrows  
Derek Button  
David Chapman  
Deborah Custance Baker  
Roger Giles

Sheila Kerridge  
David Key  
John O’Leary  
Brenda Taylor  
Graham Troman  
Tim Wood  
Eileen Wragg  
Tom Wright

**Officers:**  
Ed Freeman – Interim Development Manager  
Kate Little – Head of Economy  
Debbie Meakin – Democratic Services Officer  
Simon Smale – Head of Environment  
Mark Williams – Chief Executive

**Also Present**

**Councillors:**  
Ray Bloxham  
Iain Chubb  
David Cox  
Alan Dent  
Paul Diviani  
Christine Drew

Jill Elson  
Peter Halse  
Martin Gammell  
Phil Twiss  
Mark Williamson

**Apologies:**

**Committee Members:**  
Graham Brown  
Vivien Duval Steer  
Mike Howe  
Claire Wright

**Councillors:**  
Geoff Chamberlain  
Steve Gazzard  
Stephanie Jones  
Andrew Moulding  
Peter Sullivan

The meeting started at 6.30pm and ended at 8.32pm.

- \*26 Public Question Time  
There were no questions from the public.
- \*27 Minutes  
The minutes of the Overview and Scrutiny Committee held on 1 September 2011 were confirmed as a true record.
- \*28 Declarations of Interest  
No interests were declared.

\*29 Cabinet Agenda

No items were notified to the Chairman or Democratic Services prior to the meeting. The Chairman reminded Members of the period of notice required.

\*30 Update from Portfolio Holder for Environment

The Chairman welcomed Councillor Iain Chubb, Portfolio Holder for Environment, to the meeting.

The Portfolio Holder outlined the services that his portfolio covered and informed the Committee of the key work in the coming months, including:

- the work on the Environment Strategy that would form part of the suite of strategies that underpin the Council Plan;
- Car Parks review currently out to consultation with Towns and Parishes;
- Pilot scheme in Beer to increase materials recycled to include cardboard and other plastics; the Refuse and Recycling Board would evaluate the pilot to consider if roll-out of an expansion of the scheme was feasible;
- Emergency planning document being revised by a shared officer with South Somerset District Council;
- Back to the floor with Andrew Hancock covering the District, including out on the harbour patrol boat with Andy Phillips;
- Microchipping plants to help deter thefts from public parks;
- Bin labels message about over-full refuse bins and the subsequent publicity.

Members questioned the Portfolio Holder for further information and debated the issues, including:

- If free parking in town car parks for one afternoon in the run up to Christmas could be extended, or should the income be maximized at a time when useage would be likely to be higher;
- Car parking income had decreased as outlined in the Financial Monitoring Report to Cabinet – many factors contributed to the decrease, including the current economic climate as well as the impact of good or poor weather on the coastal car parks;
- If flytipping had increased following the closure of some civic amenity sites and the introduction of charges for certain waste types at the remaining sites – it was confirmed that work was being undertaken to confirm the hot spots for flytipping in the District which had increased as a result of the changes at civic amenity sites;
- The role of local recycling champions was to promote and encourage recycling, working closely with their parish or town to help address local issues about recycling;
- Whilst anti-social jetskiing was still an issue at Exmouth, work was underway to tackle the problem, including dialogue with the local group of responsible jetski users. The Environment Think Tank would look at a proposed slipway as one element of reaching a solution;
- Council car park gritting and snow clearing policy would be outlined in a report to Cabinet in the near future – Devon County Council had agreed to provide a grit dump at each of the main car parks in the event of a prolonged freeze, but still difficult to keep them open if prolonged heavy snow fall as experienced last winter;

\*30 Update from Portfolio Holder for Environment (continued)

- Seaton Heights Hotel site “urban explorer” issue would be researched, but there would be difficulties and cost implications in making secure and safe a large site although the authority does have the power to board up vacant premises;
- Why the District Council was not a member of the Coastal Issues special Interest Group – the Group attracted an annual fee and the budget for such fees had been reduced in the previous budget.

The Portfolio Holder noted a number of concerns and issues raised by the Committee and would take a number of those issues to his Think Tank meetings. The Chairman thanked the Portfolio Holder for his helpful update.

**RESOLVED** that the update from the Portfolio Holder for Environment be noted.

\*31 Final report of the Ward Member customer satisfaction with Planning Task and Finish Forum

Councillor Peter Bowden, Chairman of the Forum, presented the final report to the Committee.

He outlined the reasons for the formation of the Forum and their work in obtaining evidence from Ward Members and officers, including Senior Officers, to establish the interaction that existed between them. He stressed that, for the vast majority of planning applications, the service was excellent and the customer satisfaction from applicants reflected that. The Forum had concentrated on the few cases where an application was complex or had a number of community concerns where better interaction may have benefitted all parties involved.

He explained the recommendations made by the Forum to the Committee and clarified a number of points that would need to be specifically detailed in the recommendations, before the report went before the Cabinet.

The Committee discussed some of the aspects of the recommendations, in particular:

- Informing Ward Members of pre-application advice given helped to keep the local Member aware and able to assist in providing local knowledge;
- Members were keen not to add additional workload to the service but felt that with the small number of contentious applications per ward member per year that the recommended changes should not significantly impact on the service, only enhance it;
- Any further request for comment from a Ward Member required the Ward Member to act promptly and this should be reflected in the recommendations;
- The planning service had a continual workload of applications and there were often logistical issues in keeping the process continuing;

\*31 Final report of the Ward Member customer satisfaction with Planning Task and Finish Forum (continued)

- Customer care did not dominate the evidence given but was repeated enough to cause concern – training should cover what interpersonal skills were needed for both the statutory and non-statutory requirements of the roles within the service;
- Ward Members should also strive to make connections with officers and adopt an approachable manner.

Enforcement issues concerned Members but fell outside the remit of the Forum, hence the recommendation for interim and full reports to the Committee in January and July to allow the recent changes to the service to get established. Some options for aiding that element of the service were debated, including investigating if applicants could be required to provide a build start date on all applications. The Chief Executive illustrated the problems around taking enforcement action when no harm could be established to another party, by outlining an Ombudsman case involving the NHBC that could only be resolved with private litigation.

The Chairman thanked the Forum and the Ward Members and officers involved. The final report and recommendations would go before Cabinet before the end of the year, following a final meeting of the Forum and liaison with the planning service.

**RESOLVED**

1. that recommendations 1, 2, 4(c) and 4(d) of the Forum report be agreed in principle, with further refining (to provide clarification and cover practical implementation) being undertaken by the Forum, in liaison with the Planning Service, before the recommendations are presented to Cabinet as part of the final report;
2. that recommendation 9 of the Forum report be replaced with: The Head of Economy, along with other Senior Officers, is often required to explain the principal considerations of an argument. From a planning perspective it is acknowledged that a range of material considerations will need to be taken into account, and the Chairman of the Development Management Committee will need to ensure that the scope of such advice is clear and Members have been fully appraised of material points. It is quite possible that, when answering such requests for advice from the Chairman, that Senior Officers are obliged to proffer both supporting and opposing views;
3. that recommendations 3, 4(a), 4(b), 5, 6, 7, 8 and 10 of the Forum report be agreed in full to go forward to Cabinet as part of the final report.

\*32 Preventable demand and Performance in the Customer Service Centre

Members noted the report outlining the volume of calls received by the Customer Service Centre, and their work on reducing preventable demands on the service.

**RESOLVED** that the report on Preventable demand and Performance in the CSC be noted.

\*33 East and Mid Devon Crime and Disorder Scrutiny Panel

Councillor Tom Wright, member of the Panel, updated the Committee on the work of the Panel, following their last meeting on the 7 September 2011.

He outlined the decision to remove the Police Authority representative from the Panel in light of the possible conflict of interest in scrutinising their own work and the proposed changes to Police Commissioners. The Committee also noted the latest crime figures for East and Mid Devon.

**RESOLVED** that the update from the East and Mid Devon Crime and Disorder Scrutiny Panel be noted.

\*34 Forward Plan

Members noted the additions to the forward plan for the Committee. The Chairman highlighted the special meeting on the 17 November 2011 to consider the Local Plan as part of that consultation process.

**RESOLVED** that the Overview and Scrutiny Forward Plan be noted.

Chairman ..... Date .....

EAST DEVON DISTRICT COUNCIL  
Minutes of a Meeting of the  
Overview and Scrutiny Committee held  
at Knowle, Sidmouth on 27 October 2011

Present:	<b>Councillors:</b> Stuart Hughes (Chairman) John Humphreys (Vice-Chairman) Mike Allen Peter Bowden Peter Burrows Derek Button David Chapman Deborah Custance Baker Vivien Duval Steer Mike Howe Sheila Kerridge	David Key John O'Leary Brenda Taylor Graham Troman Tim Wood Eileen Wragg Claire Wright Tom Wright
	<b>Officers:</b> Richard Cohen – Deputy Chief Executive Debbie Meakin – Democratic Services Officer	
Also Present	<b>Councillors:</b> Iain Chubb Trevor Cope David Cox Alan Dent Paul Diviani Jill Elson	Graham Godbeer Stephanie Jones Andrew Moulding Frances Newth
	<b>Committee Members:</b> Graham Brown Roger Giles	<b>Councillors:</b> Ray Bloxham Steve Gazzard Steve Hall Pauline Stott

The meeting started at 6.30pm and ended at 8.21pm.

- \*35 Public Question Time  
There were no questions from the public. Councillor Iain Chubb used the opportunity to ask a question of the Portfolio Holder for Economy. He asked for an update on the Town Manager for Seaton, as the perception communicated to him was that the Manager had not been seen actively working in the town. Councillor Godbeer informed the Committee of the recent employment of a town manager in June and her close working with the Town Council and the local Chamber of Commerce.

**\*36 Minutes**

The minutes of the Overview and Scrutiny Committee held on 29 September 2011 were confirmed as a true record subject to an amendment to the Councillor name under minute 33.

**\*37 Declarations of Interest**

<b>Councillor/ Officer</b>	<b>Minute number</b>	<b>Type of interest</b>	<b>Nature of interest</b>
Cllr Stuart Hughes	38	Personal	Devon County Council Portfolio Holder for Highways & Transportation; Snow Warden for Sidmouth
Cllr Trevor Cope	40	Personal	Son works for Leisure East Devon
Cllr David Cox	40	Personal	Owner of second home

**\*38 Update from Devon and Cornwall Constabulary**

The Chairman welcomed Inspector Antonia Weeks to the meeting.

The Inspector outlined the recent changes to the service provided, following budget reductions, including:

- Recent businesses changes within the service over the past six to nine months to prepare for the budget reduction;
- Continued close working with partner agencies;
- Retention of the local policing structure of neighbourhood teams but with shift pattern changes implemented and some neighbourhood beat managers covering a wider area;
- Preparation for the possible changes in the light of the expected Police Commissioner in place in twelve months time;
- Maintaining results in the courts and the quality on the service;
- Mindful of next level of budget reduction, with a total of £50m reduction for the constabulary by 2015.

Members questioned the Inspector for further information and debated police issues, including:

- Administration in dealing with cases had not decreased. This was not an issue they could change at local level but may be an area that could be raised with the Police Commissioner in due course with the support of the District Council;
- Concerns about officers being stretched over a large geographical area were put to rest with the information that the District was well served for responding to emergencies;
- PCSOs were still highly valued by the Police and Councillors and were an intrinsic part of the force's delivery plans;
- Local Action Groups set up under the Crime and Disorder Act 1998 continued to work well and resolve local issues at a local level;
- Shift patterns had been aligned to a demand curve to ensure officers were available at peak times;
- Following media coverage in the previous year about the closure of some Police station front desks, little feedback was received and the level of negativity expected had not been realised.

\*38 Update from Devon and Cornwall Constabulary

The Chairman thanked Inspector Weeks for her update and for answering the questions raised.

**RESOLVED** that the update from Devon & Cornwall Constabulary on budget implications be noted.

\*39 Cabinet Agenda

The Chairman agreed two items for discussion from the Cabinet agenda for 2 November 2011.

**Exmouth Business Improvement District (BID) Feasibility Study**

The Cabinet report outlined the history of the investigation into the viability of a Business Improvement District within the town of Exmouth. The feasibility study was published in September 2011. The next step was to find funding to meet the setting up of a dedicated Exmouth BID company and employ a BID Manager, as recommended by the study. Whilst some of the cost of setting up the company could be met by Section 106 contributions, the shortfall and further work on the detail of the BID proposal was due for further discussion by the Exmouth Town Management Partnership.

The Cabinet report sought to recommend that the Council welcomes the findings of the feasibility study; and expresses willingness to work with others to explore ways of progressing the Exmouth BID proposal to and beyond a ballot of businesses in the BID area.

Councillor Eileen Wragg highlighted a number of recent press articles about the Exmouth BID and explained how local traders had voiced their concern about it. The consultation had not, in her view, been undertaken with enough businesses in the area and the levy of a BID could adversely affect traders already struggling in the economic climate.

The Deputy Chief Executive outlined the stages of the process, including how at the later stage each business in the area of the BID would get to vote on the Business Plan. If the Plan obtains a majority vote, the Plan would be implemented and all businesses in that area would pay the levy.

The Committee agreed that it would be beneficial for the Cabinet to have an update from the Town Council on their view on the Exmouth BID in light of comments made at the meeting.

**Ice/Snow/Frost Treatment Plan**

The Cabinet report set out the terms of the plan, recognising that it was not possible to treat all areas. The plan set out the priority for clearing snow and ice covering key car parks, to enable access to Council's own buildings, and other specified high risk areas based on intensity of use and/or vulnerability of users.

The report outlined the partnership work planned with Devon County Council to ensure that salt/grit was available at the priority sites; and existing staff, who could not carry out their normal duties, would be redeployed to dealing with clearing operations. The recommendation was to approve the treatment plan, subject to agreement with DCC for the supply of salt/grit.

\*39 Cabinet Agenda (continued)

The Chairman welcomed the report coming before Cabinet, in particular to note that the Council was working closely with the County Council to provide a linked service should the area experience bad weather this winter. A number of questions were raised about the report, including:

- Why information about the County Council supplying dumps of grit/salt to the main car parks was in the report when it had not been confirmed by the County that this would be provided;
- Why was there no detail of how and when Snow Wardens would be consulted in the report, as this work needed linking up with each Warden's local plan for dealing with bad weather;
- Where would the three pedestrian salt spreaders be located and used, especially as some towns/parishes may want to consider if they purchase their own equipment from local funds where available;
- Further detail on practicalities of clearing car parks and closing others of a lesser priority needed in the report.

**RESOLVED** that the Chairman would feedback discussion on Exmouth BID Feasibility Study and the Ice/Snow/Frost Treatment Plan at the Cabinet meeting on 2 November 2011.

\*40 Update from Portfolio Holder for Finance

The Chairman welcomed Councillor David Cox, Portfolio Holder for Finance. The Portfolio Holder reminded the Committee of both the reduction in the formula grant, and the impact of low interest rates, on the Council's finances. Whilst he could not see any growth for the foreseeable future, the work already undertaken in budget setting had helped the Council in the short term. However there was still a deficit showing for 2012/13 and some future debate may need to take place to consider borrowing to meet the Council's commitments.

Councillor Cox outlined his recent work under his Portfolio, including:

- Planned meeting to try to dissuade the Government from their plans to localise Housing Benefit payments – the universal credit system would not work if it was purely available to claimants online;
- Reviewing the Council's investment strategy, considering other investment firms;
- Continued discussion on asset management;
- Office relocation business case;
- Continued to act as the "eyes and ears" of the Council as the nominated trustee on Leisure East Devon. He commended the excellent work of the LED Chief Executive and his team;
- Still a member of the Refuse and Recycling Board and outlined a recent SWAP check on the contract that revealed it was good value for money;
- Looking at more applications for national non-domestic rate relief but the number of applications had not increased to the level he expected in the current economic climate.

\*40 Update from Portfolio Holder for Finance

Members questioned the Portfolio Holder for further information and debated the issues, including:

- Could more money be realized from increasing the council tax on second homes, current set at a reduced rate? – A report on the topic was planned for the Cabinet meeting on 30 November 2011;
- Would maintenance expenditure be covered for required works on leisure facilities owned by the Council and run by Leisure East Devon? – The Portfolio Holder for Strategic Development & Partnerships reminded the Committee of the proactive approach of Leisure East Devon, who had previously re-invested in some centres where that investment would bring in additional revenue. The Committee discussed several examples of improvements and the relationship between the centres and local schools, with concern over how the new academy status of schools may impact on those relationships;
- Concern over the practical implications of the universal credit, including how it may impact the current good performance the Council enjoyed for the payment of housing benefits. Vulnerable people could be adversely affected if they no longer had the option of assistance to help them complete their housing benefit claim. If the government went ahead with their proposal, should the Council have a “disaster recovery” plan for dealing with those who have been unable to claim and fall into rent arrears as a result?

The Chairman thanked the Portfolio Holder for his helpful update.

**RESOLVED** that the update from the Portfolio Holder for Finance be noted.

\*41 Forward Plan

Members noted the additions and changes to the forward plan for the Committee. The Chairman highlighted the special meeting to consider the Local Plan as part of that consultation process was now on the 9 December 2011 starting at 10.00am. The Chairman of the Local Development Framework Panel, Councillor Mike Allen, requested that the Committee look into how the Local Plan was project managed.

A report on the cost and revenue for on-street parking in East Devon was requested.

An update was provided by the Portfolio Holder for Environment on the recycling pilot in Beer for the collection of cardboard, in response to a question.

The Portfolio Holder for Economy confirmed he would provide an update to the Committee on 1 March 2012.

**RESOLVED** that the Overview and Scrutiny Forward Plan be noted.

Chairman ..... Date .....

## EAST DEVON DISTRICT COUNCIL

### Minutes of a Meeting of the Development Management Committee held at the Council Chamber, Knowle, Sidmouth, on Tuesday 18 October 2011

- Present: Councillors:  
Mark Williamson (Chairman)  
Helen Parr (Vice Chairman)  
Geoff Chamberlain  
Alan Dent  
Vivien Duval Steer  
Tony Howard  
Mike Howe  
Ben Ingham  
Stephanie Jones  
David Key  
Geoffrey Pook  
Ken Potter  
Phil Twiss  
Steve Wragg
- Ward Councillors:  
Members: Peter Bowden  
Bob Buxton  
Graham Godbeer
- Also Present: Councillors:  
David Atkins  
Paul Diviani  
Andrew Moulding  
Honorary Alderman:  
Ann Liverton
- Officers: Ed Freeman, Interim Development Manager  
Christopher Holland, Democratic Services Officer  
Christopher Walledge, Senior Solicitor
- Apologies: Councillors:  
Derek Button  
Steve Gazzard  
Pat Graham  
Peter Sullivan  
Brenda Taylor  
Eileen Wragg  
Claire Wright

The meeting commenced at 2.00 pm and ended at 6.12 pm

#### \*22 Chairman's Welcome

The Chairman welcomed to the meeting, Christopher Walledge who would be providing legal advice and support to the Committee while the Council's legal team were engaged in other legal business.

\*23 Special meeting of the Development Management Committee

The Chairman announced that a Special Meeting of the Development Management Committee to consider the Local Development Framework document for public consultation, would be held on Friday 18 November 2011 starting at 9.00 am.

\*24 Minutes

The minutes of the meeting of the Development Management Committee held on Tuesday 20 September 2011 were agreed and signed as a true record.

\*25 Exclusion of the Public

**RESOLVED:** that the classification given to the documents to be submitted to the Committee, be confirmed, and that the reports relating to exempt information, be dealt with under Part B.

\*26 Local Development Framework Panel notes

The notes of the meetings of the Local Development Framework Panel held on Tuesday 6, 13, 20 and 27 September 2011 were noted.

\*27 Planning Appeal Statistics

The Committee received and noted the report of the Interim Development Manager setting out appeals recently lodged and recent appeal decisions notified.

Members suggested that it would helpful for all Councillors to receive a regular report on costs awarded during the appeal process. It was suggested that this could be an annual or bi-annual report

**RESOLVED:** that the Head of Economy in consultation with the Chairman arranges for regular reports to all Members detailing costs awarded at appeal.

\*28 Kilmington Village Design Statement

The Committee considered the report of the Senior Planning Policy Officer concerning the Kilmington Village Design Statement which provided a very useful insight into the community's views, resulting from an extensive impartial public consultation. It identified the features of the environment which the community considered locally distinctive and/or particularly important.

- RESOLVED: 1)** that the Village Design Statement be endorsed and used to inform decision making in the District and the production of the Local Development Framework/Local Plan.
- 2)** that the Kilmington Village Design Statement group be congratulated on their work.

**\*29** Planning Guarantee and information requirements

The Committee considered and noted the report of the Interim Development Manager which detailed a statement recently issued by the department of Communities and Local Government. The statement provided further information with regard to the planning guarantee and its implications as well as potential changes to the information that Local Planning Authorities would be able to request to accompany planning applications.

Members noted that the planning guarantee would seek to ensure that all planning applications were determined within 1 year of receipt by the Local Planning Authority including any appeal handled by the Planning Inspectorate.

In terms of information requirements the statement sought to stimulate debate over whether information requirements could be rationalised and if so in what ways to ensure that developers were not burdened with producing documents which were not absolutely necessary to make an informed decision on their proposed development.

- RESOLVED:**
- 1) that the report be noted
  - 2) that a further report be brought to the Development Management Committee when a more detailed consultation exercise was undertaken.

**\*30** Addendum to Exeter International Airport Masterplan

The Committee considered and noted the report of the Head of Economy regarding the Addendum to Exeter International Airport Masterplan recently published in October 2009. The purpose of the addendum was to provide greater definition to the proposed northern and southern development zones. It was anticipated that this would inform the progression of the Local Plan. The report set out the main issues raised by the addendum which in turn would need to form the basis of a formal consultation response to the addendum in November.

- RESOLVED:**
- 1) that the Committee support the ongoing development and expansion of the Airport as a key economic driver, recognising the impact of the current economic downturn
  - 2) that the Committee provide 'in principle' support for further employment related development at the Airport recognising that the precise scale and quantum will;
    - be determined through the Local Plan process
    - need to support the delivery of other strategic employment sites in the West End of the District
    - need to be supported itself by necessary infrastructure improvements including improvements to the road network
  - 3) that delegated authority be given to the Head of Economy in consultation with the Chairman to respond to the consultation.

(Councillor Phil Twiss declared a Personal Interest in this matter as he was the Council representative on the Exeter International Airport Consultative Group and remained in the Chamber to speak and vote)

\*31 Applications for Planning Permission and matters for determination

- RESOLVED:** 1) that the applications before the Committee be determined as set out in Schedule 5 – 2011/2012 (attached).
- 2) that the Leader of the Council in consultation with the Head of Economy considers the formulation of a policy to stipulate a ‘minimum amenity space requirement’ and a ‘minimum room size requirement’ for dwellings.

\*32 Exclusion of the 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, is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

\*33 Ottery St Mary Rural: Land South of Otter Close, Tipton St John – App No. 10/2435/MFUL

The Committee received and noted the report of the Head of Economy concerning the above application and the reasons for refusal of planning permission when the application had been considered by the Committee at the meeting held on 8 March 2011.

- RESOLVED:** that the reasons for refusal agreed by Members at their meeting on 8 March be confirmed.

Chairman ..... Date .....

## EAST DEVON DISTRICT COUNCIL

### Minutes of a Meeting of the Development Management Committee held at the Council Chamber, Knowle, Sidmouth, on Tuesday 15 November 2011

- Present: Councillors:  
Mark Williamson (Chairman)  
Helen Parr (Vice Chairman)  
Derek Button  
Geoff Chamberlain  
Alan Dent  
Vivien Duval Steer  
Mike Howe  
Ben Ingham  
Stephanie Jones  
David Key  
Geoffrey Pook  
Ken Potter  
Phil Twiss  
Peter Sullivan
- Ward Councillors:  
Members: David Atkins  
Peter Bowden  
Maddie Chapman  
Iain Chubb  
Marin Gammel  
Sheila Kerridge  
Frances Newth  
Chris Wale  
Tom Wright
- Also Present: Councillors:  
Peter Halse  
Graham Troman  
Andrew Moulding  
Honorary Alderman Tony Reed
- Officers: Ed Freeman, Interim Development Manager  
Christopher Holland, Democratic Services Officer  
Duncan Moores, Senior Solicitor  
Hannah Whitfield, Democratic Services Support Officer
- Apologies: Councillors:  
Steve Gazzard  
Pat Graham  
Steve Hall  
Tony Howard  
Eileen Wragg  
Steve Wragg

The meeting commenced at 2.00 pm and ended at 7.20 pm

**\*34** Chairman's Welcome

The Chairman welcomed to the meeting, Duncan Moores who would be providing legal advice and support to the Committee while the Council's legal team were engaged in other legal business.

**\*35** Minutes

The minutes of the meeting of the Development Management Committee held on Tuesday 18 October 2011 were agreed and signed as a true record.

**\*36** Local Development Framework Panel notes

The notes of the meetings of the Local Development Framework Panel held on Tuesday 4, 11, 18 and 25 October and 1 November 2011 were noted.

**\*37** Planning Appeal Statistics

The Committee received and noted the report of the Interim Development Manager setting out appeals recently lodged and recent appeal decisions notified.

**\*38** Applications for Planning Permission and matters for determination

- RESOLVED:**
- 1) that the applications before the Committee be determined as set out in Schedule 6 – 2011/2012 (attached).
  - 2) that the Head of Economy establishes a working group to be led by the Deputy Leader of the Council to meet with all interested parties from the community and organisations with a statutory interest in the site, with a view to finding a suitable outcome as a matter of urgency.

The following declarations of interest were made during consideration of the applications:

<b>Councillor/ Officer</b>	<b>Ref. / Site</b>	<b>Type of interest (action taken)</b>	<b>Nature of interest</b>
Councillor Derek Button	10/17/11/MFUL Kindom House	Personal (remained in chamber to speak and vote)	Member lived nearby application site
Councillor Mike Howe	11/1293/MOUT Land NW Courtlands Cross, Courtlands Lane, Lympstone	Personal (remained in chamber to speak and vote)	Member was acquainted with the applicant.

\*38 Applications for Planning Permission and matters for determination (cont'd)

Councillor Mike Howe	11/1879/FUL Lyme Bay Windery, Seaton Junction	Personal (remained in chamber to speak and vote)	Member had formerly traded with applicant
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Chairman ..... Date .....

## EAST DEVON DISTRICT COUNCIL

### Minutes of a Special Meeting of the Development Management Committee held at the Council Chamber, Knowle, Sidmouth, on Friday 18 November 2011

- Present: Councillors:  
Mark Williamson (Chairman)  
Helen Parr (Vice Chairman)  
Derek Button  
Geoff Chamberlain  
Alan Dent  
Vivien Duval Steer  
Mike Howe  
Stephanie Jones  
David Key  
Ken Potter  
Phil Twiss  
Peter Sullivan  
Steve Wragg
- Also Present: Councillors:  
Mike Allen  
David Atkins  
Ray Bloxham  
Peter Bowden  
Graham Brown  
Paul Diviani  
Martin Gammel  
Roger Giles  
Graham Godbeer  
Andrew Moulding  
John O'Leary  
Philip Skinner  
Claire Wright  
Tim Wood
- Officers:  
Neil Blackmore, Landscape Architect  
Matt Dickins, Planning Policy Manager  
Ed Freeman, Interim Development Manager  
Christopher Holland, Democratic Services Officer  
Kate Little, Head of Economy  
Rachel Pocock, Legal and Democratic Services  
Corporate Manager  
Hannah Whitfield, Assistant Democratic Services Officer
- Apologies: Councillors:  
Steve Gazzard  
Tony Howard  
Ben Ingham  
Geoffrey Pook

The meeting commenced at 9.00 am and ended at 4.00 pm

**\*39 Chairman's Welcome**

The Chairman welcomed everyone to the meeting, commenting that the purpose of the meeting was to approve the draft Local Plan for public review and not to undo the excellent work already carried out by the Local Development Framework Panel over the lengthy period during which they had been meeting.

**\*40 Public Speaking**

Three Members of the public commented on the draft Local Plan prior to the later debate between Members. The Chairman thanked the speakers and asked that their written notes be handed to the Clerk, to be considered as part of the consultation process.

**\*41 Declarations of interest**

The following declarations of interest were made during the meeting:

<b>Councillor/ Officer</b>	<b>Type of interest (action taken)</b>	<b>Nature of interest</b>
Councillor Andrew Moulding	Personal (Remained in Chamber to speak)	Member was Chairman of Cloakham Lawns Sports Centre, Axminster
Councillor Philip Skinner	Personal (Remained in Chamber to speak)	Member's brother was tenant farmer of Maer/Green Farm, Exmouth
Councillor Mike Allen	Personal (Remained in Chamber to speak)	Member was a Honiton Town Councillor
Councillor Roger Giles	Personal (Remained in Chamber to speak)	Member was a Governor of King's School and an Ottery St Mary Town Councillor.
Councillor Derek Button	Personal (Remained in Chamber to speak)	Member lived in a Conservation Area and Listed Building.
Councillor Phil Twiss	Personal (Remained in Chamber to speak)	Member had previous carried out research on woodchip renewable energy sources.
Councillor Mike Howe	Personal (Remained in Chamber to speak)	Member owned a local shop and was a Sub Post Master

\*42 New East Devon Local Plan – 2006 to 2026

Members considered the report of the Planning Policy Manager who presented a summary of the work of the Local Plan Panel. It was noted that the Panel had met on a weekly basis to agree a new Local Plan for review/consultation. The proposed new Local Plan would set out strategic and local policies to guide, manage and regulate development in East Devon to 2026. The plan would also set out how the Council proposed to help local communities produce neighbourhood plans. The papers circulated to the committee set out the proposed consultation draft of the new Local Plan and approval was sought for public review.

Members considered the timetable of the plan process and noted that after the review the next proposed stages would include:

1. Amending the plan in respect of comments received;
2. Making the plan available ('deposited') for six weeks to allow for formal public representations to be made;
3. Submitting (sending) the plan to Government (along with representations received in respect to item 2) in readiness for examination.

During the lengthy debate which was taken chapter by chapter, Ward Members and other Members of the Council had the opportunity to comment on the draft plan before it was debated by the Committee.

During the meeting, comments made by Members regarding readability issues including minor typographical alterations were noted down by the Clerk and other Officers as suggested and directed by the Committee.

**RESOLVED: 1)** that the new Consultation Draft East Devon Local Plan be approved for public review from 1 December 2011 to 31 January 2012.

(Councillor Derek Button requested that his vote against this resolution be recorded)

**2)** that the recommended changes detailed in the report addendum, be incorporated into the Plan.

**3)** that delegated authority be given to the Head of Economy, in consultation with the Chairman of Development Management Committee (and prior to consultation starting), to:

- a) make minor factual and punctuation/typing changes to the document (including in respect of plain English review);
- b) insert references in the document to sources of evidence;
- c) add additional text on feedback received from the Preferred Approach document (2010/11) consultation and;
- d) make changes to text resulting from the debate of the Special Meeting of the Development Management Committee held on 18 November 2011.

Chairman ..... Date .....

## EAST DEVON DISTRICT COUNCIL

### Minutes of a Meeting of the Planning Inspections Committee held at the Knowle, Sidmouth on Friday 30 September 2011

- Present: Councillors:  
Mark Williamson(Chairman)  
Derek Button  
Alan Dent  
David Key  
Helen Parr  
Geoff Pook  
Phil Twiss
- Ward member: Councillors:  
Peter Bowden
- Officers: Ed Freeman, Interim Development Manager  
Mike Drake, Senior Planning Officer  
Hannah Whitfield, Democratic Services
- Apologies: Councillors:  
Geoff Chamberlain  
Tony Howard  
Peter Sullivan  
Andrew Seddon, Senior Solicitor

The meeting started at 10.47 am and ended at 11.35 am.

#### \*7 Minutes

The minutes of the meeting of the Planning Inspections Committee held on 2 September 2011 were confirmed and signed as a true record, subject to Councillor Stephanie Jones being added to the list of attendees.

#### \*8 Application referred to the Planning Inspections Committee The Committee considered the application referred to it by the Development Management Committee.

- a) Broadclyst: Application No: 11/1035/FUL – Demolition of existing property and annex and construction of 4 dwellings with garages and parking at Broomfield View, London Road, Rockbeare

**RESOLVED:** that the application be APPROVED subject to receipt of confirmation that a covenant had been imposed on the land that forms part of the curtilage of the property known as Fairway and falls within the visibility splay for the proposed access requiring the visibility splay to be maintained in perpetuity.

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

\*8 Application referred to the Planning Inspections Committee

a) Broadclyst: Application No: 11/1035/FUL – Demolition of existing property and annex and construction of 4 dwellings with garages and parking at Broomfield View, London Road, Rockbeare continued...

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no windows, doors, rooflights or other openings other than those shown on the plans hereby permitted shall be formed in the eastern and western elevations of all of the four dwellings hereby permitted.  
(Reason - To protect the privacy of adjoining occupiers in accordance with requirements of Policy D1 (Design and Local Distinctiveness of the East Devon Local Plan.)
5. The windows shown on the west and east facing elevations at first floor level of the houses on Plots A and B and the vertical slit windows in the side elevations of the lounge/dining areas of houses C and D on the plans hereby permitted shall be fitted with obscure glazing before the dwellings hereby permitted are first occupied and the obscure glazing shall be retained thereafter.  
(Reason - To protect the privacy of adjoining occupiers in accordance with requirements of Policy D1 (Design and Local Distinctiveness of the East Devon Local Plan.)
6. The 2.1m high frosted glass screen at the western end of the first floor balcony of the houses on plots C and D hereby permitted shall be erected before each house is first occupied and thereafter permanently maintained as a privacy screen.  
(Reason - To protect the privacy of the occupiers of adjoining properties in accordance with requirements of Policy D1 (Design and Local Distinctiveness of the East Devon Local Plan)

\*8 Application referred to the Planning Inspections Committee

a) Broadclyst: Application No: 11/1035/FUL – Demolition of existing property and annex and construction of 4 dwellings with garages and parking at Broomfield View, London Road, Rockbeare continued...

7. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram D049/10/100B where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 82 metres in both directions.  
(Reason -To provide adequate visibility from and of emerging vehicles in accordance with Policy TA7 Adequacy of Road Network and Site Access of the East Devon Local Plan).
8. No construction or demolition works associated with the development hereby permitted shall take place outside the hours of 8am to 6pm Monday to Friday, and 8am to 1pm on Saturdays. No works shall be carried out on Sundays or Bank Holidays.  
(Reason: To protect the amenity of local residents from noise in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 1995 - 2011.)
9. Notwithstanding the submitted details and prior to the commencement of development full plans to show the existing levels of the application site and the proposed finished floor levels of the dwellings shall be submitted to and agreed in writing by the Local Planning Authority. The proposed floor levels for plot D as indicated on plan D049/10/111 shall closely adhere to the existing, lower levels on the part of the site proposed for plot C and the development shall only be carried out in accordance with the approved details.  
(Reason - In the interests of the neighbouring amenity of residents in 2 Inner Broomfield in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 1995 - 2011.)

\*8 Application referred to the Planning Inspections Committee

- a) Broadclyst: Application No: 11/1035/FUL – Demolition of existing property and annex and construction of 4 dwellings with garages and parking at Broomfield View, London Road, Rockbeare continued...

Reasons for approval

The proposal complies with the following Devon Structure Plan 2001-2016 Policies and the adopted East Devon Local Plan 1995-2011 Policies:

Devon Structure Plan Policies

CO6 (Quality of New Development)

East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

RE3 (Open Space Provision in New Housing Developments)

PUA 1 (New Community)

TA7 (Adequacy of Road Network and Site Access)

(Councillor Derek Button wished for his vote against the decision to approve the above application to be recorded)

Chairman ..... Date .....

# EAST DEVON DISTRICT COUNCIL

## Minutes of a Meeting of the Standards Committee held at Knowle, Sidmouth on 1 November 2011

Present:	Ted Butt	Independent Chairman
	Cllr Peter Bowden	EDDC Councillor
	Cllr Geoff Chamberlain	EDDC Councillor
		EDDC Councillor
	Ray Davison	Independent Member
	Cllr Peter Halse	EDDC Councillor
	Cllr David Mason	Parish Council representative
	Cllr Simon Pollentine	Parish Council representative
	Cllr Courtney Richards	Parish Council representative
	Alison Willan	Independent Member
	Cllr Tim Wood	EDDC Councillor
Substitute Member:	Cllr Frances Newth	EDDC Councillor
Officers:	Christopher Holland	Democratic Services Officer
	Denise Lyon	Monitoring Officer
	Diana Vernon	Democratic Services Manager

The meeting started at 10.00 am and ended at 10.59 am

### \*1 Election of Chairman

After the election of Chairman, the Monitoring Officer outlined the membership terms of the Standards Committee. It was noted that both Ted Butt and Cllr Simon Pollentine would have completed eight years service in May 2012. Ray Davison, Cllr Courtney Richards and Alison Willan had also all completed four year terms which could be extended at Annual Council 2012 if desired.

- RESOLVED:**
- 1) that Ted Butt be elected as Chairman of the Standards Committee for the ensuing civic year. (until May 2012)
  - 2) that the membership term to the Standards Committee of Ray Davison, Cllr Courtney Richards and Alison Willan be extended by four years at the Annual Council meeting in May 2012.
  - 3) that arrangements be made to fill the posts of Independent Member and Parish Representative to be appointed at the Annual Council Meeting in May 2012.

### \*2 Minutes

The minutes of the meeting of the Standards Committee held on 15 March 2011 were confirmed and signed as a true record.

### \*3 Member Development Programme

Members considered the report of the Democratic Services Manager, which outlined the Development Programme available to Members elected at the May 2011 Local Government Elections.

\*3 Member Development Programme (cont'd)

It was noted that the sessions had been generally well supported. Members who had attended had commented that they had gained much from each of the various development opportunities on offer. Members remarked that the sessions had been very informative and helpful. This had been especially true of newly elected Members who had given excellent feedback to Democratic Services.

Councillor Bowden expressed disappointment at the low level of attendance at the Development Management briefings. He thought that although it was a potentially complicated and dry subject, Members should become more aware of and involved in the process. Ted Butt commented that he had attended a Development Management Meeting held at Exmouth before the elections and that this had been extremely well run with the public and Members having plenty of opportunity to put their case forward.

**RESOLVED** that the Democratic Services Manager and her team be congratulated and thanked for their work on the Member Development Programme.

\*4 Standards Committee complaints statistics

Members considered the report of the Monitoring Officer, which detailed the level and type of complaints received by the Monitoring Officer for the Standards Committee from March to October 2011. It was noted that the level of complaints had been comparable to 2010 for the same period.

**RESOLVED** that the report be noted.

\*5 Recent guidance from the Monitoring Officer

Members considered a copy of recent guidance issued by the Monitoring and Deputy Monitoring Officers after the Local Government Elections held in May 2011. The guidance had been issued in response to many Members' concerns regarding pre-election pledges and campaigning stances and the effects of these on participation at meetings. This had focused particularly on prejudicial interests when dealing with planning applications.

Members of the Committee thanked the Monitoring Officer for providing timely, clear and useful information, which allowed members to carry out their duties as democratically elected representatives.

**RESOLVED** that the guidance be noted.

\*6 Standards Legislation Update

Members considered the report of the Devon County Council County Solicitor, which was presented by the Monitoring Officer.

The report outlined her suggestion that if the Localism act abolished the national Code of Conduct and Standards for England, a Devon county wide voluntary code of conduct could be adopted. Members were supportive of such a scheme. They felt that the general principles of the Standards regime should remain to help promote better standards in the working of Councils. If such a scheme was proposed, it was hoped that the Council could support it.

**RESOLVED** that the report be noted.

\*7 Local Government Ombudsman Annual Review letter

Members considered the letter received from the Local Government Ombudsman, which outlined a summary of statistics on complaints made about the authority for the year ending 31 March 2011.

The Monitoring Officer commented that the level of complaints upheld against the Authority had been low and had been circulated to Members to keep them in the picture with regard to complaints received about the Authority. She had asked for additional information so that Members could bench mark the level of complaints against other Authorities. This would be circulated to Members shortly.

**RESOLVED** that the report be noted.

\*8 Forward Plan

Members considered the Standards Committee forward plan for meetings up until May 2012.

**RESOLVED** that the forward Plan be noted.

\*9 Date of Next Meeting

The next meeting was currently timetabled for 24 January 2012 if required.

Chairman ..... Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the  
Audit and Governance Committee  
held at Knowle, Sidmouth, on Thursday 29 September 2011

- Present: Councillors:  
Ken Potter (Chairman)  
Peter Bowden (Vice-Chairman)  
Roger Boote  
Steve Gazzard  
Steve Hall  
Geoff Pook
- Also Present: Councillors:  
David Cox  
Alan Dent  
Christine Drew  
Martin Gammell  
Tom Wright
- Officers: Simon Davey, Head of Finance  
Rachel Pocock, Corporate Legal & Democratic Services Manager  
Laurelie Gifford, Financial Services Manager  
Diana Vernon, Democratic Services Manager
- Internal Auditors: Tony Brown, South West Audit Partnership  
Andrew Ellins, South West Audit Partnership  
Chris Gunn, South West Audit Partnership
- External Auditors: Barrie Morris, Grant Thornton  
Jenny Dwyer, Grant Thornton
- Apology: Councillor:  
Tony Howard

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

- \*9 Public Questions  
No questions were raised by members of the public or Councillors.
- \*10 Minutes  
The minutes of the meeting of the Audit and Governance Committee held on 30 June 2011 were confirmed and signed as a true record.
- \*11 Declarations of interest  
No interests were declared.

## \*12 Statement of Accounts - 2010/11

Members were asked to approve the Council's audited Statement of Accounts. The Committee's attention was drawn to required amendments made following the audit. These included correction of the District Valuer's Council dwellings valuation, reclassification of pension costs and internal errors. The Head of Finance advised that more resource was needed in respect of processes and practices to ensure that adequate reviews and checks could be carried out. In reply to a question about use of the District Valuer's office, the Head of Finance advised that consideration would be given to seeking quotations from alternative providers. Members noted the final position of the Council's Accounts compared with 2010/11.

## a) Financial Statement

The Audit and Governance Committee had delegated responsibility to approve the Annual Statement of Accounts. The Financial Services Manager outlined the detail of the Statement and highlighted key financial points. The Statement gave a comparison between agreed budget and Outturn reports previously presented. Borrowing to facilitate purchase of refuse bins and to progress social housing initiatives was noted. The amendments made did not make any significant difference to the previously reported net financial position of the Council.

The Committee suggested that it would be potentially useful to analyse the cost of Council contracts and use of consultants and agency workers. This would tie in with work already being carried out by the Finance Think Tank.

In reply to a question about depreciation, the Panel was advised that life of an asset was calculated depending on its category. The Panel was also advised of the current procedures in respect of bad debts and at what point these were written off.

## b) Annual Governance Statement for year ended 31 March 2011

The Council was required to approve an Annual Governance Statement to accompany the Statement of Accounts. The report detailed the processes in place within the Council's Governance framework and in compliance with its adopted Code of Corporate Governance. The Council had responsibility for conducting (at least annually) a review of the effectiveness of its governance framework and Members noted how this review had been undertaken, including the monitoring undertaken by the Audit and Governance Committee. The report also outlined steps taken and processes now in place following a data breach in July 2010. The report included a list of proposed actions to remedy or improve the Council's governance framework and internal controls.

The Head of Finance advised that the review had identified some areas where action was appropriate to enhance the governance and internal control environment to ensure continuous improvement. The areas for improvement listed were in respect of assets information, financial regulations and standing orders, corporate risk register, main accounting and payroll. Members recognised that the right framework needed to be in place to enable the Council to achieve its corporate goals. The Committee would monitor the areas for improvement and encourage all Councillors to recognise that the Annual Governance Statement was the core of Council business.

## c) Letter of Representation

Members were asked to endorse the letter to Grant Thornton (the Council's external auditors) in respect of the audit of the Financial Statements for the year ended 31 March 2011 confirming the Council's position, documents produced and the sound processes in place.

## d) Report to those charged with Governance

Barrie Morris, Grant Thornton, presented the Council's external audit report which highlighted key issues arising from the Council's financial statements for the year ending 31 March 2011. This set out the adjustments and corrections made to the Council's accounts as a result of the audit and a proposed action plan of recommendations for further improvement.

The external auditor drew Members' attention to significant accounting errors in the accounts, including those in respect of journal entries. He believed that the errors were due to insufficient internal financial resources being in place. The correction work had required additional input from the external audit which was reflected in their adjusted fee. A review of accountancy resources would be carried out to address the issues raised. A summary of recommended actions and key financial challenges was set out.

The Public was entitled to inspect the accounts and a notice of objection had been received from outside East Devon that morning in respect of income from on-street and off-street parking. It was thought to be a national campaign in respect of the Traffic Act. The objection had to be investigated by the external auditors before a certificate of completion could be issued. To meet the 30 September 2011 deadline for publishing final accounts, the external auditors would issue an accompanying unqualified statement on the accounts.

- RESOLVED:**
- (1) that the Statement of Accounts be approved.
  - (2) that it be noted that a certification of completion could not be issued but an unqualified statement would be provided by Grant Thornton, external auditors, to enable the accounts to be approved by the Council by 30 September 2011; this being a legislative requirement.

## 13 Regulation of Investigatory Powers Act and policy

Members considered the report of the Corporate Legal and Democratic Services Manager setting out proposed up-dates to the policy in respect of the Regulation and Investigatory Powers Act. Although EDDC rarely made use of surveillance powers, the policy promoted good practice in assisting officers in identifying where the Regulation of Investigatory Powers Act (RIPA) applied and how to implement the Act taking into account the Human Rights Act. The number of authorising Officers had been reduced. The Corporate Legal and Democratic Services Manager re-assured Members in respect of the stages involved in processing a request and the register of activity which was held centrally. In reply to a question she advised that RIPA activity would be reported more frequently than annually providing that this did not compromise any on-going investigation.

13 Regulation of Investigatory Powers Act and policy (cont)..

- RECOMMENDED:**
- (1) that the up-dated Regulation of Investigatory Powers Act (RIPA) policy be approved with delegated power being given to the Corporate Legal and Democratic Services Manager to up-date it as necessary in line with changes to legislation and guidance;
  - (2) that the Audit and Governance Committee receive a report on RIPA and a review of its use (and any major amendments to the policy) on an annual basis (or more frequently as appropriate);
  - (3) that the Chief Executive, Monitoring Officer and S.151 Officer (Head of Finance) be designated as authorising officers for the purpose of RIPA, with the Monitoring Officer as Senior Responsible Officer.

\*14 Internal Audit Activity – Quarter 2 2011-2012

Consideration was given to the report of Tony Brown of the South West Audit Partnership outlining the activity of the internal audit team in Quarter 2 2011-2012.

Members noted the schedule at Appendix A of the report which listed all audits agreed in the Annual Audit Plan 2011/2012. The SWAP recommendations were ranked in respect of level of concern to assist the monitoring process. Appendices B and D of the report showed where weaknesses or areas for improvement had been identified during the audits with target-dated actions to ensure any concerns were addressed. Members noted that audits still required were on target for completion within the current Plan.

**RESOLVED:** that the internal audit activity report for Quarter 2 2011/2012 be acknowledged

\*15 Future of Local Audit

Members noted the email from the Audit Commission to the Chief Executive on the future of local audit. The Department for Communities and Local Government had considered options for transferring the audit work of the Audit Commission's in-house audit practice to the private sector. Ministers had decided that best value for money would be achieved by outsourcing the work through a procurement exercise. The email included the timetable for this procurement and how new contracts would be awarded. The Council's current external auditor was appointed to audit the accounts for the 2011/12 financial year. This would not change but the Council's external auditor for 2012/13 could not be confirmed until Spring 2012. The Audit Commission proposed that the Council's current external auditor appointment be extended until 31 August 2012 to deal with any issues that may arise during the period 1 April 2012 until 31 August 2012 prior to the confirmed appointment. The Council would be consulted on the external auditor appointment following the award of contracts in Spring 2012.

**RESOLVED:** that the proposed future local auditing arrangements be noted

\*16 Forward Plan

Members noted the contents of the forward plan and made the following comments:

**10 November 2011** meeting to include scoping a possible investigation of Council use of contractors and consultants. Any such review would need to be undertaken in consultation with the Portfolio Holder – Finance.

**19 January 2011** - The Internal Audit Activity – Quarter 3.

Chairman ..... Date .....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Committee  
Held at Knowle, Sidmouth on Tuesday, 22 November 2011

Present: Councillors:  
  
Steve Hall (Chairman)  
Jim Knight  
  
David Atkins  
Bob Buxton  
Madeleine Chapman  
Steve Gazzard  
  
Pat Graham  
Pauline Stott  
Tom Wright

Officers: John Tippin, Licensing Manager  
Chris Lane, Democratic Services Officer  
Neil McDonald – Licensing Officer

Apologies: Councillors:  
Peter Burrows  
John Jeffery  
Ken Potter  
Philip Skinner  
Mark Williamson

The meeting started at 9.35 am and ended at 11.25 am.

\*7 Minutes  
The minutes of the meeting of the Licensing & Enforcement Committee held on 30 August 2011, were confirmed and signed as a true record.

\*8

<b>Councillor/ Officer</b>	<b>Agenda Item</b>	<b>Type of interest</b>	<b>Nature of interest</b>
Councillor Jim Knight	*9 – Matters Arising	Personal	Members of Devon County Council.

\*9 Matters Arising

Committee update – Licensing Act 2003, Gambling Act 2005 and General Licensing (Min No \*6 of 30 August 2011 refers)

Members discussed the issue of adopting a more coordinated approach to licensing in The Strand, Exmouth and noted that the Chairman and Licensing Manager had approached Richard Cohen, Deputy Chief Executive to discuss this issue and of pavement licences. Following issues raised at the meeting regarding tables and chairs placed on the pavement by cafe businesses in towns such as Exmouth, Honiton and Budleigh Salterton; the Licensing Manager reported that Devon County Council were the responsible authority for pavement licences in this area and other parts of East Devon as Highway Authority.

\*9 Matters Arising (Cont)

**RESOLVED** that the Licensing Manager arrange a meeting between EDDC, DCC, Police and Exmouth Town Council to initially discuss the issue of pavement licenses in Exmouth, with the possibility of considering other areas at a later date.

\*10 Committee update – Licensing Act 2003, Gambling Act 2005 and General Licensing

Consideration was given to the report of the Licensing Manager, which provided Members with an update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005 and Taxi Legislation together with other general licensing matters. Members noted that visits to premises under the risk rating system continued and it was anticipated that officers would have more time available during January/February to complete the remaining visits.

Members were advised that the Police Licensing Section had now been relocated at the Police Headquarters at Middlemoor, Exeter and would probably take effect from the end of October this year. There was one licensing officer to cover the East and Mid Devon areas for the police.

The Licensing Team had continued the education based enforcement and monitoring approach to the Hackney Carriage and Private Hire Drivers and Vehicles as used with the Licensing Act. Members noted that October was a busy month for taxi licensing in the council as all Hackney Carriages issued by EDDC expired on 31 October. There had been a reduction in the number of licences issued as not all drivers had renewed. The Exmouth Taxi Association had put forward some suggestions for improving the rank situation in Exmouth. These would be discussed at a special meeting of the Taxi Proprietors arranged for Thursday 15 February 2012.

John Tippin, Licensing Manager reported that further training had been provided, on 21 November in the Council Chamber. This had involved Devon wide training for members of Licensing Committees, with Philip Kolvin QC. 70 delegates had been booked to attend. This had proved to be an very interesting and informative training session.

In response to a question the Licensing Manager agreed to investigate whether tanning studios were licensed in East Devon.

**RESOLVED** that the report be noted;

- \*11 An Explanation of the Implications for Licensing in the District following Parliament's approval of the Police Reform and Social Responsibility Act 2011

Consideration was given to the report of the Licensing Manager, which provided Members with an explanation of the implications for licensing in the District following Parliament's approval of the Police Reform and Social Responsibility Act 2011.

Members noted that many of the implications for licensing in the District following Parliament's approval of the Police Reform and Social Responsibility Act 2011 had been discussed at the previous days comprehensive and informative training session provided by Philip Kolvin QC. The Act had finished its passage through Parliament but the Government had not yet decided when it would go on the statute books.

Members expressed some concerns about some of the proposed regulations in the Act, including the proposed effect of the Late Night Levy on rural public houses and the deregulation of licensing for events of up to 5,000 people that did not have an alcohol licence. The possible affect on the staffing levels on the Licensing Service was also noted.

The Licensing Manager reported that not all of the recommendations proposed may be introduced and that any further meetings to discuss the changes be delayed until the final proposals were known. The District Council's Licensing Policy was due to be reviewed by January 2014.

Concern was expressed regarding the issue of cleaning up after takeaway premises, particularly in Exmouth Town Centre. It was noted that these premises were only licensed if they opened after 11.00pm.

**RESOLVED**

1. that the report be noted;
2. that the reservations expressed regarding the contents of the Police Reform and Social Responsibility Act 2011 be noted and a special meeting of the Committee be held once more details of the proposals are known.

- \*12 A Consultation on proposals relating to the deregulation of Schedule One of the Licensing Act 2003

Consideration was given to the report of the Licensing Manager, which provided Members with an explanation of the Department for Culture, Media and Sport's consultation on their proposals to deregulate Schedule 1 of the Licensing act 2003. The Licensing Manager explained that the draft response to the DCMS consultation on their proposals to deregulate Schedule 1 of the Licensing Act 2003 was sent out late because the response to the DCMS has taken time and thought to prepare.

\*12 A Consultation on proposals relating to the deregulation of Schedule One of the Licensing Act 2003 (cont)

**RESOLVED**

1. that the report be noted;
2. that due to the late receipt of proposed responses, members of the Committee be requested to send any responses to the Licensing Manager and Chairman by no later than Friday 25 November;
3. that due to all the changes in the Licensing Act proposed in the next few years in the consultation on the Deregulation of the Schedule One of the Licensing Act 2003, then the Licensing Manager advise the Overview & Scrutiny Committee that members would wish to see as few changes as possible to the membership of the Licensing & Enforcement Committee.

Chairman ..... Date .....

EAST DEVON DISTRICT COUNCIL  
Minutes of a Meeting of the Licensing &  
Enforcement Sub-Committee held at Knowle,  
Sidmouth on Tuesday, 11 October 2011

Present: Councillors:  
Steve Hall (Chairman)  
Steve Gazzard  
Tom Wright

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

Apologies: Councillor  
Jim Knight

The meeting started at 9.30 am and ended at 11.40am.

\*23 Minutes

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 13 September 2011, were confirmed and signed as a true record.

\*24 Declarations of interest

Councillor/ Officer	Agenda Item	Type of interest	Nature of interest
Councillor Steve Gazzard	*25 – Application to grant a Premises Licence under the Licensing Act 2033 at the Manor, 5 St Andrews Road, Exmouth	Personal	Member of Exmouth Town Council.

\*25 Application to grant a Premises Licence under the Licensing Act 2003 at The Manor, 5 St Andrews Road, Exmouth

The Sub Committee gave consideration to an application for a Premises Licence under the Licensing Act 2003 to permit recorded music, late night refreshment on and off the premises and the sale of alcohol for consumption on and off the premises at The Manor, 5 St Andrews Road, Exmouth.

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

\*25 Application to grant a Premises Licence under the Licensing Act 2003 at The Manor, 5 St Andrews Road, Exmouth (Cont)

The Sub Committee carefully considered the relevant representations that all parties had made and the written representations and other documentation put before the Sub Committee. They considered the particular locality of the premises in a busy town centre and its physical relationship with other residential and commercial properties in the vicinity. It was considered relevant that representations had been received from the Police in relation to the Licensing Act objectives that had been the subject of comments and observations made at the hearing, that is to say: public safety, public nuisance, prevention of crime and disorder and protection of children from harm, had been negotiated prior to the hearing. From this it was concluded that the Police do not consider that there was currently any significant problem associated with the proposed operation of the premises or that there was likely to be if the application was granted provided the conditions they had requested were imposed.

The applicant, Tammy Dyer represented by Anthony Williams from Vine Orchard Solicitors, case was that the application concerned a Premises Licence that had previously existed, known as The Manor Cottage Club. The size and position of the premises limited what could effectively be achieved at these premises.

The applicant's intention was to run a restaurant, similar to the previous licensee with a maximum of 60-70 covers, attracting an older clientele. It was not the intention for the premises to become a large dispenser of alcohol or a large scale operation. In making their case the applicant withdrew the application for recorded music and stated that she had only ever wanted background music in the premises.

The applicant agreed to delineate on the plan an area of the garden abutting St Andrews Road where tables and chairs would not be placed. The applicant also agreed to place appropriate signage displayed to patrons requesting that they would leave the premises in a way so as not to cause noise disturbance to any neighbouring premises.

At the hearing, Ms Jill Wheller, Environmental Health Officer stated that there were concerns over the issue of recorded music and that in negotiation the applicant had agreed to a sealed noise limiter. There was some discussion around the issue of noise and nuisance after which the applicant withdrew the application for 'recorded music'. The applicant would not be able to control patrons exiting the property into St Andrews Road from causing nuisance or anti social behaviour to neighbours and properties in close proximity. They drew on their experience of other licensed establishments which they considered caused uncouth behaviour in Exmouth town centre late into the evening.

The interested parties, Ms Elizabeth Flint and Terri Ann Hole case was that they were concerned with noise nuisance and disturbance from the premises particularly late at night. The applicant would not be able to control patrons exiting the property into St Andrews Road from causing nuisance or anti social behaviour to neighbours and properties in close proximity. They drew on their experience of other licensed establishments which they considered caused uncouth behaviour in Exmouth Town Centre late into the evening.

\*25 Application to grant a Premises Licence under the Licensing Act 2003 at The Manor, 5 St Andrews Road, Exmouth (Cont)

They were concerned about the use of the premises if the restaurant application was unsuccessful and feared that the premises would become mixed premises for music and drinking in the future. There were also concerns expressed about the noise from the garden area at the premises late into the evening. There was a fear that the applicant could not control the noise from drinkers and/or smokers.

The Sub Committee carefully considered the operating schedule put forward by the applicants and the likely impact of the application. In relation to the submissions heard regarding the history of the premises, they considered that the establishment would be well managed and controlled with good policies in place and adequate supervision of staff from line management.

The Sub Committee did not accept that there was evidence of a significance public nuisance, risk to crime and disorder, risk to public safety, risk to children arising from the proposed operation of the premises. This was because of a lack of evidence of complaints to the statutory authorities. This was a new Premises Licence. The concerns of local residents were taken into account about future operation by ensuring that suitable conditions were imposed to allay their worst fears.

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

- \*25 Application to grant a Premises Licence under the Licensing Act 2003 at The Manor, 5 St Andrews Road, Exmouth (Cont)

**RESOLVED** 1. that the Premises Licence be granted as follows:

- (a) The extent of the areas within which the various licensable activities will be permitted is as indicated by the legends on the applicant's plan to be amended as agreed by the applicant at the hearing.
- (b) Permitted hours for the various licensable activities will be as set out in the amended Appendix A.
- (c) The conditions will now be as shown in Appendix F and G.

The Sub Committee also added the following conditions to the licence:

- 1. After 10 pm, except for emergencies, all patrons to exit the premises via the porch and the garden gate.
- 2. Appropriate signage requesting patrons to leave the premises so as not to cause a noise disturbance to any neighbouring premises must be displayed at the exits to the premises.
- 3. The area delineated on the plan by a blue line shall have no table and chairs placed within it at any time.

The comments below sets out the additions to the plan and reflect the conditions offered by the applicant:

A blue line to be indicated on the plan which sets out the area where no tables and chairs are to be placed in the garden.

The applicant to supply a signed and updated plan which reflects the changes made by the applicant to the premises, and in particular the addition of an inner lobby door at the entrance (left hand door) on the plan.

The applicant to seek advice from the Environmental Health Service on background noise but it is advised that it is the applicant's responsibility to set the level of the background music a so that it will not cause a nuisance or disturbance to neighbouring premises.

- d) The mandatory conditions of Section 19 of the Licensing Act 2003 will be imposed.

\*25 Application to grant a Premises Licence under the Licensing Act 2003 at The Manor, 5 St Andrews Road, Exmouth (Cont)

- 2) that whilst the Sub Committee acknowledged the concerns expressed by the interested parties before us today, the Sub Committee believe the concerns expressed in representations had been addressed by the hours of operation for the licensable activities and the conditions that have been imposed which have been tailored to the size, characteristics and activities on the premises which the Sub Committee believe were necessary and proportionate.
- 3) that the Designated Premises Supervisor would be Helen Louise Martinez of 14 Truro Drive, Exmouth, EX8 5QF.

\*26 Schedule of applications for Sub Committee approval where an agreed position has been reached and all Parties have agreed a hearing is unnecessary

Consideration was given to the report of the Licensing Officer which set out a schedule of applications for Sub Committee approval where an agreed position had been reached and all parties had agreed that a hearing was unnecessary.

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

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

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for a variation of a premises licence	The Famous Old Barrel, 1 Princes Street, Exmouth, EX8 1JA	<p>Following mediation the applicant and the Devon &amp; Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the reduction of the hours for the provision of late night refreshment and the sale of alcohol to end at 12 midnight on Fridays and Saturdays. Opening hours for the premises will be 10:00hrs to 00:00hrs Monday to Sunday and with the addition of the following conditions:-</p> <ol style="list-style-type: none"> <li>1. CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police in accordance with the requirements set out in the EDDC Licensing Policy.</li> </ol>

\*26 Schedule of applications for Sub Committee approval where an agreed position has been reached and all Parties have agreed a hearing is unnecessary (cont)

		<ol style="list-style-type: none"> <li>2. CCTV images must be retained for a minimum of 14 days and to be produced on the request of the Police or a Licensing Officer of East Devon District Council. Recording media must be set to 25 frames per second.</li> <li>3. The CCTV system must be operational at all times the premises are trading. If the system is faulty or not working then the Police and East Devon District Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book.</li> <li>4. A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors. All signs must comply with the requirements of the Data Protection Act 2002.</li> <li>5. There will be a thirty minute period prior to the premises closing when alcoholic beverages will not be sold.</li> <li>6. There will be no exhibition, demonstration or performance of hypnotism at the premises as defined in the Hypnotism Act 1952.</li> </ol>
	<p>Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003</p>	
<p>Application for a variation of a premises licence to be granted</p>	<p>The Heavitree Arms, High Street, Exmouth, EX8 1NP</p>	<p>Following mediation the applicant and the Council's Environmental Health Service have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the following amendments:</p> <p>To withdraw the request to extend licensable activities and opening times on Sundays to Thursdays.</p> <p>To allow an extension of licensable activities and opening times until 01:00 on Fridays, Saturdays and Bank Holiday Sundays.</p>

- \*26 Schedule of applications for Sub Committee approval where an agreed position has been reached and all Parties have agreed a hearing is unnecessary (cont)

	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003
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Chairman ..... Date .....

EAST DEVON DISTRICT COUNCIL  
Minutes of a Meeting of the Licensing &  
Enforcement Sub-Committee held at Knowle,  
Sidmouth on Tuesday, 8 November 2011

- Present: Councillors:  
Steve Hall (Chairman)  
David Atkins  
Pat Graham
- Officers: Chris Lane – Democratic Services Officer  
Giles Salter – Assistant Solicitor  
Neil McDonald – Licensing Officer
- Also Present: Councillor  
Steve Gazzard
- Apologies: Councillors:  
Jim Knight  
Tom Wright

The meeting started at 9.30 am and ended at 10.00am.

\*27 Minutes

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 11 October 2011, were confirmed and signed as a true record.

\*28 Application to grant a Premises Licence under the Licensing Act 2003 at Tesco's, Harbour Road, Seaton

The Sub Committee gave consideration to an application for a Premises Licence under the Licensing Act 2003 to permit the sale of alcohol for consumption off the premises at Tesco's, Harbour Road, Seaton.

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

The Sub Committee carefully considered the relevant representations that all parties had made and the written representations and other documentation put before the Sub Committee by all parties. They considered the particular locality of the premises in a town centre and its physical relationship with other residential and commercial properties in the vicinity. It was considered relevant that representations had been received from the Police in relation to the Licensing Act objectives that had been the subject of comments and observations made at the hearing, that is to say: public safety, public nuisance and prevention of crime and disorder, had been negotiated prior to the hearing. From this it was concluded that the Police did not consider that there was currently any significant problem associated with the proposed operation of the premises or that there was likely to be if the application

\*28 Application to grant a Premises Licence under the Licensing Act 2003 at Tesco's, Harbour Road, Seaton (Cont)

was granted provided the conditions they had requested were imposed.

The applicant had now reduced the hours originally asked for from 6.00am premises opening and the sale of alcohol to 7.00am premises opening and sale of alcohol.

The applicant's case was on paper, that Tesco's was a national retailer that sold alcohol as part of a broad offering of goods and services. They had held off-licences in their stores for many years and were an approved British Institute of Inn-keeping examination centre. They had written training policies and formal training programmes in place, which ensured their staff were equipped to meet all licensing objectives.

In addition all training and revision/refresher materials were reviewed regularly; all stores had a Think 25', police and awareness was created to customers through point of sale material within the store. The applicant took legal compliance very seriously and in addition to local training they employed a central alcohol licensing compliance manager and had a compliance committee.

Members noted that ordinarily a member of the Management Team would be on the premises all the times the store was open. A person would have responsibility for the premises whilst they were open. Management would be trained to support the running of the premises including looking after customers and staff. The store would adhere to all rules and regulations relating to public safety. It was noted that Tesco's intended to be an active member of the community

The applicant confirmed they would welcome the opportunity to liaise with the Police and enforcement authorities should the need arise. All staff would be trained and regularly refreshed in the corporate 'Think 25' Policy and staff would be trained to look at the customer and 'Think 25' when selling alcohol. A till prompt would appear on the initial sale of alcohol that would remind the seller of their responsibilities including not to sell alcohol to anyone under the age of 18.

Members were made aware that the store would display signage around the premises informing both staff and customers of the 'Think 25' policy on alcohol. The premises would have a digital CCTV system that covered many areas of the shop floor; including the proposed area which would be used for the main display of beer, wine and spirits. Images, where retained, would be kept for a minimum of 21 days and made available on enforcement request.

At the hearing they added that the car park was monitored 24 hours per day with number plate recognition. A night team monitored the store and car park linked to security with ability to report anti social behaviour to the police. All Tesco stores used the 'Think 25' Policy, with quarterly refresher training. There was a till lock down until the operative had answered the questions linked to Think 25. The store would be opening on 21 November 2011.

\*28 Application to grant a Premises Licence under the Licensing Act 2003 at Tesco's, Harbour Road, Seaton (Cont)

The interested parties' case was on paper, that the prevention of crime and disorder would be affected by the hours of sale of alcohol 6.00am to 12.00 midnight the premises were open to the public. Regarding public safety, this would be affected by the increased traffic movements early in the morning and late at night. Regarding the prevention of public nuisance, there was a perceived alcohol related anti social behaviour in the area of the new Tesco and the Grove Nightclub. No interested party attended the hearing.

The Sub Committee carefully considered the operating schedule put forward by the applicants and the likely impact of the application. In relation to the evidence heard regarding the history of the premises, they considered that the establishment would be well managed and controlled with good policies in place and adequate supervision of staff from line management. It was considered that CCTV had an important role in preventing crime and disorder, identifying offenders and in managing public behaviour on and in leaving the premises.

It was not accepted that there was evidence of significant public nuisance, risk to crime and disorder, risk to public safety and risk to children arising from the operation of the premises the applicant proposed. This was because of a lack of evidence as this was a new premises. The Sub Committee had, however, taken into account the concern of local residents about future operation by ensuring that suitable conditions were imposed and that the operating hours were not unreasonable late.

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

\*28 Application to grant a Premises Licence under the Licensing Act 2003 at Tesco's, Harbour Road, Seaton (Cont)

**RESOLVED** 1. that the Premises Licence be granted as follows:

- (a) The extent of the areas within which the various licensable activities will be permitted is as indicated by the legends on the applicant's plan.
- (b) Permitted hours for the various licensable activities will be as set out in the amended Appendix B.
- (c) The conditions will now be as shown in Appendix F and G.
- (d) The mandatory conditions of Section 19 of the Licensing Act 2003 will be imposed.

2) that whilst the Sub Committee acknowledged the concerns expressed by the interested parties in written submissions, the Sub Committee believe the concerns expressed in representations had been addressed by the hours of operation for the licensable activities and the conditions that have been imposed which have been tailored to the size, characteristics and activities on the premises which the Sub Committee believe were necessary and proportionate.

3) that the Designated Premises Supervisor would be Greg Bartley, 39 Offley Road, Hitchin, Herts.

Chairman ..... Date .....

EAST DEVON DISTRICT COUNCIL  
Minutes of a Meeting of the Licensing &  
Enforcement Sub-Committee held at Knowle,  
Sidmouth on Tuesday, 22 November 2011

Present: Councillors:  
Steve Hall (Chairman)  
Jim Knight

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

Apologies: Councillors:  
Steve Gazzard  
Ken Potter

The meeting started at 11.30 am and ended at 11.35am.

\*29 Minutes

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 8 November 2011, were confirmed and signed as a true record.

\*30 Schedule of applications for Sub Committee approval where an agreed position has been reached and all Parties have agreed a hearing is unnecessary

Consideration was given to the report of the Licensing Officer which set out a schedule of applications for Sub Committee approval where an agreed position had been reached and all parties had agreed that a hearing was unnecessary.

The Licensing Officer explained the background of the applications and the negotiations carried out.

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

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for a premises licence to be granted.	Brampford Speke Village Hall, Brampford Speke, Exeter, Devon, EX5 5HW	Following mediation the applicant and the Devon & Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.  The application be approved as submitted subject to:  A reduction in the hours the premises are open to the public and as a result the premises to close at 01:30 each day.

\*30 Schedule of applications for Sub Committee approval where an agreed position has been reached and all Parties have agreed a hearing is unnecessary (cont)

<p>Application for a premises licence to be granted.</p>	<p>Londis Convenience Store, 26 Fore Street, Seaton, Devon, EX12 2AD</p>	<p>Following mediation the applicant and the Devon &amp; Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the addition of the following conditions:</p> <ol style="list-style-type: none"> <li>1. CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police in accordance with the requirements set out in the EDDC Licensing Policy.</li> <li>2. CCTV images must be retained for a minimum of 14 days and to be produced on the request of the Police or a Licensing Officer of East Devon District Council. Recording media must be set to 25 frames per second.</li> <li>3. The CCTV system must be operational at all times whilst the premises are trading. If the system is faulty or not working then the Police and East Devon Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book.</li> <li>4. A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors. All signs must comply with the requirements of the Data Protection Act 2002.</li> <li>5. A proof of age policy to the satisfaction of the police and the Local Authority will be in place. This will be Challenge 21. The only Identification Documents that will be accepted are Driving Licence, Passport or a card bearing the PASS logo.</li> </ol>
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- \*30 Schedule of applications for Sub Committee approval where an agreed position has been reached and all Parties have agreed a hearing is unnecessary (cont)

<p>Application for a premises licence to be granted.</p>	<p>Monsoon Indian Cuisine, The Underfleet, Seaton, EX12 2WD</p>	<p>Following mediation the applicant and the Devon &amp; Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the addition of the following conditions:</p> <ol style="list-style-type: none"> <li>1. CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police in accordance with the requirements set out in the EDDC Licensing Policy.</li> <li>2. CCTV images must be retained for a minimum of 14 days and to be produced on the request of the Police or a Licensing Officer of East Devon District Council. Recording media must be set to 25 frames per second.</li> <li>3. The CCTV system must be operational at all times the premises are trading. If the system is faulty or not working then the Police and East Devon District Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book.</li> <li>4. A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors. All signs must comply with the requirements of the Data Protection Act 2002.</li> <li>5. A proof of age policy to the satisfaction of the police and the Local Authority will be in place. This will be Challenge 21. The only Identification Documents that will be accepted are Driving Licence, Passport or a card bearing the PASS logo.</li> <li>6. Alcohol will not be sold or supplied in the final 30 minutes prior the premises closing time.</li> <li>7. Alcohol will only be sold or supplied to persons taking table meals at the premises.</li> </ol>
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\*30 Schedule of applications for Sub Committee approval where an agreed position has been reached and all Parties have agreed a hearing is unnecessary (cont)

	Recommend approval of the applications subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003
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Chairman ..... Date .....