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EAST DEVON DISTRICT COUNCIL

Minutes of the Meeting of the Council held at
Knowle, Sidmouth, on Wednesday, 7 December 2011

Present:

Councillors:

Peter Halse (Chairman)

Frances Newth (Vice Chairman)

Mike Allen

David Atkins

Ray Bloxham

Roger Boote

Peter Bowden

Peter Burrows

Derek Button

Bob Buxton

Geoff Chamberlain

David Chapman

Maddy Chapman

Iain Chubb

Trevor Cope

David Cox

Deborah Custance Baker

Alan Dent

Paul Diviani

Christine Drew

Vivien Duval Steer

Jill Elson

Martin Gammell

Steve Gazzard

Roger Giles

Graham Godbeer

Pat Graham

Steve Hall

Tony Howard

Stuart Hughes

Douglas Hull

John Humphreys

Ben Ingham

John Jeffery

Stephanie Jones

Sheila Kerridge

Jim Knight

Andrew Moulding

John O'Leary

Helen Parr

Ken Potter

Philip Skinner

Pauline Stott

Peter Sullivan

Brenda Taylor

Graham Troman

Phil Twiss

Chris Wale

Mark Williamson

Tim Wood

Eileen Wragg

Steve Wragg

Tom Wright

Honorary Aldermen:

Vivienne Ash

Ann and Graham Liverton

Ron Mudge

Bob Peachey

Dr Waterworth

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:

Graham Brown

Mike Howe

Geoff Pook

David Key

Ian Thomas

Claire Wright

Hon Alderman Bernard Hughes Ted Butt, Standards Chairman

The meeting started at 6.30 pm and ended at 8.10 pm.

- *45 Opening prayer
The Chairman invited Reverend Robin Laird to open the meeting with a prayer.

- *46 Public question time
The Chairman welcomed Honorary Aldermen and members of the public to the meeting. In the absence of questions from the public, the Chairman invited questions from Councillors present.

Councillor Chamberlain referred to a recent shocking television documentary 'Landlords from Hell' which highlighted the empty homes problem and the exploitation of vulnerable tenants. In response, the Portfolio Holder – Sustainable Homes and Communities advised that this Council was proactive in addressing housing issues. She had led a special think tank on empty dwellings and the recommendations had been put to Cabinet. The Council was working with Exeter City Council and local councils to try to bring empty homes back into use. She assured Members that the Environmental Health Service checked registered properties in multiple occupation and were authorised to issue improvement notices.

- *47 Minutes
The minutes of the meeting of the Council held on 12 October 2011 were confirmed and signed as a true record.

- *48 Declarations of interest

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Cllr David Cox	51	Personal	Owner of a second home in East Devon
Cllr Graham Troman	51	Personal	Owner of a second home in East Devon.
Cllr Stuart Hughes	51	Personal	Devon County Council Portfolio Holder for Highways and Transportation, Snow Warden for Sidmouth.
Cllr Jim Knight	51	Personal	Snow Warden for Seaton
Cllr Roger Giles	51	Personal	Devon County Councillor – to contribute to Snow and Ice scheme in own Ward.
Cllr Paul Diviani	51	Personal	Chaired the DCC Task Group which had brought forward the Snow and Ice initiative.
Cllr Paul Diviani	53	Personal	Involved in allocation of DCC Locality budget.
Cllr Jill Elson	53	Personal	Exmouth Ring and Ride – Charity Founder and Chairman
Cllr Trevor Cope	53	Personal	Exmouth Ring and Ride – Trustee
Cllr Stuart Hughes	53	Personal	DCC Portfolio Holder of Highways and Transportation

*49 Announcements

The Chairman invited the Portfolio Holder – Sustainable Homes and Communities to address the Council in respect of the fire in Exmouth on Saturday 3 December 2011.

Councillor Elson advised that Home Safeguard received a call from the emergency services at about 7 am on Saturday morning. The Head of Housing attended the scene and discovered that a number of residents had been evacuated for their safety as fire was spreading in the roof spaces of the terraced housing. He called on the duty Housing Officer to help with the significant emerging need for re-housing. A temporary rest centre was quickly established in All Saints Church for about a dozen people. The duty Building Control Officer inspected and dealt with dangerous structure issues caused by the fire. One family without insurance cover was accommodated in a local hotel - arrangements made for more permanent re-housing would be dealt with this week.

Councillor Jill Elson gave credit and thanks to the Reverend Trevor Smyth (All Saints Church), the Red Cross, Emergency Services and EDDC staff. In turn the Chairman thanked Councillor Elson for the work she had done on behalf of the Council.

In reply to a question, Councillor Elson shared Councillors' concerns about unregistered homes in multiple occupation and asked for their help in providing information on these homes within their Wards. When identified and registered, these properties would be inspected by the Council.

*50 Questions (Procedure Rules 9.2 and 9.5)

Printed answers to the four questions submitted for consideration had been circulated to Members at the meeting.

In answer to a supplementary question, the Leader suggested that the Overview and Scrutiny Committee be asked to consider the implications, including cost and control, of allowing the recording of council meetings.

In answer to supplementary questions in respect of the cost of use of consultants (Atkins and Tym Associates), the Leader confirmed that the costs involved were justified and necessary.

RESOLVED that the Overview and Scrutiny Committee be asked to consider the implications, including cost and control, of allowing the recording of council meetings.

*51 Minutes of Cabinet and Committees

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

Cabinet	Minutes	101-116, 117-141
Development Management	Minutes	22-33, 34-38, 39-42
Planning Inspections	Minutes	7-8
Standards Committee	Minutes	1-9
Audit and Governance	Minutes	9-16
Licensing & Enforcement	Minutes	7-12
Licensing & Enforcement Sub	Minutes	23-26, 27-28, 29-30

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

The Cabinet (minutes 107 and 123) had noted or accepted the following Overview/Scrutiny Committees' recommendations with or without amendment.

Overview and Scrutiny Committee	Minutes	26-34, 35-41
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Arising from consideration of the above minutes:-

a) Cabinet 30 November 2011

Councillor Jim Knight's apologies to be added.

b) Empty Dwellings in East Devon and Council Tax discount on second homes (Cabinet Minute 128)

In response to concerns raised about empty properties, the Portfolio Holder – Sustainable Homes and Communities advised of complexities involved in bringing homes back into use. The Council could issue Empty Home Management Orders but the Council had to take into account a number of factors before taking this action, including the significant costs involved. The Council was negotiating with a number of owners of empty properties and was progressing court action in respect of one property as a test case.

The Chief Executive confirmed that the Council had been consulted on empty dwellings in East Devon and the Council Tax discount (currently 10%) on second homes and the Council's clear stance was included in Appendix B of the report to the Cabinet.

c) Independent Remuneration Panel (Cabinet Minute 130)

The Chairman replied to comments made about the membership of his Cabinet. He confirmed that the Cabinet listened to and took into account the views and contribution of non-Cabinet members including those of members of the opposition.

d) Ice/Snow/Frost Treatment Plan (Cabinet Minute 133)

The Leader acknowledged the importance of liaison and close partnership working between the County Council, District Council, local councils and the snow wardens.

RESOLVED that when the list of areas designated for clearance during ice and snow conditions has been finalised, it be sent to Ward Members and local councils for their information.

e) Overview and Scrutiny Committee

After presenting his Committee's minutes, the Chairman, Stuart Hughes clarified details of the Special Meeting to be held on 9 December 2011 at 10 am. Members would be invited to give feedback on the overall vision of the Local Plan as part of the consultation process currently underway.

However consideration of agenda item 9 "Local Plan production" would be postponed until a later meeting. The Chairman stated that he did not wish scrutiny undertaken at this stage to cast any doubt on the Plan which was currently out for consultation. The responses to consultation would be analysed and presented to the Inspector before the Committee undertook scrutiny of how the Plan was produced. The Chairman acknowledged the extensive work undertaken by the Local Development Framework Panel as part of the Plan's production.

f) Audit and Governance Committee

In presenting the minutes of his Committee, the Chairman, Councillor Ken Potter drew Members' attention to the positive comments within the Statement of Accounts 2010/11.

g) Licensing and Enforcement Committee

After presenting his Committee's minutes, the Chairman, Councillor Steve Hall, advised Members that he had responded on behalf of the Council to the Government's consultation document on reforming regulated entertainment under the Licensing Act 2003. He outlined concerns raised through the Committee, stressing the importance of the licensing regime in protecting the public and suggesting how the existing regulations could be reformed without putting licensing objectives at risk. Particular areas of concern were the proposed late night levy and early morning restriction orders which could have a detrimental impact on the local economy and the proposed removal of licensing controls in respect of events without alcohol of up to 4,999 attendees.

He added that the Licensing and Enforcement Committee had benefited from extensive training on current legislation and asked that if possible the membership could remain unchanged at the annual council meeting in May 2012. This would use the knowledge and experience of the existing Committee without the need to repeat the training already provided.

*52 Changes to Exmouth Combined Facilities (Leisure Forum)

RESOLVED

that the current arrangement of an Exmouth Combined Facilities (Leisure) Forum be changed to:

1. **Exmouth Combined Tennis/Sports Centre Partnership Forum** (EDDC Membership – Councillors David Chapman, Trevor Cope and Pauline Stott).
2. **Exmouth Pavilion /Performing Arts Partnership Forum** (EDDC Membership – Councillors Geoff Chamberlain, Vivien Duval Steer and Pauline Stott with Councillor David Chapman as EDDC substitute member and Councillor John O’Leary (Culture Champion) being invited to attend in a non-voting capacity.)

*53 Presentation – East Devon Transport, Research and Information Project (TRIP)

Val Royale (TRIP Chairman) set out the history of TRIP, the team involved and volume of transport bookings taken each week. She emphasised the value of volunteers and thanked the Council for its support.

Neil Hurlock (TRIP Manager) outlined services provided by TRIP, including voluntary car services, Honiton and District Ring and Ride, Honiton Shop Mobility, Hospital Transport, Special Needs School runs and Disability Aids and Advice. He explained the new Befriending Service (Acorns) which gave support to isolated people of all ages. He spoke of funding arrangements in place for TRIP and plans for future service development.

The Chairman thanked the TRIP Manager and Chairman for their interesting and informative presentation and useful overview of their work.

*54 Presentation – Business Information Point (BIP)

The Portfolio Holder – Economy introduced David Hinshelwood and Petra Davies, representatives from BIP. This was a not-for-profit organisation which helped small businesses within East Devon. BIP’s accredited advisors provided help and guidance on financial planning, ran workshops and gave support to new businesses and those at risk.

The Portfolio Holder – Economy thanked BIP and acknowledged the vital support given.

*55 Presentation – Council Plan

The Corporate Business Portfolio Holder up-dated Members on the Council Plan, on its aim and the three underpinning strategies. The document was currently out for wide consultation and he urged Councillors to encourage their constituents to read the Plan and give feedback. Copies of the Plan and of the summary/questionnaire had been circulated to Members.

The Chairman thanked the Portfolio Holder for his helpful and informative presentation.

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Cabinet held in the Council Chamber, Knowle, Sidmouth on Wednesday, 11 January 2012

Present:

Councillors:

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

Also
Present:

Councillors:

David Atkins
Peter Burrows
Geoff Chamberlain
Maddy Chapman
Trevor Cope
Vivien Duval Steer
Martin Gammell
Steve Gazzard
Roger Giles
Steve Hall
Peter Halse
John Humphreys

Sheila Kerridge
Jim Knight
John O'Leary
Frances Newth
Helen Parr
Pauline Stott
Graham Troman
Phil Twiss
Mark Williamson
Tim Wood
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
Rachel Pocock, Corporate Legal & Democratic Services Manager
Chris Powell, Corporate ICT Manager
Diana Vernon, Democratic Services Manager

Apologies

Councillors

Stephanie Jones

Non-Cabinet
Members:

Mike Allen
David Chapman
Alan Dent
Stuart Hughes

The meeting started at 5.30 pm and ended at 7.42 pm.

***142 Public Questions**

The Chairman invited Exmouth Town Councillor Richard Turner to speak to the Cabinet. Mr Turner advised that a recent article in the Exmouth Journal reported on a possible Council intention to re-locate the site for the launch and recovery of Jet Skis from Belshers slipway. Mr Turner wanted to set out concerns about any possible re-siting to the Harbour View slipway before a firm decision was made. He also suggested an alternative site between the Lifeboat Station and Orcombe Point.

Councillor Andrew Moulding Portfolio Holder for Strategic Development and Partnerships who chaired the Exmouth Regeneration Board advised that no firm decisions had yet been made. The Board was currently deliberating over the Masterplan and recognised that addressing the slipway issue was a key priority. Full consultation with interested parties would be carried out before a decision was made.

RESOLVED: that the Council's Communications Officer issue a press release to correct recent inaccurate media reporting in respect of jet ski issues at Exmouth.

***143 Minutes**

The minutes of the meeting of the Cabinet held on 30 November 2011 were confirmed and signed as a true record subject to the following corrections:

- Councillor Knight to be included in the list of apologies given
- Minute 119 – Councillor Cox was the owner of a second home outside East Devon.
- Minute 125 – Ray Bloxham – Portfolio Holder – Corporate Business

***144 Declarations of interest**

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Cllr Trevor Cope	148	Personal	Son employed by Leisure East Devon
Cllr Iain Chubb	156	Personal	Owner of a property in Seaton

***145 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.

***146 Forward Plan**

Members noted the contents of the refreshed Forward Plan for the period 1 January to 30 April 2012. The future Plan would include reporting decisions on major projects in respect of Exmouth Regeneration.

***147 Matters referred to the Cabinet**

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

*148 Minutes of the Overview and Scrutiny Committee meetings of 24 November and 9 December 2011 (Special Meeting)

The Cabinet noted the minutes of the meetings of the Overview and Scrutiny Committee held on 24 November and 9 December 2011.

The Chairman had fed back the Committee's concerns on the Ice/Snow/Frost Treatment Plan (Minute 45 of 24.11.11 refers) to the Cabinet at its meeting on 30 November 2011.

The feedback from the Special Meeting of the Committee in respect of the Local Plan would be fed into the wider consultation process. Ward Members were encouraged to respond directly to the consultation on matters relating specifically to their Ward. The scrutiny of the Local Plan production was postponed until after the consultation period.

Councillor Tim Wood who had chaired the Leisure East Devon Task and Finish Forum presented the final version of the report. He advised that overall the Forum was satisfied with the monitoring arrangements in place and the quality of monitoring undertaken. The Forum had acknowledged the dedicated and effective work of the Monitoring Group and the LED Trustees. The Forum had helped to identify areas that were returning a profit and areas of loss. This information would be helpful in future service and facility planning. The Forum's recommendations included that EDDC and LED review the existing Service Level Agreement and the dual-use arrangements with schools/colleges which were likely to change with Academy status.

RESOLVED: that the following decisions be noted:

Minute 46 the Committee's positive response to the report on the New EC Revised Bathing Water Directive and the setting up of a Beach and Foreshore Forum – a press release would be issued;

Minute 47 the setting up of a Task and Finish Forum on the Community Infrastructure Levy to construct recommendations to aid the Council in both the transitional state and the introduction of the Levy. The Forum membership to comprise Councillors Mike Allen, Peter Bowden, Mike Howe, Sheila Kerridge, Graham Troman, Tim Wood and Claire Wright.

Minute 41 the Overview and Scrutiny Committee Forward Plan.

RESOLVED: that the recommendations of the Leisure East Devon Task and Finish Forum be noted and referred to the next quarterly meeting of the Leisure East Devon Board for consideration, with feedback being reported to a future meeting of the Overview and Scrutiny Committee in the first instance.

*149 Minutes of the meeting of the Recycling and Refuse Partnership Board

Members noted the minutes of the meeting of the Board held on 15 December 2011.

Councillor Iain Chubb, Portfolio Holder – Environment, highlighted the Board's decision to copy relevant Ward Members into correspondence sent to residents regarding changes to recycling and refuse collections. The cardboard and mixed plastics trial collections in Beer had been discussed and costs noted – the Communications Officer had sent out a press release on the trial and would feedback information from residents within the trial area. This would be used to assist the negotiations between SITA and EDDC for the possible roll out of similar schemes across the district. Missed bins information was considered at each meeting and was monitored closely, with any reasons for an increase in missed collections being investigated.

Councillor Chubb also highlighted the Board's detailed consideration of the issue of side waste and how this was to be dealt with in the future. The Board had revised the process which would include information stickers and re-worded letters of advice with effect from 6 February 2012. Members debated this process and raised the following issues:

- If bins without closed lids were not collected, how could the problem be resolved?
- There was concern that stickers, letters and non-collection would generate poor publicity and was not good customer service.
- There was no one size fits all solution.
- Not everyone was able to make use of the recycling centres.
- Collection of cardboard was a separate issue – it was recognised that most people wanted to be able to recycle more and for the scheme to be extended.
- The recycling and waste project had generally been well accepted by the public and the team should be congratulated.

Councillor Chubb (Chairman of the Partnership Board) and Councillor Cox (Former Chairman and current Board Member) explained that the instances of bins with open lids and side waste (other than at Christmastime) were relatively minor. Mistakes made by the operators in respect of the use of stickers in the trial area had been addressed. The letters had been re-worded and checked by the Member Champion – Plain English. Every opportunity needed to be taken to encourage recycling and reduce landfill.

The Council now had an excellent recycling record and the model used was being adopted by other authorities. There was 'no one size fits all' and different sized bins were provided to suit individual households on request. The Council recognised the importance of educating households to reduce landfill waste and accept their ethical and environmental responsibilities. The Waste Management Team had been invaluable in helping with this process and discussing solutions with individual households. However, it was not possible for the Team to personally visit each time a side waste/open bin problem arose. The use of stickers/letters with contact details would support this work, encouraging residents to phone the help line for advice.

Ward Members had a role to play in helping to improve communications and in helping to change attitudes.

- *149 Minutes of the meeting of the Recycling and Refuse Partnership Board (cont)..

RESOLVED: that decisions of the Recycling and Refuse Partnership Board be noted with the Board being asked to monitor the use of stickers/letters to help ensure that the initiative retained the support of the public.

REASON The Cabinet recognised the valuable work being carried by the Partnership Board. Monitoring use of stickers/letters would help address concerns raised.

- *150 Report of a meeting of the Member Development Working Party
Members noted the report of the meeting of Member Development Working Party held on 9 December 2011.

Councillor Maddy Chapman, Member Development Champion, had chaired the meeting. Councillor Andrew Moulding whose previous Portfolio had included responsibility for Member Development was invited to outline the significant achievements initiated by the Working Party including the work carried out on the Welcome and Refresher Programme, the steady intention to change the culture of the Council to recognise the importance of on-going development, the skills to share register, being awarded the South West Charter for Member Development in 2010 and being part of the drive to reduce the cost of postage and printing.

All Councillors had been asked for their feedback on the 3-month Welcome/ Refresher programme and the Working Party discussed issues raised. As a result of feedback, the Working Party suggested that it would be useful to run a refresher programme in the early spring. Those Councillors elected for the first time in May now had more experience and understanding of Council business and were in a better position to put the training into context. It was suggested that the Special Meeting of the Overview and Scrutiny Committee on 18 January 2012 would be a helpful development opportunity for Councillors to better understand the budget and scrutiny process.

The Working Party also discussed other learning methods including on-line learning, use of the Knowledge and its links to useful website. The value of attending, observing and contributing to the debate at Cabinet meetings was recognised by all Members present.

RESOLVED: that a Member Development refresher programme be organised for the particular benefit of Councillors who had been elected for the first time in May 2011 – the programme to include the suggestions made by the Working Party.

REASON The refresher programme would help Councillors to put information into context as Councillors now had more experience and understanding of Council business than when first elected.

***151 Council Tax Base for 2012/13 – Key decision**

Members considered the report of the Revenues and Benefits Manager setting out the tax base for each parish, expressed in terms of Band D equivalent properties. This would be used as the basis for the Council's 2012/13 Council Tax.

RESOLVED that the tax base for 2012/2013 at 57,602 Band D equivalent properties be confirmed.

REASON This was a statutory requirement as prescribed by:

- The Local Government Finance Act 1992
- The Local Authorities (Calculation of Council Tax Base) Regulations 1992 No 612
- The Local Government Finance Act 2003

***152 Draft revenue and capital estimates for 2012/13 – Key decision**

Simon Davey, Head of Finance presented the draft Revenue and Capital Estimates for 2012/13 for adoption by the Cabinet. The Estimates would next be considered in detail by the Overview and Scrutiny Committee at its Special Meeting on 18 January 2012 and by the Housing Review Board at its meeting on 12 January 2012. Their recommendations would then be referred to the Cabinet for consideration at its meeting on 1 February 2012.

The Head of Finance highlighted key issues including risks. The balanced draft budget being presented assumed a nil increase in Council Tax and an on-going reduction in formula grant. This meant that the Council would need to continue to build cost savings into future budgets. There were uncertainties in respect of the localism of Council Tax Benefit of which Members had previously been made aware. Special items bids had not been included in the draft budget. The Housing Revenue Account included the new self-financing arrangements. The draft Capital Programme for 2012/13 was funded but brought the Capital Reserve down to a minimum level. The Capital Receipts from the Elizabeth Hall had been assumed in the Estimates but no other Capital Receipts had been included. The New Homes Bonus (part) was being used to help support the Capital Programme. Potential future pressure on the General Fund was noted. The proposed draft budgets for 2012/13 would maintain both the General Fund Balance and the Housing Revenue Account Balance at, or above, the advisory level. The budgets would continue to be monitored by the Cabinet on a monthly basis to enable any corrective action to be taken in a timely way.

Councillor Cox, Portfolio Holder – Finance expressed his appreciation to the Head of Finance and his team for their detailed work and useful reports.

RESOLVED that the draft Revenue and Capital Estimates be adopted and forwarded to the Overview and Scrutiny Committee and Housing Review Board for consideration.

REASON This was to progress the process of setting balanced budgets, levy a Council Tax and set Council House Rents. The recommendations of the Overview and Scrutiny Committee and Housing Review Board would be considered at the Cabinet meeting of 1 February 2012. The Council would then agree the 2012/13 budget at its meeting on 22 February 2012.

***153** Financial monitoring report 2011/12 – Month 8 November 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 8 (30 November 2011). Current monitoring indicated that:

- The General Fund Balance was being maintained at or above the adopted level.
- The Housing Revenue Account Balance would be maintained at or above the adopted level and was now in a better position than previously;
- There was sufficient Capital Reserve to balance this year's Capital Programme. However it was estimated that there would only be £1.866M available in the Reserve to support the programme from 2012/13 onwards. Due to scheme variations, the Capital Reserve tended to change each month.

The report also advised that the Council administered a bequest known as the Robinson Bequest, the income of which was used to maintain the Garden of Rest in Beer. The arrangements in place required three authorised signatories but only one of these now remained at the Council.

RESOLVED

- (1) that the variances identified as part of the Revenue and Capital Monitoring process up to Month 8 be noted;
- (2) that the signatories for the Robinson Bequest be brought into line with those for the Council's bank account – namely, the Head of Finance, the Financial Services Manager and a specified Accountant.

REASON

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

154 Strategy proposal for electronic document management

Councillor Ian Thomas, Portfolio Holder Corporate Services introduced the report of the Corporate ICT Manager. He advised of the proposals to extend the current electronic document management systems (EDMS) to help the Council to become more 'paper light' and achieve savings in the cost of paper/print and reduce waste.

He gave details of the amount of storage space currently used at Knowle for live and historic paper files and stressed that this position must be challenged. The cost of providing equivalent space for storage in the proposed new Council Offices was prohibitive. The files could be scanned for electronic storage and work on this would start immediately. However the volume of stored documents needed to be significantly reduced to make scanning a viable option. Processes would be put in place to help differentiate between 'live' and 'historic' documents. The proposed document retention policy being drafted would be invaluable in helping to identify which documents needed to be saved and which could be destroyed.

The costs of the proposed extension of electronic document management systems would be funded from the Transformation Budget as 'invest to save' but it was thought appropriate to refer the matter to the Overview and Scrutiny Committee Special Budget and Service Planning meeting for wider consideration.

154 Strategy proposal for electronic document management (cont)..

RECOMMENDED that the proposed Electronic Document Management Strategy be implemented, including:

- a) Appointment of a contract project manager for one year
- b) Replacement of current EDMS with IDOX should existing supplier not improve offer sufficiently,
- c) Initial funding of the project of £120,000 (from the transformation budget),
- d) Analyse each paper document for back scanning benefits and action accordingly.

RESOLVED that the report be referred to the Special meeting of the Overview and Scrutiny Committee (Budget and Service Planning) for the Committee's information

REASON To begin taking steps to reduce the amount of storage space require for the proposed new Council Offices.

*155 Performance monitoring report until November 2011

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

*156 Seaton Town Management and Seafront Enhancement

Members considered the report of Richard Cohen, Deputy Chief Executive and the Economic Development Officer. The report set out a number of issues affecting the local Seaton economy. These included the loss of the Seaton Town Development Manager and the recent opening of Tesco's. It set out possible ways to provide some prompt support to the town and suggested that the Council worked through Business Information Point West Devon to recruit a dedicated Business Development Officer on a fixed term to June 2012 to work with the business community.

The Seaton Regeneration Programme Board, which included representation from the Town Council, had discussed and backed the need for replacement business support and for the seafront regeneration and enhancement to be progressed.

Although Councillor Burrows had raised concerns at the meeting of the Overview and Scrutiny Committee on 5 January 2012 about what he regarded as the lack of consultation with the Town Council, he had subsequently met with Councillor Graham Godbeer, Portfolio Holder – Economy, Richard Cohen and the Economic Development Manager and he now advised that his concerns had been allayed.

*156 Seaton Town Management and Seafront Enhancement (cont)..

Councillor Jim Knight asked for all Seaton Ward Members to be copied into progress reports in respect of the work programme and activities of the Business Development Officer.

Councillor Godbeer asked for the recommendations to be amended to reflect that the partners were committed to meet promptly to consider the longer term support of the Seaton business community.

- RESOLVED**
- (1) that the Head of Economy be authorised to extend by up to £19,000 the Council's business support and advice contract, delivered by Business Information Point (BIP) West Devon Limited to enable BIP to recruit a fixed term dedicated part-time Business Development Officer, employed to work with Seaton Chamber of Commerce and the town's other businesses, as described in the report to the Cabinet, in the period to 1 July 2012,
 - (2) that the Council monitor, with the Seaton Regeneration Partnership Board, the activities and effectiveness of the approach (detailed in 1 above) and arrange a meeting of the Town Management Partnership soon to consider support for the town's business community in the longer term,
 - (3) that Seaton Town Council be advised of this Council's willingness to contribute up to £10,000 towards the costs of commissioning specialist expertise to produce detailed design, development and costed options of seafront enhancement in Seaton on condition that the Town Council at least matches the contribution.

REASON To help provide Seaton with immediate help to address current economic issues facing the town and explore longer term solutions.

*157 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).

*158 Seaton Regeneration Programme Board

The Portfolio Holder – Economy (Board Chairman) presented the confidential report of the meeting of the Seaton Regeneration Board held on 13 December 2011. He said that it had been a positive meeting. The Board had considered possible enhancements of Seaton Seafront, the opening of the Tesco store, the Wetlands project and progress in respect of the Visitor Centre for which expressions of interest for operators had been invited. The Board also discussed the need to address the loss of the Town Centre Manager and other issues likely to have an impact on Seaton.

*159 Exmouth Regeneration Programme Board

The Portfolio Holder – Strategic Development and Partnerships presented the confidential reports of the meetings of the Exmouth Regeneration Board held on 17 November and 1 December 2011. The Board had considered feedback from the consultation on the Masterplan, the Regeneration project prioritisation and up-dates on other issues likely to have an impact on Exmouth. Project teams would now be set up to progress the 4 priority projects identified.

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Cabinet held in the Council Chamber, Knowle, Sidmouth on Wednesday, 1 February 2012

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
Trevor Cope
Christine Drew
Martin Gammell
Steve Gazzard
Steve Hall
Tony Howard
Stuart Hughes
Douglas Hull
John Humphreys
Jim Knight

Frances Newth
John O'Leary
Helen Parr
Geoff Pook
Pauline Stott
Peter Sullivan
Graham Troman
Phil Twiss
Tim Wood
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
Kate Little, Head of Economy
Karen Jenkins, Corporate Organisational Development Manager
Rachel Pocock, Corporate Legal & Democratic Services Manager
Laurelie Gifford, Financial Services Manager
Claire Reed, Accountant
Andy Wood, East of Exeter Projects Director
Diana Vernon, Democratic Services Manager

Apologies -
Non-Cabinet
Members:

Councillors:

Roger Boote
Geoff Chamberlain
David Chapman
Maddy Chapman

Alan Dent
Vivien Duval-Steer
Peter Halse
Mark Williamson

The meeting started at 5.30 pm and ended at 7.23 pm.

***160 Public Questions**

The Chairman welcomed Councillors and members of the public present at the meeting – no questions were raised at this part of the agenda.

***161 Minutes**

The minutes of the meeting of the Cabinet held on 11 January 2012 were confirmed and signed as a true record subject.

***162 Declarations of interest**

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Cllr Jill Elson	168	Personal	Exmouth Ring and Ride – Charity Founder and Chairman
Cllr Trevor Cope	168	Personal	Exmouth Ring and Ride – Trustee
Cllr Stuart Hughes	169	Personal	Devon County Council Portfolio Holder for Highways and Transportation
Graham Godbeer	177	Personal	Board Member – Exeter Science Park

***163 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.

***164 Forward Plan**

Members noted the contents of the Forward Plan for the period 1 February to 31 May 2012.

***165 Matters referred to the Cabinet**

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

***166 Minutes of the Overview and Scrutiny Committee meetings of 5 and 18 January 2012 (Special Meeting – Budget and Service Planning)**

The Cabinet considered the minutes of the meetings of the Overview and Scrutiny Committee held on 5 and 18 January 2012.

The Overview and Scrutiny recommendations from its Special Budget and Service Planning meeting on 18 January 2012 would be taken into account at agenda item 11 - Revenue and Capital Estimates 2012/13.

- *166 Minutes of the Overview and Scrutiny Committee meetings of 5 and 18 January 2012 (cont)..

RESOLVED: that the following decisions be noted:

Minute 62 the Committee's response to the Northern Devon Healthcare NHS proposals on behalf of the Council;

Minute 64 the Overview and Scrutiny Committee Forward Plan. This included the setting up of a Task and Finish Forum to 'health check' town centres and progress High Street regeneration.

Minute 66 the Committee's support of the Cabinet recommendation to use the Transformation Reserve to progress the electronic documentation management initiative (Cabinet minute 154 refers).

RESOLVED: that the Committee's recommendations in respect of the draft Revenue and Capital Estimates 2012/13 be taken into account when this Key Decision item was being discussed later on the agenda.

- *167 Minutes of the meetings of the Housing Review Board held on 1 December 2011 and 12 January 2012

Members noted the minutes of the meetings of the Board held on 1 December 2011 and 12 January 2012.

Councillor Pauline Stott, Chairman of the Housing Review Board highlighted the key issues discussed at the meetings.

RESOLVED: (1) **that the following decisions be noted:**

Minute 31 The Board's recognition of the achievements of Housing Community Development (Youth) and continuation of funding support for community development work in 2012/13.

Minute 34 The adoption of the revised approach to achieving value for money in delivering housing services.

Minute 35 Preparation of the Tenancy Strategy for consideration and approval by the Board at a future meeting.

Minute 36 Board approval of the alternative funding approach for the continuation of the Council's Own Build Programme.

Minute 38 The half year financial position statement on the Housing Revenue Account.

Minute 46 (1) Approval of the recommendations of the Task and Finish Forum on Car Parking in Council housing areas;

(2) Agreement of the suggested priority of the car parking improvement schemes as set out in the report.

*167 Minutes of the meetings of the Housing Review Board held on 1 December 2011 and 12 January 2012 (cont)..

- Minute 47**
- (1) Setting up a Task and Finish Forum to carry out a review of the Council's garages and their management;
 - (2) The membership of the Garage Task and Finish Forum to be the same as that of the Car Parking TaFF.

Minute 48 Approval of the proposals set out in Section 3 of the Systems Thinking report on Housing Repairs.

Minute 50 The new tenants' telephone survey.

RESOLVED: (2) **that the following recommendations be approved:**

- Minute 30**
- (1) The Board's support of the implementation of a standardised tenant and resident satisfaction survey by setting a financial budget and identifying staff resources available to undertake the survey;
 - (2) The Head of Housing being delegated to agree the wording of the survey in conjunction with the Chairman and Vice Chairman of the Board if funding is available earlier.

Minute 31 the My Pocket and First Light Production films about SWITCH projects in Exmouth and Axminster being presented to Council.

Minute 32 and 42 The Board's Forward Plan.

Minute 33 The Head of Housing to work up the concept of East Devon Homes with the Portfolio Holders for Sustainable Homes and Communities, the Chairman of the Housing Review Board and selected tenants, in preparation for the launch in April 2012.

Minute 34 The adoption of the revised approach to achieving value for money in delivering housing services.

- Minute 37**
- (1) The Board's approval of an annual budget of £700,000 over the next ten years to replace all external wooden elements of properties with plastic options under the painting programme, with an on-going budget of £200,000 per annum for cement render repair and painting;
 - (2) The Board's approval of the proposed changes to the programmed works, length of contracts (as set out in the report to the Board) in order to secure better value for money;
 - (3) The priorities for investment in programmed works for the next five years.

*167 Minutes of the meetings of the Housing Review Board held on 1 December 2011 and 12 January 2012 (cont)..

(2) that the following recommendations be approved cont..

Minute 43 Approval of the Business Plan assumptions and the outline borrowing strategy.

Minute 44 The report on the 2012/13 Housing Revenue Account being recommended to the Cabinet subject to 'loft conversions' being added to the capital budget heading 'major improvements/extensions.

Minute 45 (1) Approval of the Fire Assessment as outlined in the report to the Board;

(2) Approval of an annual budget of £50,000 to carry out the identified additional fire safety works required.

Minute 49 The progress made by the Tenant Scrutiny Panel and the work being carried out for their first scrutiny project.

168 Revenue and Capital Estimates 2012/13 – Key Decision

Simon Davey, Head of Finance presented the Revenue and Capital Estimates for 2012/13. The Cabinet had adopted the draft 2012/13 Estimates at its last meeting. These had now been considered in detail by the Overview and Scrutiny Committee and Housing Review Board. The draft budget proposals had also been presented to the East Devon Business Forum at its meeting on 4 January 2012 for comment from the business community.

Members were asked to recommend the Revenue and Capital Estimates for 2012/13 and to reaffirm the decisions identified in the body of the report. Members spoke in support of the proposal to freeze the Council Tax for a further year to help local tax payers who were already feeling the impact of the global recession and rising costs. The report also included clarification of the New Homes Bonus.

The Estimates presented to the Overview and Scrutiny Committee did not include Special Items. The Committee had considered the list of Special Items in detail and recommended a number for inclusion - these additions being partly off-set with recommended increases in the savings budget. The Committee Chairman, Councillor Stuart Hughes said that the new approach adopted by his Committee in scrutinising the draft budgets had been useful and effective.

Concern was raised in respect of some Special Items as not all listed were 'one-off costs', some had on-going revenue implications and others would require capital funding in future years. It was also seen as a false economy to put off undertaking maintenance work.

In response to a specific question about committing funds to the renewal of Axminster, Honiton and Sidmouth town centres, Richard Cohen, Deputy Chief Executive advised that he was aware of resource implications but there was a need to consider the on-going health of towns in addition to the regeneration of Seaton and Exmouth. A Task and Finish Forum was being set up to discuss the implications of the current economic climate on the district's town centres and options for strategic growth.

168 Revenue and Capital Estimates 2012/13 – Key Decision

The Council was required to set prudential indicators as part of its budget setting process (Prudential Code for Capital Finance in Local Authorities). These indicators helped to show the overall effect of various financing and borrowing strategies that the Council planned to adopt over the next three financial years. The Government had made changes to the level of borrowing in respect of the Council House Self Financing scheme since the agenda had been published. An up-dated set of papers in respect of prudential indicators was circulated at the meeting to show the resultant recalculations. This reported change would not make any significant difference to the Estimates presented and a report on confirmed levels of interest would be referred to Cabinet after 28 March 2012 when the Council took over the Self-Financing Housing debt.

The Medium Term Financial Plan predicted future deficits for the General Fund with the on-going reduction in Government funding. Members recognised the pressures on future budgets and the challenges that the Council would need to meet. It was important to start preparing plans early for 2013/14 and beyond.

Members thanked the Head of Finance and his Team for presenting the Estimates in a clear and helpful way and for the effective work carried out during the year.

- RECOMMENDED**
- (1) that the Special Item bids totalling £0.229m as proposed by the Overview and Scrutiny Committee (Minute 66 refers) be agreed subject to these being reviewed by the Leader prior to the Estimates being presented for determination at the meeting of the Council on 22 February 2012;
 - (2) that the Net Revenue General Fund Estimates of £13.430m be approved;
 - (3) that the Capital Budget totalling £6.646m be approved;
 - (4) that the Housing Review Account Estimates with a net surplus of £1.734m be approved;
 - (5) that a Council Tax requirement be set for 2012/13 at £7.015m with a resulting Council Tax Band 'D' of £121.78 (2011/12 £121.78),
 - (6) that Council House Rents be increased from April 2012 in line with the Government Social Rent Reform guidelines with the general increase being given at 6.1% increase;
 - (7) that Council garage rents be increased from April 2012 by 3%;
 - (8) that the Prudential indicators detailed in Appendix A of the report to Cabinet be adopted.

REASON

The Council is required to set a balanced budget for both the General Fund and Housing Revenue Account and to levy a Council Tax for 2012/13.

*169 Flooding risk to Sidmouth through the effects of Coastal erosion at Pennington Point/Salcombe Hill Cliff

The Chairman invited Paul Griew to speak on behalf of the Cliff Road Action Group. Mr Griew advised of the campaign to reduce the current unnatural rate of erosion which was putting homes at risk, causing potential danger to users of the beach, risking flooding of the east of Sidmouth and loss of the cliff footpath. He advised that the campaign was supported by the Chamber of Commerce, Hoteliers, the Town Council and the Sid Vale Association. He said that the rate of erosion had increased unnaturally since the rock islands had been created, causing the loss of shingle at the base of the cliff and leaving it vulnerable. The application to protect the cliff with rock revetment had been withdrawn to await the recommendations of the working party.

The Head of Economy explained that a working party had been set up to address flooding and coastal erosion issues in Sidmouth. The working party included representatives from the Environment Agency, Natural England, the National Trust, Devon County Council, local EDDC members, Town Councillors, SAFE, VISION, local residents and the Chamber of Commerce. It had assessed the current situation at Pennington Point/Salcombe Hill Cliff and sought an agreed way forward to tackle the cliff erosion and flooding risk. The key recommendation was for a Beach Management Plan to be put in place as soon as possible. This would give a clear assessment of the issues involved, the options necessary to protect the beach and the town and could be used to support Defra funding bids.

The Plan would give an analysis of the beach including management, definition of the areas included in the scope and its relationship with other relevant plans including the Shoreline Management Plan 2. It would give a 100 year outlook for the beach and a 10 year programme of maintenance work and possible new works to the sea walls, shingle beach and surrounding structures.

The Cabinet was asked to consider a proposal for £27,000 (remainder from the emergency works carried out in 2009) currently held in the capital budget to be used towards the £80k Beach Management Plan. Members were advised that match funding from Devon County Council and Sidmouth Town Council had been sought but in both cases the request had been turned down at the present time. If agreed the £27,000 would be used as a match funding bid for Defra funding.

Councillor Andrew Moulding, Portfolio Holder – Strategic Development and Partnership who had chaired the meeting of the working party said that it was his intention to call another meeting of the working party as soon as possible as he was anxious to find a solution to the problem and explore viable options to protect properties, Sidmouth, Alma Bridge and the public footpath. He regretted the delay in commissioning the Plan and asked that Devon County Council and Sidmouth Town Council re-consider their decision not to contribute. Councillor Moulding agreed that the working party would be mindful of the impact of possible action on other parts of the coastline.

- RESOLVED**
- (1) that the £27,000 in the Capital Budget be made available for use towards the Beach Management Plan;
 - (2) that a further meeting of the working party be arranged as soon as possible to discuss options and action.

REASON To progress the working party's recommendation that a Beach Management Plan be put in place as soon as possible.

***170** Financial monitoring report 2011/12 – Month 9 December 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 9 (31 December 2011). Current monitoring indicated that:

- The General Fund Balance was being maintained at or above the adopted level.
- The Housing Revenue Account Balance would be maintained at or above the adopted level. The service had identified savings that could be made within the budget to bring the HRA balance back in line with the adopted level;
- There was sufficient Capital Reserve to balance this year's Capital Programme. However it was estimated that there would only be £1.874M available in the Reserve to support the programme from 2012/13 onwards.
- The counter party limit had been exceeded for 4 days due to the timing of receipts and payments. This was agreed with the Section 151 Officer and the Finance Portfolio Holder.

RESOLVED

- (1) that the variances identified as part of the Revenue and Capital Monitoring process up to Month 9 be noted;
- (2) that the counter party limit being exceeded for 4 days be noted.

REASON

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

171 2012/13 Treasury Management Strategy

The Head of Finance presented the report setting out the proposed annual Treasury Management Strategy which the Council was required to produce and be formally adopted by the Cabinet. There was also a requirement to set prudential indicators relating to all treasury activities that the authority would undertake in the forthcoming financial year – 2012/13 – to minimise risks whilst maximising returns. A new emphasis was on securing the return of investment and as a result investments had been re-categorised and amendments made to investment controls and to restrictions in respect of the counterparty list for investment to reduce risk.

The Council currently had long term borrowings to cover capital Recycling and Refuse and Affordable Housing schemes. The Council would also be taking on £84.376m debt (amended figure) under the Government's self financing regime. The Council would borrow the money through the Public Works Loan Board as the most prudent option.

Councillor David Cox, Portfolio Holder – Finance supported the careful choices being made to protect the Council's finances and reminded the Board that based on an earlier decision by the Cabinet, the Council was going out to tender in respect of management of its external investment fund.

171 2012/13 Treasury Management Strategy (cont)..

- RECOMMENDED** (1) that the Treasury Management Strategy for 2012/13 be adopted;
- (2) that the amended Authorised Limit & Operational Boundaries for Debt for 2011/12, to allow Prudential Borrowing for the HRA Self Financing be adopted.

REASON The Council was required to formally adopt a Treasury Management Strategy before the beginning of the financial year.

The amended Authorised Limit and Operational Boundaries for Debt would allow the Council to undertake borrowing, for the express purpose of funding the £84.376m of HRA debt under the self financing regime.

172 Discretionary Housing Payment (DHP) Policy

Councillor Jill Elson, Portfolio Holder - Sustainable Homes and Communities introduced the report of the Revenue and Benefits Manager. She raised concerns in respect of a number of cuts currently being made under the Welfare Reform Bill in the way Housing and Council Tax Benefit was calculated. The Government had increased the amount of funding given under DHP and published new guidance. The new arrangements replaced the 2008 Discretionary Housing Payments Best Practice and reflected local authorities' role in assisting customers affected by Housing Benefit reforms from April 2012. It was expected that more customers would start to apply for DHP as the cuts started to take effect and therefore the Council needed a DHP policy in place to ensure that the scheme was managed fairly, reasonably and consistently.

RECOMMENDED that the Discretionary Housing Payment (DHP) Policy be adopted.

REASON To ensure that the Council dealt with customers fairly, reasonably and consistently.

173 Statutory Pay Policy

The Corporate Organisational Development Manager presented her report setting out the Statutory Pay Policy as legally required by Section 38(1) of the Localism Act 2011. The Council was required to prepare and approve pay policy statements to cover its chief officers and deputies on an annual basis. The Policy outlined the process and accountability for setting chief officer pay as a multiple of lowest paid staff. The Policy was required to be approved by full Council by 31 March for the financial year that followed.

RECOMMENDED that the Statutory Pay Policy for 2012/13 be adopted;

REASON As required by legislation.

***174** Performance monitoring report until December 2011

Denise Lyon, Deputy Chief Executive, presented the performance information for the 2011/12 financial year until December 2011. Performance reports were now available on line.

The Deputy Chief Executive advised that performance overall was positive. She highlighted details of performance and how the trends analysis was helpful in identifying areas where performance was still acceptable but falling. Analysis had been able to pinpoint reasons for performance slippage and where action was needed to reverse the trend.

Examples given were in respect of processing new and change of circumstance benefit claims which were taking longer due to a significant increase in the number of checks being undertaken, an increase in the instances of fly-tipping and delays between keys being issued to new tenants and first payment made. Reasons were identified and action being taken. However Members were concerned that the proposed changes to benefit payments (Universal Credits), would result in hardship particularly in respect of vulnerable people.

RESOLVED that the progress and proposed remedial action for performance measures for the 2011/12 financial year until December 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.

***175** Initial proposal for shared ICT service in Devon.

Councillor Ian Thomas presented the report of the Corporate ICT Manager setting out a proposal for a single ICT service for all local authorities within Devon as a way of reducing costs through smart use of IT solutions. The proposal had been presented to Council Leaders and Chief Executives at the Devon Districts' Forum and the Devon Local Government Steering Group. The proposed business model was to set up a mutual company which would operate as a Board reporting back to Member authorities. The Forum and Steering Group supported further investigation of the proposals to gain better knowledge of the likely cost savings, benefits, risks and issues. The investigation would require an external resource and all district councils had agreed to contribute £2000 each towards this with the County and Unitary Authorities contributing a higher amount. The investigation would be led by East Devon and Councillor Thomas praised Chris Powell, Corporate ICT Manager, for his work and initiative.

RESOLVED (1) that the details of the proposal for a single ICT service for all local authorities within Devon be noted;

(2) that EDDC's contribution of £2000 towards the cost of an external resource for the next phase of the investigation be agreed.

REASON To help progress a combined ICT service in Devon to help cut costs and maintain robust ICT services.

- *176 Exemption from Standing Orders – extension to an existing contract for the purpose of achieving Best Value – Waste and Recycling

Members considered the report of the Interim Waste and Recycling Manager seeking Cabinet approval for an exemption from Standing Orders to extend the 3 year contract with RSM Tenon for forensic accounting and value for money survey of the Waste Partnership and Sita.

RESOLVED that exemption from Standing Order 1.13 be agreed to enable the contract for forensic accounting and value for money survey carried out by RSM Tenon to be extended by 3 years.

REASON For the purpose of achieving Best Value.

- *177 Exemption from Standing Orders – appointment of consultants to undertake a study on the development of a Local Revolving Infrastructure Fund

Members considered the report presented by the East of Exeter Projects Director seeking Cabinet approval for an exemption from Standing Orders to appoint consultants to undertake a study to help inform the development of a Local Revolving Infrastructure Fund. The proposed appointees were already undertaking financial appraisals of projects in the West End including the Science Park and investments from the Regional Infrastructure Fund. Costs would be met from the Growth Point budget. Future work would be needed and Councillor Graham Godbeer, Portfolio Holder Economy recommended that the maximum cost be increased to £20,000.

RESOLVED that exemption from Standing Order 1.11 be agreed to enable the appointment of Cooper Simms to complete the work referred to in the report; the work to be managed by the Projects Director of the Exeter and East Devon Growth Point Team to a maximum cost of £20,000.

REASON To ensure that the best qualified consultancy support is appointed expeditiously. Also to ensure that there is robust evidence on how a local revolving infrastructure fund could function including harnessing both existing investments and new funding mechanisms.

178 Programme of meetings (Council, Cabinet and Committees).

Members considered the draft meetings programme for 2012/13 including the proposed date of the Annual Council meeting of 23 May 2012. The draft programme, which will be referred to the Annual Council meeting, follows a similar pattern of meetings to that of the current year.

RECOMMENDED that the Council be recommended:

- (1) To hold the 2012 Annual Meeting of the Council on Wednesday, 23 May, commencing at 6.30 pm,
- (2) To approve the draft programme of meetings, for submission to the 2012 Annual Meeting.

REASON To meet the legal requirement to hold an Annual Meeting and also such other meetings as are necessary for the conduct of the Council's business in accordance with its Constitution.

*179 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).

*180 Priority disposal programme – Littleham Trading Estate, Pankhurst Close, Exmouth

The Head of Economy presented the report on the remainder of the Council's freehold interest in land owned at the Littleham Trading Estate and the proposal to only dispose of part of the site for reasons given in the report.

Members discussed the value of the site, its state of repair, 'claw back' arrangements and current lease.

- RESOLVED**
- (1) that the sale of Site One only be authorised, subject to an agreed reserve, with the remainder of the Council's land interest at Littleham Industrial Estate being retained as an investment;
 - (2) that the grant of a long lease to use part of site 2b for car parking be authorised.

REASON To achieve the best returns for the site.

- *181 Waiver of Contract Standing Orders – appointment of external legal advisors for priority disposal programme (electricity substation sites)

Members considered the report of the Senior Solicitor requesting waiver of Contract Standing Orders to select an established Bristol law firm based on their track record. Following appointment they would be able to provide good quality property advice prior to auction under the priority disposal programme.

RESOLVED that Contract Standing Orders be waived to ratify the appointment of Veale Wasborough Vizards to act for the Council in preparation for auction of electricity substation sites without the requirement for three quotations.

REASON To quickly arrange legal work in preparation for auction of the Council owned sites.

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the
Overview and Scrutiny Committee held
at Knowle, Sidmouth on 24 November 2011

Present:

Councillors:

Stuart Hughes (Chairman)
Mike Allen
Peter Bowden
Graham Brown
Peter Burrows
David Chapman
Deborah Custance Baker
Roger Giles
Mike Howe
Sheila Kerridge

David Key
John O'Leary
Brenda Taylor
Graham Troman
Tim Wood
Eileen Wragg
Claire Wright
Tom Wright

Officers:

Simon Davey – Head of Finance
Denise Lyon – Deputy Chief Executive
Debbie Meakin – Democratic Services Officer
Sulina Tallack – Section 106 Monitoring Officer
Janet Wallace – Environmental Health Officer
Mark Williams – Chief Executive
Andy Wood – Project Director

Also Present

Councillors:

David Atkins
Trevor Cope
Peter Halse
David Cox
Peter Sullivan
Jill Elson
Iain Chubb
Stephanie Jones

Philip Skinner
Pauline Stott
Steve Gazzard
Ray Bloxham
Ken Potter
Frances Newth
Christine Drew

Apologies:

Committee Members:

Derek Button
John Humphreys
Vivien Duval Steer

Councillors:

Steve Hall
Andrew Moulding

The meeting started at 6.30pm and ended at 9.50pm.

*42 Public Question Time

There were no questions from the public. The Chairman asked the Portfolio Holder for Environment if he was aware of an agreement to have a free hour of parking at Sidford car park. The Portfolio Holder was not immediately aware of this and the Chairman requested that if the free parking was to go ahead, appropriate signage at the car park would be needed.

*43 Minutes

The minutes of the Overview and Scrutiny Committee held on 27 October 2011 were confirmed as a true record.

*44 Declarations of Interest

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Cllr Stuart Hughes	45	Personal	Devon County Council Portfolio Holder for Highways & Transportation; Snow Warden for Sidmouth
Cllr Trevor Cope	51	Personal	Son works for Leisure East Devon
Cllr David Cox	51	Personal	EDDC representative on LED Monitoring Group
Cllr Peter Sullivan	51	Personal	EDDC representative on LED Monitoring Group
Cllr Roger Giles	51	Personal	EDDC representative on LED Ottery St Mary Group
Cllr Claire Wright	51	Personal	EDDC representative on LED Ottery St Mary Group
Cllr Pauline Stott	51	Personal	EDDC representative on LED Exmouth Group
Cllr Peter Bowden	51	Personal	EDDC representative on LED Broadclyst Group
Cllr Mike Howe	48	Prejudicial	Sub-post master
Cllr Mike Allen	52	Personal	Employee of SSDC

*45 Cabinet Agenda

The Chairman raised one item for discussion from the Cabinet agenda for 20 November 2011.

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.

Previous discussion took place on this report at the Committee on 27 October. The Chairman still had concerns about the report. He wanted to see a clear indication of how the District Council would work with the Snow Wardens.

Simon Davey, Head of Finance, updated on the current position with the County Council. Officers were in active discussion about the relationship with Snow Wardens, but the position was not yet clear as to which Towns and Parishes would be signing up, what the role of the Snow Warden would entail, and what equipment would be available. Until that detail was known, a definitive explanation of how the Council would work with the Snow Wardens was not possible to set out in the report. The intention of the report at this stage was to highlight the minimum the Council had to undertake to satisfy the Council's legal obligations for its own land.

*45 Cabinet Agenda (continued)

RESOLVED that the Chairman would feedback his concern on the Ice/Snow/Frost Treatment Plan at the Cabinet meeting on 30 November 2011.

*46 New revised bathing water quality directive

The Chairman welcomed Janet Wallace, Environmental Health Officer, who was joined by Richard Gilpin from South West Water (SWW), and Brian Grant from the Environment Agency (EA).

The report outlined the requirements of the new Directive. This used a new system to assess water quality based on measurements of Escherichia coli and intestinal enterococci, considered to be a better indicator of health risks to bathers. From 2016 the classification of bathing waters would be based on results over the previous four years, described as “Excellent, Good, Sufficient and Poor”. The “Sufficient” classification is considerably tighter than the current “Pass Mandatory” standard.

The new directive also set out:

- Improved public information on signage at bathing waters
- More stringent monitoring

The change to monitoring would be likely to lead to only two bathing waters meeting the “Excellent” standard unless further improvements were made. Working with landowners to improve the quality of agricultural run-off and investigating other reasons for contamination are the priorities for the agencies involved.

Members asked a number of questions relating to water quality, and discussed with the agency representatives issues including:

- Heavy rainfall impact on quality readings;
- Pinch points in sewer systems, such as at the Maer in Exmouth;
- Location of signs about water quality – budget provision allowed for one sign per beach, placed at the most heavily used access point to the beach;
- Working with Ladram Bay holiday camp owners on water quality at that site;
- Positive results aided local tourism;
- DEFRA funding to SWW was currently set to facilitate works to bring all beaches to “Sufficient” standard nationally;
- “Missed connections” – where small scale development had connected to the sewers or only to surface water for discharge. Some examples of these were outlined to Members by Brian Gant from the EA;
- Request for additional funding from SWW to make improvements to the current infrastructure;
- EA involvement as a statutory consultee on planning applications.

Councillor Tom Wright, Member Champion for Beaches and Foreshores, welcomed the report as a “good news story” that should receive publicity to highlight the excellent quality of the beaches in the District. He is working with officers to create a Beach and Foreshore Forum to tackle local issues, and linking it with the towns and parishes along the District coastline as well as the main agencies. He will report back to the Committee with updates once the Forum is set up.

*46 New revised bathing water quality directive

- RESOLVED**
1. that the Overview and Scrutiny Committee welcomed the report on the New EC Revised Bathing Water Directive and the setting up of a Beach and Foreshore Forum;
 2. that a press release be issued about resolution 1.

*47 Update on Section 106 Planning Obligations and Introduction of Community Infrastructure Levy

Sulina Tallack, Section 106 Monitoring Officer, highlighted recent improvements in this area of service, including a new Open Space Policy, database formation of all agreements (including historical agreements) and risk assessment.

She reminded Members of the purpose of a section 106 agreement and some recent projects that had been completed with section 106 funds. She had regular contact with Town and Parish Councils to update them on their own areas.

Andy Wood, Projects Director, outlined the procedural issues needed to set up an operational Community Infrastructure Levy. A levy could raise funds from developers to fund a wide range of infrastructure from an effectively pooled fund. Section 106 agreements could still be used once the Levy is operational, but the CIL regulations would tighten up on the use of section 106 agreements and make the tests legally binding. If funding for an infrastructure improvement is collected through the Levy it cannot also be the subject of a section 106 agreement.

Collecting funds under the levy would provide greater flexibility on their use in that they would not be tied to specific infrastructure improvements through a legal agreement as is the case with the current section 106 regime. However this does present fresh challenges on deciding what it would be spent on – the regulations associated with the Levy do not cover governance arrangements and these need to be determined locally. The Department for Communities and Local Government was also currently consulting on what proportion of the Levy should go directly to local communities in the form of parish and town councils.

Members raised concern about the introduction of the levy, including:

- Recognition of competing demands – how could local communities compete for funds against bodies like the County Council for education provision or road infrastructure?;
- No percentage of fund for local communities had been announced by the Government yet;
- Would Neighbourhood Plan wish lists be compromised by levy funds being primarily put into major infrastructure?;
- Health must be involved in the stakeholders for consulting on the levy, as well as consideration made to the New Homes Bonus;
- Productive Think Tank held on section 106 agreements had led to earlier Ward Member involvement in section 106 agreements – could Ward Members be proactive and prepare with their local communities their “wish list” for future agreements?;
- Needs link to the Local Plan.

*47 Update on Section 106 Planning Obligations and Introduction of Community Infrastructure Levy (continued)

- RESOLVED**
1. that a Task and Finish Forum is set up on the Community Infrastructure Levy to construct recommendations to aid the Council in both the transitional stage and the introduction of the Levy;
 2. that the TaFF on CIL is comprised of:
Graham Troman
Peter Bowden
Mike Allen
Mike Howe
Tim Wood
Sheila Kerridge
Claire Wright

*48 Update on Post Office Pilot Scheme

Councillor Ken Potter, Member Champion for Rural Communities, updated the Committee on the pilot scheme in the District.

The Post Office are piloting 45 new branch models across four areas. East Devon as three branches undertaking the pilot scheme: Feniton Post Office; Musbury Post Office; and Rivermead Avenue Post Office in Exmouth. These will become Post Office "Local", a combination of a retail outlet with many of the core Post Office services being available over a longer number of hours per day than usual post office opening hours.

Councillor Potter reminded the Committee of his meeting with the Minister, and brought them up to date on a recent meeting with County representatives covering the other pilots in the Devon area.

Mark Wright from Post Office Limited will attend the Committee on the 26 January 2012 to update on progress of the three pilot post offices.

Councillor Potter's overriding concern was the remaining 5,500 post offices, mainly in rural communities, that were not included in the Post Office scheme for revitalising the post office network. Those post offices converted to a "Local" would see the post master salary reduced by two thirds and he questioned if that was a viable option for those individuals.

Members debated the issues around the post office network, including:

- Longer hours in a post office "Local" helps the public carry out post office transactions outside normal post office hours;
- Locating a post office inside a commercial store may lead to a lack of training in staff and the loss of the skills and public trust in the service;
- Many in rural communities, despite efforts to increase broadband coverage, do not or want to access such services using information technology;
- Social benefits of a local post office will be lost;
- Main post offices will only have employees paid per transaction, not a salary.

*48 Update on Post Office Pilot Scheme (continued)

The Committee strongly felt that further lobbying should take place on the proposed changes to the post office network, with suggestions of further letters to the Minister and starting a petition online. As the trial was underway, the Committee felt, on reflection, that such action should be deferred until the Committee received the update on the trials from Mark Wright from Post Office Limited on the 26 January.

The Chairman, along with many other Members of the Committee, thanked Councillor Potter for his continued dedicated work as Member Champion for Rural Communities.

(Councillor Mike Howe declared a prejudicial interest and left the meeting for this item).

*49 Quarterly Monitoring of Performance – Second Quarter 2011/12

The report covered key issues for the quarter and how they are being addressed.

Members raised the following issues:

- How has the “paperless office” project progressed? An update from Chris Powell was reported to the meeting. The project, alongside Members’ IT, as been combined onto one project that is currently having a business case formed. The implementation of the combined project will commence from April 2012 and will be largely dependent on how long it will take to bring each Member up to speed with training and necessary equipment. If budgets allow, implementation may start prior to April 2012;
- Flytipping was on the increase in East Devon but did not appear to be increasing in the rest of the County, following the introduction of charges for certain types of waste at recycling centres. Streetscene were investigating how other authorities were successful in tracking down flytippers and the possible use of RIPA to do so. A specific area in Exmouth was highlighted as suffering from repeat flytipping. DAWRAC would monitor the levels in the coming months and assess what action would be needed;
- General unawareness of the Economic Strategy referred to in the report and concern that this was being consulted on before being considered by the Overview and Scrutiny Committee. The Strategy is one of a suite of three that supports the Council Plan and the Committee will have the opportunity to debate the strategy on the 26 January 2011.

*50 Draft Customer Strategy

Members looked at the outline of the draft strategy and debated what could be added and improved.

The draft strategy covered areas such as:

- Access to services – how access was available and the quality of that contact;
- Access to information – availability on website and different formats to cater for all sections of the community;
- Access to engagement and feedback – taking consultation to a new, improved level, again catering for all sections of the community.

*50 Draft Customer Strategy (continued)

Members discussed the draft strategy, including:

- Managing expectation of the public as to what to expect from their Ward Member, as there was no “job description” for a Member but they were often a vital link between residents and officers;
- With many references to the website, when was the redesign going live – Denise Lyon updated the Committee on the recent decision by the Portfolio Holder for Corporate Services to bring the website into an integrated project covering communications. Customer identified improvements have already been made to the existing site.
- Members were keen to stress that it was still important to develop the customer strategy to cater for face to face and telephone contact so that all sections of the community could find a way to get in touch that suited them.

*51 Leisure East Devon Task and Finish Forum Final Report

Councillor Tim Wood presented his final report from the Forum set up to review the functioning of Leisure East Devon and examine how well its activities related to the needs and requirements of the Council. The Forum comprised of Councillor Tim Wood as Chairman, and Councillors Geoff Chamberlain, David Chapman, Vivien Duval Steer, and Sheila Kerridge.

He told the Committee of how the Forum had interviewed the Chief Executive of LED and the LED Monitoring Group – Councillors David Cox and Peter Sullivan. Issues that came to light included the friction between schools and sites used for school PE lessons; and the maintenance of some of the facilities that remained Council owned.

The Committee considered the recommendations put forward in the report.

- RECOMMENDED**
1. that the Chief Executive of Leisure East Devon be congratulated and supported for his innovative leadership and drive to seek opportunities for growth, increase profit and reduce costs during difficult trading times;
 2. that the dedicated and effective work of the Monitoring Group and LED Trustees be acknowledged;
 3. that LED be assured that the Council was positive about LED's approach to identifying and progressing innovative and proactive leisure activities, which reflected local demand and leisure 'trends', to protect the viability of the service provided within the terms of the Service Level Agreement;
 4. that East Devon District Council and LED review and, where necessary, modify and update the Service Level Agreement made on the setting up of LED as to the role and responsibilities of LED in relation to the provision of leisure services in East Devon. The review should be carried out by the end of 2012 with any financial implications being included in the preparation of the Council's 2013/2014 budget;

*51 Leisure East Devon Task and Finish Forum Final Report (continued)

5. that, in addition to the review outlined in (4) above, the long term dual- use arrangements with schools/colleges should be reviewed as soon as the position in respect of their Academy status is clarified. Both the Council and LED need to be proactive in investigating how satisfactory the dual role arrangements continue to be in each case;
6. that LED provide the Monitoring Group with additional accounting detail, including a breakdown of income and expenditure from specific activities within the centres to help inform judgements of the LED Board and the Council regarding any proposed changes to future provision;
7. that LED provide the Monitoring Group with accounting details for their information to show the effect that subsidies have on the profitability of activities/classes;
8. that central office overheads be proportionally allocated across the LED portfolio realistically to reflect profit and losses within budget heads;
9. that LED give consideration to improvements to the current catering arrangements at some Centres to generate additional income;
10. that LED should consider whether to widen the marketing of the East Devon Tennis Centre to increase the knowledge and usage of the facility;
11. that Members generally be made aware of the significant contribution of £2M per year the Council makes to the provision of sport and leisure within the district through support to LED and the cost of on-going maintenance/repair of the 11 Centres.

The Chairman thanked the Forum for their detailed report and welcomed the recommendations going forward to Cabinet.

*52 Review of shared services and second tier management costs/savings

Simon Davey, Head of Finance, took the Committee through the report to explain the costs and savings over the five year period of 2009/10 to 2014/15. In answer to a question, he advised that the 2.5% increase on the South West Audit Partnership contract is under negotiation.

The Committee felt it would be helpful to see further projected savings in the lower management tiers.

*52 Review of shared services and second tier management costs/savings (continued)

Some Committee Members highlighted their concerns of how the sharing of services happened. The Chief Executive appreciated that there would always be differing views on the sharing arrangements and he informed the Committee of continued approaches to other authorities on sharing arrangements. He reassured the Committee that savings had been achieved at the next tier of management, with a reduction from ten Head of Service posts down to seven via natural wastage, and no salary increase for those posts.

*53 Forward Plan

Members noted the forward plan. The Chairman highlighted the next meeting for the Committee on the Local Plan, on the 9 December at 10.00am.

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Special Meeting of the
Overview and Scrutiny Committee held
at Knowle, Sidmouth on 9 December 2011

Present:

Councillors:

Stuart Hughes (Chairman)
John Humphreys (Vice Chairman)
Mike Allen
Peter Bowden
Derek Button
David Chapman
Roger Giles

Brenda Taylor
Eileen Wragg
Tom Wright

Officers:

Matt Dickins – Planning Policy Manager
Kate Little – Head of Economy
Debbie Meakin – Democratic Services Officer

Also Present

Councillors:

David Atkins
Ray Bloxham
Iain Chubb
Alan Dent
Martin Gammell
Steve Gazzard
Stephanie Jones

Andrew Moulding
Frances Newth
Helen Parr
Ken Potter
Philip Skinner
Mark Williamson

Apologies:

Committee Members:

Deborah Custance Baker
Vivien Duval Steer
Mike Howe
Sheila Kerridge
David Key
John O'Leary
Graham Troman
Claire Wright

Councillors:

Geoff Chamberlain

The meeting started at 10.05am and ended at 12.50pm.

*54 Public Question Time
There were no questions from the public.

*55 Declarations of Interest

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Cllr Peter Bowden	57	Personal	Ownership of an orchard outside Whimble's building line, in the area identified in the plan.
Cllr Derek Button	57	Personal	Member lives in a Conservation Area and Listed Building
Cllr Roger Giles	57	Personal	Member is Governor of King's School and a Devon County Councillor.

*56 Postponement of scrutiny of local plan production

The Chairman told the Committee that he had decided to postpone the item on the Local Plan production to a later meeting in the New Year. His reason for this postponement was to allow the Local Plan to undergo consultation and response analysis before the Committee started to scrutinise how the plan was produced. He did not wish for any scrutiny undertaken at that point to in any way cast doubt on the plan out for consultation, particularly after the extensive work undertaken by the Local Development Framework Panel as part of that production.

*57 Local Plan – consultation on the Vision

The Chairman outlined the purpose of the meeting to feed back the Committee's view on the overall vision for the District, during the consultation period. He reminded Ward Members of their right to respond directly to the consultation on matters relating specifically to their own ward.

Vision for East Devon

Clarification was given relating to housing figures for the Cranbrook development.

The Committee raised concern or suggested amendment on the following:

- Wording of paragraphs 3.9 and 3.10 of the Local Plan could be interpreted as significant growth only being at the West End, with this area being over-emphasised. Suggested re-wording of the document was put forward and agreed by the Committee: replacing para. 3.9 "East Devon" with "In the West End"; and replacing para 3.10 "East Devon" with "In the rest of the District" to make clear that other growth was planned in the remainder of the District;
- The map showing "At a glance guide to the latest development proposals" contained an error in the Ottery St Mary box and the words "new high-quality" should be replaced with "improved";
- Paragraph 3.8 should now reference the Localism Act as 2011, not 2012;
- Councillor Button felt the housing figures were still too high for the District;
- Councillor Giles expressed his view that the housing figure for Ottery St Mary was too high.

*57 Local Plan – consultation on the Vision (continued)

Overall Spatial Strategy for Development in East Devon

The Committee raised concern, appreciation, or suggested amendment on the following:

- Councillor Button re-iterated his view that the housing figures were too high for the District and suggested an overall figure of 12,500 was more appropriate;
- Councillor Giles paid tribute to, and recognised the issues faced by, the LDF Panel in trying to balance the competing demands between protecting the environment, and providing growth with development. He agreed that the overall housing figure was still too high;
- There was recognition that the plan was a living document, and depending on the economic climate, be reviewed to reflect changing housing numbers. Should this review be highlighted in the plan to make the public aware that the figures would be revised as necessary in the future?
- The plan worked to clearly define where in the district development was not wanted;
- The plan gave the District the opportunity to be ready for development once the economic climate improved;
- Move and improve paragraphs 6.12 and 6.13, to be placed alongside paragraphs 6.2 and 6.3 to create a link.

Scale and Distribution of Development in East Devon

The Committee raised concern, or suggested amendment on the following:

- Devon County Council input as the Education Authority was needed to provide specific detail on education requirements for each settlement – would education provision be enough for the growth predicted?
- With recent changes – such as status schools, school catchments areas, GP commissioning, Police and Fire Service restructures – the Committee recognised that each settlement needed careful monitoring. Ward Members must feed back local needs to the LDF Panel;
- The Westclyst site when developed could bring about traffic problems;
- Land identified within the plan as a longer term indication (that is after 2026) should not be included in the plan as this could lead to confusion;
- Protection of land adjacent to airport, as homes built too close to it would lead to noise complaints.

Proposed employment land allocations

The Committee raised concern, or suggested amendment on the following:

- The Devon County Council response to the Issues and Options paper was that provision of employment land away from the West End could be prejudiced by the strong provision at the West End;
- Classification of employment land should be clear; many settlements wanted more B1 (office) to bring in higher paid jobs. Members heard of two examples of B8 (warehouse) uses, where extraction of goods was a very technical operation, and more sophisticated than the normal perception of such “shed” employment land;
- Current market investment for employment land centered around B8 classification;

*57 Local Plan – consultation on the Vision (continued)

- Views of Town Councils and Chambers of Commerce was valued during the consultation, although it was accepted that not all business were represented by a Chamber of Commerce.

Built-up Area Boundaries

In response to a question about neighbourhood plans, the Committee was reminded of the process that a settlement would have to take if they wanted development outside the built up boundary. This included the neighbourhood plan surviving inspection and 50% of the electorate agreeing with the change – this would then lead to a revision of the boundary.

The Committee also felt that there existed a common misconception that a town or parish could amend their housing allocation (in the example quoted, to a higher figure) purely by creating a neighbourhood plan with their desired figure. This could be dispelled during this consultation period.

Many of the Committee felt that the retention of built up boundaries was important to help ensure growth was regulated whilst enabling communities to retain their amenity areas.

Sustainable Development

Generally the Committee was in agreement with the draft strategy on sustainable development proposed.

Concern was raised for settlements where no sizeable development was proposed. If these settlements could not raise money from developments for social facilities, there were very limited options to raise money. Often communities had to undertake fundraising.

Balanced Communities

In answer to a question about development type to retain young families, Matt Dickins responded with some of the options that could be used. These included an element of affordable housing, housing types, and location of development being close to areas of employment. Most homes would always be on the open market and subject to market forces, so it was a difficult task to retain young families.

Financing sheltered housing development was also discussed. The limitations of financing, such as a section 106 funds needing a direct link, or the priority pulls on Community Infrastructure Levy, were outlined.

The Committee welcomed the strong emphasis in the plan both on young people, and the elderly. Some examples of the need to help people to stay within their community throughout their lives were shared with the Committee. Housing for the elderly in villages was identified as a serious problem by the Committee and the Chairman agreed for this to be added to the forward plan for future debate.

*57 Local Plan – consultation on the Vision (continued)

Protection and enhancement of the environment

The Committee was generally happy with the draft strategy proposed, and suggested amendment on the following:

- Include special areas of conservation and other wildlife sites under (6);
- Expand the strategy to incorporate more of chapter 18 from the plan, bringing the principles of the AONBs to the rest of the District.

The Chairman thanked the Committee for their debate, and informed them that the minutes from the meeting would be fed directly into the consultation. He thanked, on behalf of the Committee, Councillor Mike Allen for his work as Chairman of the Local Development Framework Panel. He recognised that it had been a difficult job in analysing the evidence and taking into account the views of both Members and Town and Parish Councils.

Councillor Mike Allen, in response, thanked the LDF Panel; the Head of Economy; and the Planning Policy Manager and his team for their work. The Committee completed the meeting by applauding those involved in the preparation and production of the Local Plan.

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the
Overview and Scrutiny Committee held
at Knowle, Sidmouth on 5 January 2012

Present: **Councillors:**
 Stuart Hughes (Chairman) Sheila Kerridge
 John Humphreys (Vice Chairman) David Key
 Graham Brown John O'Leary
 Peter Burrows Graham Troman
 Derek Button Tim Wood
 Vivien Duval Steer Tom Wright
 Roger Giles

Officers:
Mark Williams – Chief Executive
Richard Cohen – Deputy Chief Executive
Diana Vernon – Democratic Services Manager

Also Present **Councillors:**
 Ray Bloxham Graham Godbeer
 Iain Chubb Stephanie Jones
 Trevor Cope Andrew Moulding
 David Cox Pauline Stott
 Paul Diviani Ian Thomas
 Jill Elson Phil Twiss

Apologies: **Committee Members:** **Councillors:**
 Mike Allen Alan Dent
 Peter Bowden Steve Gazzard
 Mike Howe Steve Hall
 Brenda Taylor Peter Halse
 Eileen Wragg Geoff Pook
 Claire Wright

The meeting started at 6.30pm and ended at 8.35pm.

*58 Public Question Time
There were no questions from the public.

*59 Minutes

The minutes of the meetings of the Overview and Scrutiny Committee held on 24 November and 9 December 2011 were signed and confirmed as a true record subject to 'academy' being put in front of 'status schools' in Minute 57 and Councillor Derek Button's vote against the Local Plan consultation document being issued at this time being noted.

*60 Declarations of Interest

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Cllr Trevor Cope	62	Personal	Member of Health Trust
Cllr Peter Burrows	62	Personal	Councillor's wife is employed by Health Trust

*61 Cabinet Agenda – 11 February 2012

The Chairman advised that he had received a request for the Committee to debate item 17 of the Cabinet agenda

Seaton Town Management and Seafront Enhancement.

The report set out a number of issues affecting the local Seaton economy. These included the loss of the Seaton Town Development Manager and the recent opening of a Tesco store in the town. It set out possible ways to provide support to the town and suggested that the Council worked through Business Information Point West Devon to recruit a dedicated Business Development Officer, on a fixed term to June 2012, to work with the business community.

Councillor Burrows raised concerns about the lack of consultation with the Town Council. He felt that the Town Council should be more involved with the appointment of the Town Centre Manager/Business Development Officer.

In response, the Portfolio Holder for Economy said that the Council was trying to find an immediate solution to the current problem for the positive benefit of Seaton. The Seaton Regeneration Programme Board, which included representation from the Town Council, had discussed and backed the need for replacement business support, and for the seafront regeneration and enhancement to be progressed. The Cabinet would consider the recommendations. This did not preclude having meetings with partners to discuss the Town's needs and how these could best be met.

Richard Cohen advised that certain confidential details discussed by the Partnership Board had not been included in the report.

Councillor Burrows advised that he would raise his concerns at the Cabinet meeting and contribute to the debate.

*62 Northern Devon Healthcare NHS

The Chairman welcomed representatives from the Northern Devon Healthcare NHS – Maureen Bignell (Director of Human Resources), Nick Lewis (one of the non-executive Directors) and Katherine Allen (Head of Communications).

The Chairman had invited them to the meeting to explain the proposed changes in healthcare provision and to enable the Committee's comments to be included in the consultation process.

*62 Northern Devon Healthcare NHS (cont)..

The presentation set out why the Northern Devon Healthcare was going for Foundation Trust (FT) status. The reasons included greater patient and stakeholder involvement, increased accountability to the local communities, and greater freedoms and opportunities to innovate.

The consultation process invited comment on the 5-year vision and proposed arrangements, and would run until 16 January 2012. The overall vision was for an integrated health and social care Trust delivering services locally, supporting the population to be as healthy and independent as possible. The Trust - Devon Care NHS Foundation Trust's proposed Governance Structure was:

- a Board of Directors (5 Executive Directors and 5 Non-Executive Directors),
- a Council of Governors (4 elected Staff, 13 elected members of the public from North Devon and Torridge (6) Exeter and East Devon (3), Mid Devon (3) and Cornwall, Somerset and Dorset (1), plus 6 nominated Stakeholders from NHS Devon, Clinical Commissioning Groups, Devon County Council, District Council and the Voluntary Sector), and
- plus opportunities for a wider membership to provide input on service provision.

The Trust Chairman would chair the Board of Directors and the Council of Governors.

The Trust sought support from EDDC in joining the membership and responding to the consultation.

Following the presentation, the Committee had the opportunity to raise issues and ask questions. The Committee raised the following points:

- East Devon was under-represented in the proposed governance arrangements,
- The Royal Devon and Exeter hospital was a vital resource in East Devon,
- The Committee had positive personal experiences of the existing joined-up arrangements within East Devon and with the RD&E,
- The proposed changed structure was likely to have cost implications – new signage, stationery, branding. There was concern that this would be financed by drawing funding from frontline services,
- The community hospitals needed to be fully utilized and protected,
- Resource needed to be made available to improve mental health services and increase the number of acute beds,
- Members had experience of the RD&E consultation meetings and regarded them as a public relations exercise that had little impact on service delivery,
- The public needed reassurances about proposed service provision and change,
- There needed to be full public consultation in advance of any future changes of provision,
- The Trust would have to address the broadband black spots issue before it would be able to achieve mobile working across the district using electronic access to patients records,
- Partnership working was vital.

*62 Northern Devon Healthcare NHS (cont)..

RESOLVED that feedback from East Devon District Council on the Northern Devon Healthcare NHS proposals include the following points:

- 1 Increase the number of East Devon representatives on the Board of Governors to 5 to reflect the geographical size of the area and its demographic profile,
- 2 Achieve clear and fully developed co-ordinated care arrangements with the Royal Devon and Exeter Trust,
- 3 The Trust to ensure that the well-supported community hospitals are fully integrated and valued within its arrangements. The Committee strongly emphasized the importance of the community hospitals and wanted to see positive steps taken by the Trust to make sure they did not miss out because of the re-structure. The hospitals and their services needed to be protected for the benefit of the local population,
- 4 Limit the cost of changing the arrangements and structures to avoid drawing funding away from front line services,
- 5 Take steps to increase mental health facilities and acute care provision,
- 6 Make sure that the proposed governance arrangements are genuine public consultations to improve services provided and not just a public relations exercise.

The Chairman thanked the speakers for their presentation and responses to questions asked. He reminded Members that they could submit responses individually before the close of consultation on 16 January 2012.

*63 Portfolio Holder – Strategic Development and Partnerships

Councillor Moulding up-dated the Committee on his work as Portfolio Holder and his longer term aims for the role. He outlined the remit of his portfolio and advised that this linked, and often crossed over with, the remit of the other portfolios. He worked closely with the other Portfolio Holders, for example working with Councillor Graham Godbeer (Economy) in respect of asset transfers to get the best outcome from Council assets.

He also outlined his partnership working role and how he was collaborating and developing partnerships to progress the Big Society initiative. This linked to Localism, and Councillor Moulding saw that Ward Members would have a key role in helping to identify community opportunities and in working with local groups including the parish and town councils.

*63 Portfolio Holder – Strategic Development and Partnerships (cont)..

He similarly outlined the value of partnership working and strategic planning in respect of the Growth Point Team and gave credit to achievements made so far. He suggested that it would be useful to arrange a Councillor tour of the Growth Point area.

Councillor Moulding referred to the Local Development Framework/Local Plan progress and the work of the Panel and the Strategic Development Team. He made reference to challenges ahead including the new financing arrangements for Council housing, Community Infrastructure Levy, Community Right to Buy/Build and local regeneration.

Councillor Moulding invited questions and responded in respect of the following issues raised:

- The resource within the Estates Team was being increased,
- The importance of strategic planning and major projects,
- The need to stimulate economic development – it was suggested that the National and Devon County initiative to stimulate local High Streets be supported,
- The Office Accommodation Working Party was currently testing the viability of the relocation project,
- A recent meeting in respect of Pennington Point had brought together interested people and organisations. A beach management plan based on partnership funding was being progressed,
- A Task and Finish Forum had already been set up to consider the Community Infrastructure Levy and the work of the Forum would be co-ordinated with the Portfolio Holder Think Tank,
- Arrangements in respect of the New Homes Bonus and how this money would be used to finance major projects.

The Chairman thanked Councillor Moulding for his presentation and for providing the Committee with an up-date of work carried out, progress of projects and plans.

*64 Forward Plan

Members noted the forward plan. The Chairman advised that the next meeting of the Committee would be the Special Meeting on Wednesday, 18 January 2012 to discuss and make recommendations on the 2012/13 Budget and Service Plans. The meeting, which would be open to the public, would commence at 11.30 am. The Member-only briefing would start at 9.00 am. All Councillors were encouraged to attend.

RESOLVED that a Task and Finish Forum be set up in respect of how best to progress town centre/High Street regeneration.
(Membership to include Councillor Tim Wood (Chair), Roger Giles, Sheila Kerridge, John O’Leary plus 3 others – all members other than those on the Cabinet being invited to advise if they would like to be part of this Task and Finish Forum.)

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of a Special
Overview and Scrutiny Committee held
at Knowle, Sidmouth on 18 January 2012

Present:	Councillors: Stuart Hughes (Chairman) John Humphreys (Vice Chairman) Graham Brown Peter Burrows Derek Button David Chapman Vivien Duval Steer Roger Giles	Sheila Kerridge David Key Graham Troman Tim Wood Eileen Wragg Claire Wright Tom Wright
	Officers: Mark Williams – Chief Executive Richard Cohen – Deputy Chief Executive Denise Lyon – Deputy Chief Executive Simon Davey – Head of Finance Chris Powell Simon Smale – Head of Environment Andrew Ennis John Golding – Head of Housing Karen Jenkins Andrew Hancock Kate Little – Head of Economy Debbie Meakin – Democratic Services Officer	
Also Present	Councillors: Ray Bloxham Geoff Chamberlain Maddy Chapman Iain Chubb David Cox Paul Diviani Christine Drew Jill Elson Martin Gammel Steve Gazzard Peter Halse	Stephanie Jones Andrew Moulding Frances Newth Helen Parr Ken Potter Phillip Skinner Pauline Stott Ian Thomas Chris Wale Mark Williamson
	Apologies:	Committee Members: Mike Allen Peter Bowden Mike Howe John O’Leary Brenda Taylor

The meeting started at 11.30am and ended at 2.30pm.

*65 Public Question Time
There were no questions from the public.

*66 Draft Revenue and Capital Estimates 2012/13

The Committee considered the Draft Revenue and Capital Estimates for 2012/13. On reflection the Committee felt it was in a position to consider recommending Special Item Bids to the Cabinet for inclusion in the budget for 2012/13.

Comments made on the overall Draft Revenue and Capital Estimates included:

- Increasing the savings target set out in the estimated income in order to support some special items of merit to the Committee;
- Inclusion of Occupational Health fees for 2012/13 resulted in an increase for the estimate for corporate activities under the Corporate Services Portfolio.

Comments made on the Special Item Bids included:

- Linking with Town and Parish Councils to establish what Diamond Jubilee celebrations they may be undertaking, before committing to a scheme or project for the District;
- Security concerns for the WWII memorial, but general support for contributing towards it;
- Value of additional ICT post to help realise efficiencies identified;
- Seaton TIC had not been included in the Special Item Bid for running cost contribution because it had not requested assistance. In light of the existing TIC building still being vacant and in place, Councillor Peter Burrows would feed back to Seaton Town Council the debate on TIC contributions. Any request by Seaton Town Council to use that premises or for a rent contribution would be considered by the relevant Portfolio Holder;
- Councillor Roger Giles as Recycling Champion outlined his concern to the Committee of the cost, both actual and environmentally, in not undertaking cardboard recycling;
- The Portfolio Holder for Environment outlined a possible alternative solution to the replacement of Roman Way Bridge after inspecting it with the Streetscene Manager. He suggested to the Committee that repair work could be undertaken at around £5k; closure and removal of the bridge would still cost the authority around £2.5k;
- A need had been identified to establish renewal strategies for Axminster, Honiton and Sidmouth; the Committee were keen to support work on those strategies prior to any economic upturn;
- £10k had already been identified for the De-Facto Parish Clerk – the remaining special item bid was to cover the remaining £10k required.

- RECOMMENDED**
1. that the Draft Revenue and Capital Estimates be recommended to Council for adoption
 2. that the Savings Target of £125,000 identified in the estimated income for 2012/13 be increased to £175,000;
 3. that the Special Items Bids detailed in table A below be included in the budget for 2012/13;

*66 Draft Revenue and Capital Estimates 2012/13 (continued)

- RECOMMENDED**
4. that a contribution to the Exeter and Heart of Devon Employment and Skills Board at £12,500 for 2013/14 and 2014/15 budgets be recommended;
 5. that future special bid items relating to maintenance should be included in the draft revenue estimates during preparation as part of the maintenance budget;
 6. that an alternative solution to extending the Seaton Cemetery Memorial Wall is investigated and costed, with a view to reducing the special item bid of £12,000;

RESOLVED that the Committee's support of the Cabinet recommendation (11 January 2012) to use the Transformation Reserve to progress the electronic documentation management initiative be noted.

Table A: Special Items Bids

		Recommend add to Draft Budget
Corporate Services Portfolio		
Civic Fund	Queen's Diamond Jubilee	£5,000
Financial Assistance	Contribution towards WWII Battle of Britain Memorial, Exeter Airfield	£2,000
Local Apprenticeships	Two Apprentices	£6,000
ICT	Additional Post	£28,790
	Information Security Systems Monitoring for Servers	£10,000
Human Resources	Investors in People Reaccreditation	£5,500
Economy Portfolio		
Tourist Information Centre Support	Contributions to running costs for Axminster, Ottery St Mary and Budleigh Salterton TIC rent	£20,610
Economic Development	Exeter and Heart of Devon Employment and Skills Board contribution	£15,000
Environment Portfolio		
Arts Development	Museums Officer Contribution	£1,500
Beaches and Foreshores	Seafront Railings, Sidmouth – painting	£5,000
	Jacob's Ladder, Sidmouth - painting	£11,000
Cemeteries	Seaton Cemetery – memorial wall extension	£12,000
Coast Protection	Inspection and Repairs	£32,000
Parks and Gardens	Roman Way Bridge – Repair (rather than replace)	£5,000
Countryside Team	Two permanent posts from current fixed term posts	£19,200

*66 Draft Revenue and Capital Estimates 2012/13 (continued)

Table A: Special Items Bids

Strategic Development and Partnership Portfolio		
Regeneration	Town Centre renewal and resilience strategies	£30,000
Development	Cranbrook De-Facto Parish Clerk	£10,000
	Neighbourhood Plan referendum	£10,000
		£228,600

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of a Special
Overview and Scrutiny Committee held
at Knowle, Sidmouth on 26 January 2012

Present: **Councillors:**
 Stuart Hughes (Chairman) Sheila Kerridge
 John Humphreys (Vice Chairman) David Key
 Graham Brown Brenda Taylor
 David Chapman Graham Troman
 Deborah Custance-Baker Tim Wood
 Vivien Duval Steer Eileen Wragg
 Roger Giles Tom Wright
 John O'Leary

Officers:
Mark Williams – Chief Executive
John Golding – Head of Housing
Denise Lyon – Deputy Chief Executive
Debbie Meakin – Democratic Services Officer

Also Present **Councillors:**
 Ray Bloxham Peter Halse
 Iain Chubb Stephanie Jones
 Trevor Cope Frances Newth
 Paul Diviani Ken Potter
 Christine Drew Pauline Stott
 Jill Elson Phil Twiss
 Steve Gazzard
 Graham Godbeer

Apologies: **Committee Members:** **Councillors:**
 Peter Bowden Alan Dent
 Peter Burrows Steve Hall
 Mike Howe Andrew Moulding
 Claire Wright

The meeting started at 6.30pm and ended at 8.40pm.

*67 Public Question Time
There were no questions from the public.

*68 Minutes

The minutes of the meetings of the Overview and Scrutiny Committee held on 5 January 2011 were signed and confirmed as a true record.

***69 Post Office Local Pilot Scheme**

The Chairman welcomed representatives from Post Office Limited (POL) – Simon Burman, the External Stakeholder Manager, and Matthew Walls. He also welcomed Richard Brown from Consumer Focus; and Councillor Ken Potter the Rural Member Champion.

Simon Burman outlined to the Committee the plans to modernise the Post Office network, highlighting the new branch models in the national pilot. He reminded the Committee of the reasoning behind the push to modernise the branch network, and the government commitment to retain the 11,800 branches for the three-year period of funding.

The branch models are designed to meet local needs, looking to improve the customer experience. Such examples of improvements included extending opening hours and self-service. The Post Office also had the objective of increasing Government transactions in a “front office” role to help boost use of branches. Over the next three years from the summer of 2012, Post Office Ltd intends to roll out 2000 Post Office “Local” branches and 4000 Post Office “Main” branches.

Post Office “Main” was described as a larger branch that would offer the full range of services, including self-service and in some branches, biometric facilities. He gave an example of how renewing a driver’s licence would work in the new branch.

Post Office “Local” was described as a branch located within a commercial store that would benefit from the commercial store’s longer opening hours. It would cover around 95% of Post Office services.

Richard Brown told the Committee about the role of Consumer Focus in monitoring the quality and location of the Post Office network. He urged Members to take the opportunity during the pilot phase to talk to their constituents about their experiences with using the Post Office branches and obtain feedback on the success of the pilot branches.

Members raised a number of issues relating to both existing branches and the new branch models, including:

- Large queues in branches leading to frustration or a tendency to avoid using the branch – this was recognised by POL and the new branch models would help towards a significant reduction in queuing time because of extended opening hours and self-service options;
- Availability of services in the “Local” model and in some existing branches being limited, whereby Members wished to see a consistency of service available including car tax and passport services – POL appreciated that there was a desire for those services to be available in all branches, but the DVLA and Home Office dictated how many branches should have the facilities to deal with those services, with the cost of providing the service being a major factor;

*69 Post Office Local Pilot Scheme (continued)

- Significant reduction in sub-postmaster salary, if changing to a “Local” model. Whilst there was an element of commission in transactions, this was not satisfactory to expect the same level of excellent service and knowledge at a reduced wage for working longer hours – POL reminded the Committee that the change to the “Local” model was voluntary and included considerable investment in the premises; plus more revenue could be gained from the retail aspect of the premises;
- Customer privacy would be compromised in the “Local” model because the commercial premises uses the same counter for both post office services and retail – POL recognised this concern and the pilot model had been adapted in some cases to provide for two counters to help keep queues to a minimum and therefore less of an issue for privacy. Layout also helped to improve privacy for customers – open plan style enabled customers to be heard clearly with staff and therefore did not need to raise their voice and risk being overheard;
- Could longer hours also apply to the “Main” branch model as well as the “Local” – POL confirmed that longer opening hours for “Main” branches would be in place, and that some existing “Crown” branches (larger branches not converted to the “Main” model) also aim to offer extended hours;
- How would POL ensure that the public were aware of what services were included in a “Local” model when the services offered were around 95% of the total service range? Customers could waste time queuing for a service that was not provided – Richard Brown of Consumer Focus agreed this had been a concern raised before and there needed to be clear indication of what services were available before the customer stepped inside the branch;
- Funding for improving the network only covered part of the network – still leaving 5,500 branches, many rural, that would remain subsidised by government funding. The Post Office had to become a profitable business;
- “Crown” branches continue to make losses – POL had an objective to have their “Crown” branches at least break even and a separate programme had just begun in order to reach that objective;
- Open plan layouts for the models could be an increased security risk in being targeted for robbery – POL could not divulge the security measures used, but assured the Committee that they were excellent. Clearly not all branches suited an open plan layout.

Questions arose regarding the role of Royal Mail as a separate business, with concern that rural postal deliveries would suffer as a result. Many issues raised on Royal Mail and their assets could not be answered by POL. Councillor Ken Potter reminded the Committee that Government has guaranteed a universal delivery service.

POL confirmed that the funding was currently for branch investment, and therefore there was no funding available at present to invest in infrastructure for areas without high speed broadband.

*69 Post Office Local Pilot Scheme (continued)

- RECOMMENDED**
1. that the Council, through the Rural Member Champion and Democratic Services, liaise with the 24 other authorities involved in the trial of the new service;
 2. that a Working Party be set up covering Ward Members with an interest in Musbury, Rivermead Avenue, Colyton, Rockbeare and Millwey Rise Post Offices, to discuss feedback from residents using the new Post Office Local service and to formulate a response to the pilot scheme that completes in Summer 2012.

RESOLVED that Post Office Ltd be requested to consider:

1. Application for a banking licence for the Post Office to be a state-backed Post Office Bank;
2. All Post Office customers are enabled to access current banking transactions at a Post Office, regardless of which bank they use.

The Chairman thanked the speakers for their presentation and responses to questions asked.

*70 Update from Portfolio Holder for Sustainable Homes and Communities

Councillor Jill Elson updated the Committee on her work as Portfolio Holder. She outlined the Members within her “people’s ministry” and spoke passionately about the importance of the Housing service working closely with her to help communities.

She reminded the Committee of some of the achievements, including:

- First new build programme in thirty years – 17 homes built to a high standard that reduces the tenant’s energy costs;
- Decent Homes standard;
- Maintaining affordable rents and improved rent collection, now at 99%;
- £5m per annum into the local economy;
- High levels of tenant satisfaction.

With a change to the Housing Revenue Account (HRA), the ability to use the rental income stream was eagerly anticipated, with the financial freedom to run the housing service as a housing business. Asset and property management, along with debt and treasury management, were new key elements to the housing service.

Councillor Elson reminded the Committee of the continuing pressure to provide homes and outlined her concern of how the welfare reforms could impact on their current and potential tenants.

*70 Update from Portfolio Holder for Sustainable Homes and Communities (continued)

In answer to a question regarding maintaining such a good rent collection rate in the current economic climate, she outlined the process of intervention by the service when rent payments begin to fall behind. With the change to the HRA, the surplus would be set to £2m as a safeguard for the first year of the account reform. She confirmed that insulation improvements to the housing stock are undertaken if required when a change of tenant occurs – the housing stock condition survey was complete and gave a clear picture of priorities of the stock. In response to a question about necessary skills and staffing levels to run the housing service as a housing business, she assured the Committee that she was confident that staff are ready to undertake the challenge.

The Chairman, on behalf of the Committee, thanked the Portfolio Holder for her passion and commitment to the role. This was echoed by John Golding, Head of Housing, who outlined to the Committee how supportive the Portfolio Holder is of him, and his team.

*71 Forward Plan

Members noted the forward plan, including additional items to add in since the agenda had been published. Work continued in scoping the two outstanding Task and Finish Forums. The CIL TaFF, due to legislation still outstanding on some detail, would begin in April 2012; the High Street/Town Centre Health Check still required further work in collating research already undertaken and is planned to begin in March 2012.

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Housing Review Board held at Knowle, Sidmouth on 1 December 2011

Present:

Councillors:

Pauline Stott (Chairman)
Christine Drew
Douglas Hull
Peter Sullivan

Co-opted Tenant Members:

Victor Kemp
Christine Morrison
Sally Lancaster
Pat Rous
Sue Saunders (Vice Chairman)

Co-opted Independent Community Representative:
Rob Finch

Officers:

Polly Anderson, Community Development Worker (Youth)
Dennis Boobier, Housing Needs and Strategy Manager
John Golding, Head of Housing
Paul Lowe, Housing Enabling Officer
Debbie Meakin, Democratic Services Officer
Natasha Redfern, Information and Analysis Officer
Jane Reading, Tenant & Communities Section Leader
Victoria Robinson, Community Development Worker (Youth)
Giles Salter, Assistant Solicitor

Also Present:

Councillors:

Stephanie Jones – Deputy Portfolio Holder for Sustainable Homes
and Communities

Apologies

Councillors:

Vivien Duval Steer
Steve Gazzard
David Cox
Jill Elson

Co-opted Independent Community Representative:
Julie Adkin

The meeting started at 6.00pm and ended at 8.07pm.

*26 Public Question Time
There were no questions raised by members of the public.

***27 Minutes**

The minutes of the meeting of the Housing Review Board held on 8 September 2011, were confirmed and signed as a true record.

***28 Declarations of Interest**

Board Member	Minute number	Type of interest	Nature of interest
Rob Finch		Prejudicial	Works for DCH who are part of PSW

***29 Urgent items – Update on self-financing HRA**

The Head of Housing updated the Board on the recalculation of models for the self-financing HRA. This followed publication of the final consultation on the settlement figure of £84.8 million. He was cautiously optimistic that, in light of a clear choice for lender and future risks relating to income streams and welfare reforms, the HRA would be in a strong position. The Board will be presented with detailed budget proposals and revised business plan projections at their next meeting.

***30 Standardised Tenant and Resident Satisfaction Survey**

The Housing Needs and Strategy Manager presented the report prepared by the Information and Analysis Officer, outlining the new style tenant satisfaction survey using HouseMark's "STAR" framework. He reminded the Board of the previous STATUS survey last undertaken in 2008. The survey being proposed would allow monitoring of tenant satisfaction and benchmarking against other landlords. The report also set out the option of working with Exeter and Mid Devon Councils to commission the survey and there was also the opportunity of asking district related questions whilst retaining core questions to allow benchmarking across authorities.

The Board agreed that a standardised tenant survey was the correct option to follow. They were also keen to stress that a balance had to be struck between enough questions to gauge satisfaction but not too many to deter tenants from taking part.

RESOLVED:

1. that the Board supports the implementation of a standardised tenant and resident satisfaction survey by setting a financial budget and identifying staff resources available to undertake the survey;
2. that if funding is available earlier, the Head of Housing be delegated to agree the wording of the survey in conjunction with the Chairman and Vice-Chairman of the Board.

***31 Housing Community Development (Youth) report**

The Board received an update on the Community Development work to date and future plans. They were reminded of the remit of the post of Community Development Worker and were given an update on the current projects:

- The Switch project in Littleham, Exmouth and Millwey Rise, Axminster;
- Community festivals and Fundays across the District;
- Supporting and adding value to other local groups and organisations.

- *31 Housing Community Development (Youth) report (continued)
The Board watched two films, produced by My Pockets and First Light Productions, about the SWITCH projects in Exmouth and Millwey Rise, Axminster. The Exmouth film centred on three young men from Exmouth and their lives, including how the SWITCH project provided them with an opportunity to create music, which in turn helped build their confidence and self-worth. The Axminster film showed young people from the Millwey Rise area creating memories of their childhood including some activities provided by the SWITCH project. Both films helped illustrate to the Board the value of the work undertaken by the Community Development Workers.

Many Board members congratulated the workers on what they had achieved with only the equivalent of one full time post and a very small budget, boosted by funding bids where possible. Councillor Stephanie Jones, Deputy Portfolio Holder for Sustainable Homes and Communities, spoke of her praise and admiration of the officers who were helping to rebuild communities. The Board agreed that the budget should be increased, which may be possible from the HRA in the future under the new self-financing regime.

- RESOLVED:**
1. that the Board recognises the achievements and continues to support funding for community development work for youth within the District;
 2. that the Board looks to finance an additional post and increased budget for community development work in 2012/13.

RECOMMENDED: that the My Pocket and First Light Production films about SWITCH projects in Exmouth and Axminster are presented to Council.

- *32 Housing Review Board Forward Plan
The Board considered the forward plan presented by the Head of Housing. The Board received short briefing notes on the Housing Strategy for England, published by the government in November; and the Tenant Services Authority consultation on a revised regulatory framework.

The Chairman requested that feedback from the Tenant Scrutiny Panel be timetabled into the Forward Plan.

RESOLVED: that the forward plan be noted.

- *33 East Devon Homes
The Board considered the proposal outlined in the Head of Housing's report. The proposal was to establish a business unit for landlord services. This would help prepare for the self-financing and managing new housing debt. He was keen to stress that the proposal was not an intention to become an Arms Length Management Organisation (ALMO). He explained it was an opportunity to embrace good practice in the sector and undertake some of the best features of housing association practice.

*33 East Devon Homes

He outlined how creating the business unit, entitled *East Devon Homes*, would symbolise the changes introduced by the Tenant Service Authority. The unit would create a stronger identity for the landlord service but within the Council's corporate identity. It could go on to develop the Council's community role and take on other housing related initiatives.

RESOLVED: that the Head of Housing work up the concept of *East Devon Homes* with the Portfolio Holders for Homes and Communities, the Chairman of the Housing Review Board, and selected tenants, in preparation for a launch in April 2012.

*34 Value for Money

The Head of Housing set out the new guidance that had emerged relating to value for money (VFM) for the service, based on a recent HouseMark publication. He reminded the Board of the Audit Commission inspection of the service and the work undertaken to reach the proposals for a VFM strategy.

He explained that VFM was a Tenant Services Authority (TSA) standard that ensures that the Council manages its resources to provide cost-effective, efficient, quality services and homes to meet tenants' and prospective tenants' needs.

RESOLVED: that the revised approach to achieving value for money in the delivery of housing services be adopted.

*35 Localism Bill 2011 – Tenancy Strategy

The Board considered the requirements on the Council following the enactment of the Localism Bill, in particular the requirement to publish a Tenancy Strategy. The Local Authorities in Devon have agreed to prepare a common framework for the strategy, and some consultation work has already been undertaken across the county.

The new strategy was required to be consistent with local homeless strategies and allocation schemes, as well as tenancy and rent standards. The key areas of the strategy would include:

- Defining affordability in the area – this may be linked with housing allowance
- Affordable rent
- Fixed or Flexible Tenancies
- Succession
- Advice and assistance to tenants at end of tenancy

The Board discussed some elements of the strategy, including introducing a five year tenancy review and keeping a property to a good standard.

RESOLVED: that the Tenancy Strategy be prepared for consideration and approval at a future meeting of the Housing Review Board.

*36 Council Own Build update

The Board considered the update that highlighted the issues relating to pursuing building new homes in partnership with Partnership South West (PSW). The expected programme of funding had been halved by the Homes and Communities Agency (HCA) due to an oversubscribed national programme and reduced central grant funding.

Due to the relevant sections of the Localism Bill not being effective until April 2012, the Council was unable to sign contracts with PSW, effectively reducing the Council to a “silent partner” in the programme with them. Legal opinion had identified financial risk to the Council, such as indemnity against any other partners of PSW not performing in accordance with their build programme. The Head of Housing suggested, with some reluctance, that the grant offer is not taken up, and a possible knock to reputation taken rather than risk a large financial impact in continuing.

Alternative options to continue building would be investigated and he was keen to stress that this did not mean the end to building Council homes.

(Rob Finch left the meeting for this item)

RESOLVED: that alternative funding approach be approved for the continuation of the Council Own Build Programme.

*37 Housing revenue account – programmed, cyclical and improvement works

The Board considered the report setting out an alternative approach to the way that programmed works are undertaken. The report used the painting programme as an example, currently undertaken on the exterior elements of homes every five years. An alternative option provided to the Board outlined a budget of £700,000 over the next ten years to replace all external wooden elements of properties with plastic options, with an ongoing budget of £200,000 per annum for cement render repair and painting.

The Board also discussed the option of moving away from annual tenders to longer term contracts and a smarter way of tendering to achieve both best value and quality of service. Some examples of poor work for the programmed work were expressed by the Board Members and this new approach, with annual reviews, could help to alleviate such issues in the future.

RESOLVED:

1. that under the painting programme, the Board agrees to an annual budget of £700,000 over the next ten years to replace all external wooden elements of properties with plastic options, with an ongoing budget of £200,000 per annum for cement render repair and painting;
2. that the proposals for changes to the programmed works length of contracts as set out in the report be approved, in order to secure better value for money;

*37 Housing revenue account – programmed, cyclical and improvement works

RESOLVED

3. that the agreed priorities for investment in programmed works for the next five years are:
- Boiler replacement;
 - Kitchen replacement;
 - External door replacement;
 - Shift from painting wooden elements of property to replace with “plastic”;
 - Bring those properties indentified in the Stock Condition Survey up to Decent Homes standard;
 - Catch-up repairs indentified in the Stock Condition Survey.

*38 HRA position statement
The Board noted the budget monitoring report on the Housing Revenue Account.

RESOLVED: that the half year financial position statement on the Housing Revenue Account be noted.

Chairman

Date

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Housing Review Board held at Knowle, Sidmouth on 12 January 2012

Present:

Councillors:

Pauline Stott (Chairman)
Christine Drew

Co-opted Tenant Members:

Victor Kemp
Christine Morrison
Sally Lancaster
Sue Saunders (Vice Chairman)

Co-opted Independent Community Representatives:

Julie Adkin
Rob Finch

Officers:

Dennis Boobier, Housing Needs and Strategy Manager
Simon Davey, Head of Finance
John Golding, Head of Housing
Giles Salter, Assistant Solicitor
Alethea Thompson, Democratic Services Officer
Mandy White, Senior Accountant
Mark Williams, Chief Executive

Also Present:

Councillors:

Jill Elson - Portfolio Holder for Sustainable Homes and
Communities
Paul Diviani
Steve Gazzard
Phil Twiss
Brenda Taylor

Apologies

Councillors:

Derek Button
David Cox
Douglas Hull
Peter Sullivan

Stephanie Jones – Deputy Portfolio Holder for Sustainable Homes
and Communities

Co-opted Tenant Member:

Pat Rous

The meeting started at 6.00pm and ended at 7.40pm.

*39 Public Question Time

Councillor Brenda Taylor asked if there was a suitable empty garage in Exmouth to store salt as part of the snow warden scheme. The scheme wanted to use the Camperdown depot, but this facility was not available due to security restrictions. The request would be considered during a review of Council owned garages.

The Chairman informed the Board that there would be a Housing Seminar on Wednesday 29 February from 6.00 - 8:30pm. This was part of the Councillor refresher programme and would explore the role of housing and how the Council was working to delivery its key priority (sustainable communities). The session would be led by the Portfolio Holder – Sustainable Homes and Communities and the Head of Housing. All members of the Housing Review Board were invited to attend.

*40 Minutes

The minutes of the meeting of the Housing Review Board held on 1 December 2011, were confirmed and signed as a true record, subject to minute 31, resolution 2 being amended to read ‘2012/13’.

*41 Declarations of Interest

Board Member	Minute number	Type of interest	Nature of interest
Jim Knight	46	Personal	His daughter lived in a Council owned property in Courtney Drive

*42 Housing Review Board Forward Plan

The Head of Housing presented the forward plan. The dates of the housing drop in sessions were highlighted and Board members were invited to attend these.

The Head of Housing reported that he should be able to give the results of the responsive repairs and works to void properties contract re-tendering at the next Board meeting.

It was requested that the solar photovoltaic project be amended to ‘projects’.

RESOLVED: that the forward plan be noted.

*43 Housing Revenue Account reform and self financing

The Board considered the Head of Housing’s report. The report looked at the latest consultation paper on the Housing Revenue Account (HRA) self-financing determinations, considered the implications and effect on the thirty year financial models, together with the initial advice on borrowing tactics and servicing debt. The East Devon self-financing debt settlement was proposed at £84,782,000 and was likely to be the sum to be paid to the Secretary of State on or before 28 March 2012.

- *43 Housing Revenue Account reform and self financing (cont'd)
 The recent Communities and Local Government (CLG) publication on HRA determinations was likely to be the final consultation on self-financing and allowed the Council to finalise preparations for the new financial regime. The Council was also reaching a position where it could complete the update of the HRA Business Plan.

The stock valuation for East Devon set out in the consultation paper on determinations was £87,603,000 and the debt settlement was £84,782,000. CLG had assumed £646,000 as existing borrowing used to fund the Council's new build last year, and had given EDDC a borrowing cap of £88,249,000. This gave an additional borrowing capacity of £3,467,000 before the borrowing cap was reached. The cap would be carefully monitored and regular reports would be brought to the Housing Review Board.

The key elements of the self-financing model were:

- Assumed rental income
- Assumed costs to manage and maintain stock
- Stock numbers

It was noted that the Government had announced that the Right to Buy scheme changes would not impact on the viability of self-financing landlords. The CLG intended to link the Right to Buy policy to actual sales rather than forecasts. This would mean that unpredictable levels of sales would not pose a risk to local authority landlords' business plans.

Final debt settlement determinations would be published in January 2012. The Head of Housing would provide a further progress report to the Board in March 2012, along with firmer assumptions on the debt settlement, interest rates, and the HRA Business Plan. The Business Plan would show reinvestment options which would prevent the HRA balance reaching high levels of surplus and enable the Council to maintain its assets and provide an excellent service to tenants.

It was recommended that a cautious approach be taken initially to additional investment items. There should be a minimum £2million surplus, which would equate to £500 per property. Greater provision should also be made for bad debt and rent loss. Welfare reform changes and changes to the Universal Credit system could mean the Council's income collection would not be as good as it was currently. These suggested changes had been built into the financial model.

Sector Treasury Services was providing the Council with treasury management advice on its borrowing strategy. The borrowing strategy was a crucial element of the business planning and integral to the future financial health of the HRA. The Government was providing what seemed to be the best deal through the Public Works Loan Board (PWLB). Sector was advising a portfolio of different loans, all to be repaid by 2037. Surpluses in the existing HRA would be used to pay off debts as quickly as possible.

The Chairman thanked the Head of Housing, the Head of Finance, the Senior Accountant, and all the other staff involved for their hard work.

RECOMMENDED: that the Council approve the Business Plan assumptions and the outline borrowing strategy.

*44 Draft Housing Revenue Account 2012/13

The Housing Review Board considered the draft Housing Revenue Account for 2012/13. The account showed the main areas of anticipated income and expenditure on landlord activities for the year ahead. It was a statutory requirement for Councils that managed and owned their housing stock to produce a Housing Revenue Account. It set a financial context for the operation of the Council's landlord service, and demonstrated some of the constraints in which EDDC operated as a local authority housing service. It was a key document for the Board to influence. The annual HRA was underpinned and influenced by a 30 year HRA Business Plan.

Due to the major reform to social housing finance and a move to self-financing, the HRA was projecting a healthy position. However, this was subject to assumptions on interest rates, amongst other factors. The HRA would meet its own capital programme requirements in the forthcoming year. The HRA for next year allowed significant investment in the housing stock on improvements and modernisation.

A rent increase of 6.1% in Council homes, in line with the Government's rent convergence formula, and a 3% increase in garage rents was assumed. This would make the average weekly rent in 2012/13 £72.42. The planned expenditure on repairs and improvements was noted, as well as staffing costs and a new housing IT software system.

The Board also noted the refreshed Housing Service Plan. This was updated annually and sat alongside the budget.

The HRA was still in draft and would go through the Overview and Scrutiny Committee, then to the Cabinet, before being finalised and agreed by Council.

A request was made for a special area in the budget to be made available for loft conversions. The Head of Housing explained that loft conversions would be included under the 'modernisation' heading or in the capital programme. It was agreed to make it clearer in the capital programme and rename the heading 'major improvements/modernisations/loft conversions'.

It was noted that the Council's landlord service was spending £7 million per annum directly into the local economy on repairs and maintenance, by employing local businesses and people.

RESOLVED: that the report on the 2012/13 Housing Revenue Account be recommended to the Cabinet, subject to 'loft conversions' being added to the capital budget heading 'major improvements/extensions'.

***45** Fire risk assessments

The Board considered the report of the Housing Needs and Strategy Manager which set out the requirement for the Council to undertake Fire Risk Assessments (FRA) of blocks of flats in the housing stock. The FRA must comply with the requirements of the Housing Act 2004 and the Regulatory Reform (Fire Safety) Order 2005. The Council had a duty to ensure that appropriate fire precautions/measures were in place to ensure the safety of residents who resided in 'blocks' of flats in its ownership. The Council owned 222 'blocks' of flats and was required to undertake an FRA for each block. A common assessment form had been prepared and approved to be used for the assessment of each block. The assessment would identify the fire precaution measures in place and recommend any further changes or improvements to the fire safety at individual blocks of flats. The assessment process was estimated to be completed within two years.

The FRA was primarily a review of fire precaution measures the Council already had in place and to implement any changes to bring those measures up to date, if necessary. The FRA would identify any improvements that needed to be made at each block of flats. The majority of changes would relate to 'means of escape' and directional signage and Fire Notices. Once completed the FRA's would be held on the Council's IT system, available to all Housing staff that required access to this information.

It was suggested that all district councillors should be informed of the fire risk assessments so that they were aware of any issues which may arise from tenants being asked to move their personal belongings out of communal areas. It was reported that the Estate Management team were frequently informing tenants that they should not store items in communal areas. A request was made for capacity number notices to be displayed in each community centre.

- RECOMMENDED:**
- 1 that the Fire Assessment outlined in the report be approved.
 - 2 that an annual budget of £50,000 be approved to carry out the identified additional fire safety works required.

***46** Car parking

The Board considered the recommendations of the Task and Finish Forum, set up in April 2011 to look at identified car parking issues in Council housing areas. Members noted the housing areas that had been considered, the Forum's findings and the recommended action for approval by the Board.

A budget of £50,000 had been agreed for 2011/12. So far £15,000 had been committed to resolve the car parking problem at Furzehill, Sidbury. This left £35,000 uncommitted for the current financial year. It was requested that the following be undertaken in this financial year to ensure that the capital funding was spent:

- The parking area at Wytch Green, Hawkchurch to be white lined to provide proper car parking spaces.
- To provide a new sign at the bottom of the entrance to Bucknall Close, Branscombe clearly stating that the parking was for residents only.

*46 Car parking (cont'd)

- Provide double yellow lines on both sides of the road at the entrance to Dunning Court, Honiton.
- Tarmac the parking bay in front of Orchard Close, Talaton and mark two disabled spaces out in the bay for EDDC residents only.
- Put a new sign at the entrance to Albion Court, Exmouth stating that parking was for residents only, and mark out the parking area to increase the number of parking spaces available.
- At Churchill Court, Lypstone prepare a planning application to provide the off road parking along the grass area on Glebelands, and round the corner on the grassed area outside the flats in Trafalgar Road, with dropped kerbs.

In addition, Officers would progress the following:

- Consult with the tenants of Kendall House, Honiton to find out what the actual parking issues were.
- Write to all residents in Mead View Road, Honiton informing them that the entrance driveway was private property and asking them not to park in this area.
- At Arcot Park, Sidmouth consult with tenants about allocating and enforcing the parking spaces for their use only, with a cost for the necessary permits and enforcement.
- At Courtney Drive, Colyton, seek the tenants' of Nos. 33, 34 & 35 views on EDDC providing parking in their front gardens adjacent to the footpath leading to their properties, and consult the neighbouring private property owner about the opportunity for a small part of his/her land to be used to provide the above.

Members went on to consider the priority given to each scheme, and the associated costs. Overall, this was a significant programme of improvements to the identified car parking issues in housing areas. It could take three years to complete, depending on the allocated funds available each year.

The Chairman (of the Board and the TaFF) commented that the TaFF had been very interesting and comprehensive. She thanked all those involved with it.

- RESOLVED:**
- 1 that the recommendations of the Task and Finish Forum, set out in the minutes of the meeting held on 25 November 2011, be approved.
 - 2 that the suggested priority of the car parking improvement schemes set out in the report, be agreed.

(Councillor Jim Knight declared a personal interest in the above item as he had a daughter living in a Council property in Courtney Drive.)

*47 Garage management review

The Board considered the report of the Housing Needs and Strategy Manager, which provided an update on the current garage management performance. The management of garages was a key function in Housing Services. The Council had 762 garages that provided an annual rental income of £424,000. Currently there were 120 garages empty at a loss of £70,000 per annum – 16% of total debit. The economic situation and the level of rental charge had seen the number of void garages increase from an average of 70 at any one time to this increased level. The report set out the current position with regard to garage management and options for the Board to consider.

- RESOLVED:**
- 1 that a Task and Finish Forum be set up to carry out a review of garages and their management.
 - 2 that the membership of the TaFF be the same as that of the Car Parking TaFF (Councillors Stott, Drew, Hull and Knight, and tenant Pat Rous), with the addition of tenant member Victor Kemp.

*48 Systems Thinking – Housing Repairs

The Board considered the report of the Housing Needs and Strategy Manager, which set out the findings of a Systems Thinking review of day to day (responsive) housing repairs undertaken during 2011/12. The report highlighted the findings of the 'Check' phase, the key areas of success and where focus was needed to improve the service. The 'Redesign' phase had been completed and the report identified those key areas where changes in service delivery, contract management and ICT would help to improve the service for tenants.

Members discussed further options for improving the service, including looking at the whole life cost of products, and linking planned and unplanned repairs visits.

- RESOLVED:** that the proposals set out in section 3 of the report be approved.

*49 Tenant scrutiny

The Board noted the progress report on the activities of the Tenant Scrutiny Panel, which had been in operation since April 2011. The first project started in May 2011. The subject under scrutiny was housing owned and managed community centres. A full report on the community centres project would be reported to the Housing Review Board in March 2012. It was noted that the Panel currently had two vacancies.

- RESOLVED:** that the progress made by the Tenant Scrutiny Panel and the work being carried out for their first scrutiny project be noted.

*50 New tenant survey

The Board noted the results of the new tenant telephone survey. Following changes to the procedures used for new EDDC tenants, as part of the Systems Thinking review process, a rolling programme of telephone surveys was undertaken. 64 respondents answered the telephone survey during September, October and November 2011.

RESOLVED: that the new tenants telephone survey 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 6 December 2011

- Present: Councillors:
Mark Williamson (Chairman)
Helen Parr (Vice Chairman)
Derek Button
Geoff Chamberlain
Alan Dent
Tony Howard
Mike Howe
Ben Ingham
Stephanie Jones
David Key
Ken Potter
Phil Twiss
Peter Sullivan
Steve Wragg
- Ward Councillors:
Members: Graham Brown
Peter Burrows
Marin Gammel
Steve Gazzard
Roger Giles
John Humphreys
Sheila Kerridge
Jim Knight
Frances Newth
Tim Wood
Claire Wright
- Also Present: Councillors:
Andrew Moulding
Alderman Bob Peachey
- Officers: Ed Freeman, Interim Development Manager
Christopher Holland, Democratic Services Officer
Kate Little, Head of Economy
Paul Lowe, Housing Enabling Officer
Andrew Seddon, Senior Solicitor
Hannah Whitfield, Democratic Services Support Officer
- Apologies: Councillors:
Jill Elson
Geoffrey Pook
Brenda Taylor

The meeting commenced at 2.00 pm and ended at 7.07 pm

*43 Minutes

The minutes of the meetings of the Development Management Committee held on Tuesday 15 November 2011 and the Special Development Management Committee held on Friday 18 November 2011 were agreed and signed as a true record.

*44 Urgent item - Woodbury And Lypmstone: App. 11/1293/MOUT
Land NW Of Courtlands Cross Courtlands Lane

The Chairman agreed that urgent consideration be given to the above item. It was noted that following the meeting of the Development Management Committee on 15 November and the Committee's resolution that it would have been minded to refuse permission for the development, certain issues had arisen as a result of ongoing discussions with the appellant's agents. These were matters relating to the highway and ecology objections, the agricultural land classification and 5 year land supply. Urgent consideration was required upon those issues, in order for the matter to be dealt with as part of the appeal process.

- RESOLVED:**
- 1) that the objection based upon the advice of the County Highway Authority (reason 3 given in the report) be withdrawn and not contested at the Public Inquiry into the development.
 - 2) that, in the event of the parties reaching agreement upon the payment of a financial contribution to mitigate the impact of the proposed development upon the Cirl Bunting habitat in the area and upon the Exe Estuary SPA and East Devon Pebble Heath SPA, the Head of Planning be authorised to advise the Planning Inspectorate that the objection to the proposal on ecology grounds (reason 6 given in the report) has been withdrawn.
 - 3) that the objection based upon the loss of Grade 1 agricultural land (referred to in reason 1 given in the report) be amended to simply refer to the loss of high grade agricultural land.
 - 4) that based upon the latest Annual Monitoring Report and taking East Devon as a whole, there was a calculated 2.72 year supply of land for housing, and that this would not have changed the Committee's previous resolution.

*45 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.

*46 Dunkeswell Conservation Area

Consideration was given to the report of the Principal Conservation Officer regarding the Dunkeswell Conservation Area. Members noted that under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 Local Planning Authorities had a duty to review their conservation areas to consider whether further designation of conservation areas was called for.

*46 Dunkeswell Conservation Area (cont'd)

Following a public consultation on a proposed conservation area at Dunkeswell, the boundary had been substantially amended by omitting the airfield. It was noted that the proposed conservation area now only included the historic village.

RESOLVED: that the proposed conservation area be endorsed for adoption together with the Conservation Area Appraisal and Management Plan once the full statutory process is completed.

*47 Exmouth Town Centre and Seafront Masterplan

Members considered the report of the Interim Development Manager who updated Members on the Exmouth Town Centre and Seafront Masterplan. It was noted that in June a report was brought to the Development Management Committee regarding consultation on the Masterplan. Members had endorsed the proposed consultation exercise which had been completed. The number of responses received to the consultation was good and the comments were generally positive. The document had however been amended to address a number of comments made by consultees, residents groups and individual residents. The changes were summarised in the report. Members were recommended to endorse the amended Masterplan.

RESOLVED: that the Exmouth Town Centre and Seafront Masterplan be endorsed for decision making purposes.

*48 Neighbourhood Planning Regulations – Consultation

Members considered the report of the Head of Economy concerning a consultation exercise being carried out by the Government regarding Neighbourhood Planning Regulations.

This consultation set out how the Government proposed to set up the regulation making powers in the Localism Act for Neighbourhood Planning and the Community Right to Build. It set out the minimum level of requirements that would ensure a nationally consistent approach to designating neighbourhood areas and neighbourhood forums and the preparation of Neighbourhood Plans and Neighbourhood Development Orders. The Consultation sought comments on whether the regulations as proposed were workable and proportionate.

RESOLVED: that the answers in the report be sent as the Council's response to the regulations consultation.

*49 Applications for Planning Permission and matters for determination

RESOLVED: that the applications before the Committee be determined as set out in Schedule 7 – 2011/2012 (attached).

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

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

Councillor/ Officer	Ref. / Site	Type of interest (action taken)	Nature of interest
Councillor Mike Howe	11/1878/FUL Kenniford Farm, Clyst St Mary	Prejudicial Interest Left Chamber during discussion & voting	Member was a customer of applicant
Councillor Helen Parr	11/1878/FUL Kenniford Farm, Clyst St Mary	Prejudicial Interest Left Chamber during discussion & voting	Member was a customer of applicant
Councillor John Humphreys	11/2014/FUL Tumby Lawn, Maer Lane, Exmouth	Personal Interest Remained in Chamber but took no part in discussion	Neighbouring objector was a customer of Member's business
Councillor Mike Howe	11/2245/MOUT Land West of Ottery Road, Feniton	Personal Interest Remained in Chamber to take part in discussion and voting	Acquainted with applicant
Councillor Claire Wright	11/1886/MFUL West Hayes, West Hill Road, Ottery St Mary	Prejudicial Interest Left Chamber during discussion & voting	Member's parents owned a property near application site
Councillor Sheila Kerridge	11/2143/FUL 106 High Street, Sidmouth	Prejudicial Interest Left Chamber during discussion & voting	Member owned a business near application site

Chairman

Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at the Council Chamber, Knowle, Sidmouth, on Tuesday 10 January 2012

- Present: Councillors:
Mark Williamson (Chairman)
Helen Parr (Vice Chairman)
Vivien Duval Steer
Mike Howe
David Key
Geoffrey Pook
Ken Potter
Phil Twiss
Steve Wragg
- Ward Members: Councillors:
Ray Bloxham
Peter Burrows
Tom Wright
- Also Present: Councillors:
Steve Gazzard
Alderman Ann Liverton
- Officers: Ed Freeman, Development Manager
Christopher Holland, Democratic Services Officer
Paul Lowe, Housing Enabling Officer
Andrew Seddon, Senior Solicitor
- Apologies: Councillors:
Derek Button
Geoff Chamberlain
Alan Dent
Steve Hall
Tony Howard
Jim Knight
Peter Sullivan
Stephanie Jones

The meeting commenced at 2.00 pm and ended at 4.10 pm

*50 Chairman's Welcome and time limit for Members' comments

The Chairman wished everyone a happy new year and welcomed them to the first Development Management meeting of 2012. He announced that he would be piloting a five minute time limit on Members' contributions at meetings. This was aimed to make more effective use of the time available at each meeting.

*51 Minutes

The minutes of the meetings of the Development Management Committee held on Tuesday 6 December 2011 were agreed and signed as a true record.

*52 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.

*53 Applications for Planning Permission and matters for determination

RESOLVED: that the applications before the Committee be determined as set out in Schedule 8 – 2011/2012 (attached).

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Planning Inspections Committee held at the Knowle, Sidmouth on Friday 25 November 2011

Present: Councillors:
Mark Williamson(Chairman)
Derek Button
Alan Dent
Tony Howard
David Key
Helen Parr
Peter Sullivan
Phil Twiss

Officers: Nigel Barrett, Senior Planning Officer
Ed Freeman, Interim Development Manager
Christopher Holland, Democratic Services Officer

Apologies: Councillors:
Peter Bowden
Geoff Chamberlain
Geoff Pook

The meeting started at 10.09 am and ended at 10.49 am.

*9 Minutes

The minutes of the meeting of the Planning Inspections Committee held on 30 September 2011 were confirmed and signed as a true record, subject to Councillor Stephanie Jones being added to the list of attendees.

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

a) Broadclyst: Application No: 10/1711/MFUL – Demolition of existing bungalow and former outbuildings, works and construction of 13 residential dwellings at Kingdom House, Broadclyst

RESOLVED: that the application be APPROVED subject to the applicants first entering into a legal agreement in respect of a financial contribution towards affordable housing, incorporating the inclusion of an overage provision, with delegated authority then being granted to the Head of Economy to APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of one year 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).
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 part of the development hereby approved shall be commenced until:
 - A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway
 - B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - C) The footway on the public highway frontage required by this permission has been constructed up to base course level
 - D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority.

(Reason - To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents and to comply with the provisions of Policy TR10 (Strategic Road Network) of the Devon Structure Plan 2001-2016 and Policies TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 1995-2011.)

4. The occupation of any dwelling shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
 - A) The cul-de-sac carriageway including the vehicle turning head shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - B) The cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - C) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - D) The street nameplates for the cul-de-sac have been provided and erected as necessary.

(Reason - To ensure that adequate access and associated facilities are available for the traffic attracted to the site and to comply with the provisions of Policy TR10 (Strategic Road Network) of the Devon Structure Plan 2001-2016 and Policies TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 1995-2011.)

5. When once constructed and provided in accordance with condition 2 above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority.

(Reason - To ensure that these highway provisions remain available and to comply with the provisions of Policy TR10 (Strategic Road Network) of the Devon Structure Plan 2001-2016 and Policies TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 1995-2011.)

6. The existing accesses to the site (dropped kerbs for the full width) shall be effectively and permanently closed in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority as soon as the new access is capable of use.

(Reason - To prevent the use of a substandard access and to minimise the number of accesses on to the public highway and to comply with the provisions of Policy TR10 (Strategic Road Network) of the Devon Structure Plan 2001-2016 and Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 1995-2011.)

7. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be 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 development and the character of the setting of the adjacent designated Broadclyst Conservation Area in accordance with Policies CO6 (Quality of New Development) and CO7 (Historic Settlements and Buildings) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan.)
8. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of the proposed walls and fences and all other boundary treatment in addition to the surface treatment and finish to the private road and footway link. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the development and the character of the setting of the adjacent designated Broadclyst Conservation Area in accordance with Policies CO6 (Quality of New Development) and CO7 (Historic Settlements and Buildings) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness), D4 (Landscape Requirements) and EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan.)
9. No development shall take place until details of the means of disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before any dwelling on the site is occupied.
(Reason - To avoid pollution of the environment and/or flooding in accordance with the requirements of Policy CO13 (Protection of Water Resources and Flood Defence) of the Devon Structure Plan and Policy EN15 (Control of Pollution) of the East Devon Local Plan.)
10. All new windows and doors shall be formed in timber only. Detailed elevations and sections through window casements, frames and glazing bars and doors and door frames at 1:2/1:5 scale shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development and details of finishes (including colour) shall also be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details.

(Reason - In the interests of the character and appearance of the development and the character of the setting of the adjacent designated Broadclyst Conservation Area in accordance with Policies C06 (Quality of New Development) and CO7 (Historic Settlements and Buildings) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan.)

11. The rooflights indicated on the approved plans shall be of a conservation design flush with the roof, the model specification of which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.
(Reason - In the interests of the character and appearance of the development and the character of the setting of the adjacent designated Broadclyst Conservation Area in accordance with Policies C06 (Quality of New Development) and CO7 (Historic Settlements and Buildings) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan.)
12. Details of all new rainwater goods, including profiles, materials and finishes, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. These shall be consistent with the broad details of the rainwater goods shown on the drawing received by East Devon District Council on 6th April 2011. The development shall be carried out in accordance with the approved details.
(Reason - In the interests of the character and appearance of the development and the character of the setting of the adjacent designated Broadclyst Conservation Area in accordance with Policies C06 (Quality of New Development) and CO7 (Historic Settlements and Buildings) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan.)
13. Prior to the commencement of development, details of all new flues and meter boxes (including their position, size and finish) to be incorporated into the development shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - In the interests of the character and appearance of the development and the character of the setting of the adjacent designated Broadclyst Conservation Area in accordance with Policies C06 (Quality of New Development) and CO7 (Historic Settlements and Buildings) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan.)
14. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (add as appropriate i.e. 1, 2, 3 and/or 4) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the requirements of Policy EN16 (Contaminated Land) of the East Devon Local Plan.)

15. The mitigation measures and recommendations set out in the Summary of conclusions contained within the Wildlife Survey Report dated August 2010 prepared by Acorn Ecology Ltd. shall be implemented in full.

(Reason - In the interests of nature conservation and to comply with the provisions of Policies CO10 (Protection of Nature Conservation Sites) of the Devon Structure Plan 2001-2016 and EN6 (Wildlife Habitats and Features) of the East Devon Local Plan 1995-2011.)

16. Notwithstanding the submitted details, there shall be no vehicular or pedestrian access between the site and School Lane and the treatment of the site boundary with School Lane at the rear of the linhay parking shown on the approved site layout drawing shall be extended to the north so as to prevent any access in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order, with or without modification), no works of the type described in Class B of Part 2 of Schedule 2 to the Order for the formation, laying out and construction of a means of access between the site and School Lane shall be undertaken without a grant of express planning permission from the Local Planning Authority.

(Reason – To prevent access between the site and School Lane in the interests of pedestrian safety and to comply with the provisions of Policy TR10 (Strategic Road Network) of the Devon Structure Plan 2001-2016 and Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 1995-2011.)

17. The front and side elevations to units 1-7 and 8-10 shall be finished externally in lime-based ochre coloured render in accordance with the details set out in the applicants' e-mail and as shown on the accompanying annotated site layout drawing (no. 4) received by East Devon District Council on 2nd June 2011. No development shall commence until a sample panel of the render finish has been constructed on site and agreed in writing with the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved sample panel.

(Reason – In the interests of the character and appearance of the development and the character of the setting of the adjacent designated Broadclyst Conservation Area in accordance with Policies CO6 (Quality of New Development) and CO7 (Historic Settlements and Buildings) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan.)

NOTE FOR APPLICANT

1. IN GRANTING PLANNING PERMISSION FOR THIS DEVELOPMENT, THE FOLLOWING IS A SUMMARY OF THE REASONS FOR THE DECISION:

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

ST1 (Sustainable Development)

ST3 (Self Sufficiency of Devons Communities)

CO6 (Quality of New Development)

CO7 (Historic Settlements and Buildings)

CO10 (Protection of Nature Conservation Sites and Species)

TR2 (Co-ordinating Land Use/Travel Planning)

TR10 (Strategic Road Network)

East Devon Local Plan Policies

S3 (Built-up Area Boundaries for Villages)

S4 (Development Within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

D4 (Landscape Requirements)

EN6 (Wildlife Habitats and Features)

EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest)

EN11 (Preservation and Enhancement of Conservation Areas)

H4 (Affordable Housing)

RE3 (Open Space Provision in New Housing Developments)

TA1 (Accessibility of New Development)

TA7 (Adequacy of Road Network and Site Access)

TA7 (Adequacy of Road Network and Site Access)

2. The proposal does not adversely affect the privacy or amenity of neighbouring properties.

3. The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.
4. The proposal does not harm the character of the setting of the adjacent conservation area.
5. The proposal does not harm the setting of listed buildings within close proximity of the site.
6. The proposal does no harm to wildlife interest.
7. The proposal is contained within the defined built-up area boundary of the settlement.
8. The proposal makes adequate provision for the disposal of foul/surface water in the interest of flood/pollution prevention.
9. The access to serve the proposal does not prejudice highway safety.
10. The proposal includes the use of previously developed land.

Approved Plans

CD1082 P01	Site Plan	24.08.10
CD1082 P02	Location Plan	24.08.10
CD1082 P03	Proposed Elevation	24.08.10
CD1082 P04	Plan Proposed	24.08.10
CD1082 P05	Plan Proposed	24.08.10
4	Amended Plans	02.06.11
1	Amended Plans	06.04.11
2	Amended Plans	06.04.11
3	Amended Plans	06.04.11

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

(Councillor Derek Button declared a Personal Interest in the application as he lived near to the application site)

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Standards Committee held at Knowle, Sidmouth on 24 January 2012

Present:	Ted Butt	Independent Chairman
	Cllr Peter Bowden	EDDC Councillor
	Cllr Geoff Chamberlain	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
Also present	Derek Button	EDDC Councillor
Officers:	Christopher Holland	Democratic Services Officer
	Denise Lyon	Monitoring Officer
	Rachel Pocock	Corporate Manager Legal and Democratic Services
	Diana Vernon	Democratic Services Manager
Apologies:	Cllr Frances Newth	EDDC Councillor

The meeting started at 10.00 am and ended at 11.15 am

*10 Minutes

The minutes of the meeting of the Standards Committee held on 1 November 2011 were confirmed and signed as a true record.

*11 Localism Act implementation – Standards and New Code of Conduct

Members considered the report of the Corporate Manager of Legal and Democratic Services regarding the implications of the Localism Act 2011 on the Standards regime.

Members noted that the Localism Act would alter much of the existing Standards regime, including Standards for England (SFE) and the ability to refer certain councillor Code of Conduct complaint cases to it. SFE was likely to be abolished with effect from 31 March 2012; and for practical purposes SFE was already unwilling to take further referrals.

The report was to outline the final form of the Act, in preparation for a later report which would present specific recommendations/options to Members. The Localism Act required a new local Code and local standards machinery in line with regulations yet to be made and would most likely need to be in place by 1 July 2012.

Members were supportive of efforts to agree a common code of conduct across Devon for all tiers of Council as they felt it would be helpful for Members sitting on several Councils. They were however, concerned at the perceived lack of enforcement or sanction resulting from decisions commenting that the new Committee would be in danger of being a 'talk shop' with no real power.

*11 Localism Act implementation – Standards and New Code of Conduct (cont'd)

Members expressed their disappointment over new provisions, which would exclude the involvement of Parish Councillor, and independent representatives serving as voting members on the existing Committee, all of which had gained much experience during their tenure. They also expressed concern at the way in which the public would perceive a Standards Committee made up of District Councillors potentially leading to a loss of credibility.

Members welcomed the provision that would allow the Monitoring Officer to deal with complaints initially as this would hopefully reduce the number of politically motivated, tit for tat and/or trivial complaints coming to Committee.

RESOLVED: that the likely implementation date for the start of the new code of conduct framework as 1 July 2012 and the Corporate Legal and Democratic Services Manager's intention to further report to the Standards Committee [assuming regulations are made to a timetable that permits this] prior to full Council approval of a new Code of Conduct and associated arrangements under the Localism Act be noted.

*12 Predetermination provision in Localism Act

Members considered the recent advice of the Corporate Manager of Legal and Democratic Services which had been sent to all Councillors. It advised Members regarding the issue of predetermination, covered in Section 25, in the Localism Act 2011.

Members noted in particular the summary of the effect of new predetermination provision in the advice:

“Section 25 has the intention of facilitating councillors speaking out on local issues by the introduction of this new presumption – in prescribed circumstances. In those cases, ‘just because’ a view has been given, this is not to be automatically construed as a ‘closed mind’. Legal presumptions are rebuttable, which means that if the facts of the particular case show the member or members did have a closed mind at the point of decision-making this could still result in a judgement of unlawfulness and expose the council concerned to the risk its decision will be quashed by the court.

Council decisions will still need to take into account all relevant considerations, not be irrational nor taken for an improper purpose. In addition human rights and proper consultation procedures (where applicable) need to be followed.”

RESOLVED that the recent advice concerning Section 25 of the Localism Act 2011 be noted.

*13 Complaints update and 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 increasing steadily to 2010 for the same period in the previous year. It was hoped that the increase was a temporary ‘blip’.

RESOLVED that the report be noted.

*14 Forward Plan

Members considered the Forward Plan for the Committee setting out future meetings and likely items for consideration.

RESOLVED that the Forward Plan be noted.

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the
Audit and Governance Committee

held at Knowle, Sidmouth, on Thursday 10 November 2011

- Present: Councillors:
Ken Potter (Chairman)
Peter Bowden (Vice-Chairman)
David Atkins
Roger Boote
Steve Gazzard
Steve Hall
Tony Howard
Geoff Pook
- Also Present: Councillors:
Ray Bloxham
David Cox
Paul Diviani
Vivien Duval-Steer
Graham Godbeer
Peter Halse
Douglas Hull
Philip Skinner
Ian Thomas
- Officers: Jo Avery, Management Information Officer
Simon Davey, Head of Finance
Sue Hodges, Insurance Officer
Christopher Holland, Democratic Services Officer
Karen Jenkins, Corporate Manager- Organisational Development
- Internal Auditors: Chris Gunn, South West Audit Partnership
- External Auditors: Barrie Morris, Grant Thornton

The meeting started at 2.30 pm and ended at 3.50 pm.

- *17 Public Questions
No questions were raised by members of the public. Councillor Hull asked a question regarding the consultants' expenditure report. It was agreed that the matter be raised when the agenda item report was considered
- *18 Minutes
The minutes of the meeting of the Audit and Governance Committee held on 29 September 2011 were confirmed and signed as a true record.
- *19 Declarations of interest
All Members present declared a Personal Interest in the agenda item regarding Members' Business Mileage and Insurance and remained in the Chamber to take part in voting and the debate.

*20 Members' Business mileage and insurance

Members considered the report of Karen Jenkins, Corporate Manager-Organisational Development that outlined the Council's insurance requirements for Members' travel claims.

It was noted that the procedure for employees valid mileage claims included the annual check of valid vehicle documents, MOT certificate and insurance cover, which should include business mileage. The insurance expiry date was used as a trigger for requesting to see new documents.

Members noted that on advice from AIG and the Council's Insurance Officer, the authority had implemented the same process for Members. Members also used their own vehicles for work on behalf of the Authority and in order to mitigate risk to the authority the same annual checks for Members had been introduced

Advice from the insurers highlighted that when a Councillor drives on behalf of the Authority it was essential that the Member carried appropriate insurance, which should be checked by the Council.

Due to the fact that insurance companies have different approaches with regard to insurance cover for Councillors, the drivers should satisfy themselves and be able to provide evidence that the vehicle was adequately insured not just for the Authority but also if requested to produce evidence by the police.

Members noted that the Authority had a vicarious liability for anyone who may drive whilst carrying out duties on its behalf. Therefore, East Devon District Council had a duty to ensure adequate insurance was in place. Failure to do so may leave the Council open to legal action in the event of an accident happening and no insurance being in place.

It was also noted that the Authority must ensure that the vehicle was fit for purpose. Not only did the Council owe a duty of care to a Member to ensure that they have a safe place of work, it also owed a duty of care to the public when Members were performing duties on behalf of the Council. The Health and Safety Executive recognised a vehicle as a place of work. It was essential therefore that the vehicles used by Members had a current MOT and were maintained in a road worthy condition.

Members commented that they needed to consider alternative insurers and to shop around for the best deal with the right level of cover.

- RESOLVED:**
- 1) that Members continue to arrange their own insurance cover.
 - 2) that the Council continues to check that adequate cover is in place to fulfil its duty of care and mitigate risk. (Note: This cover may in the form of business insurance or voluntary/trade/business service cover.)
 - 3) that the Members' claim form be updated to better reflect the guidance given regarding business cover.

(All Members present declared a Personal Interest in this agenda item and remained in the Chamber to take part in voting and the debate.)

*21 Expenditure on Consultants 2010/11

Members considered the report of the Financial Services Manager, which was written in response to a request for more information at the meeting held on 29 September 2011 on the costs of consultants to EDDC. The report set out the details of those costs by supplier.

Members noted that the level of expenditure equated to less than 1% of Council turnover. It was agreed that whilst the level was low, the Audit and Governance Committee were right to consider the list in order to demonstrate public accountability. Members asked that further details be circulated to the Committee.

- RESOLVED:** 1) that the report be noted.
2) that a list of the 144 contractors for the items under £10,000 be circulated to the Committee.

*22 First Bi-annual Risk Review

Members considered the report of the Management information Officer, which detailed risk information for the 2011/12 financial year until September 2011 to allow the Audit and Governance Committee to monitor the risk status of Strategic and Operational Risks.

RESOLVED: that the Risk Register be noted.

*23 Forward Plan

Members noted the contents of the forward plan and future meeting dates.

It was agreed that the following items be added to the agenda for 19 January 2012:

Annual Audit Letter – Grant Thornton

Grant Certification report – Grant Thornton

Corporate Governance annual update – SWAP

Anti Fraud, Theft and Corruption Policy – SWAP

Retention and Disposal Policy - SWAP

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Audit and Governance Committee
held at Knowle, Sidmouth, on Thursday 19 January 2012

- Present: Councillors:
Ken Potter (Chairman)
Peter Bowden (Vice-Chairman)
David Atkins
Roger Boote
Steve Gazzard
Steve Hall
Tony Howard
Geoff Pook
- Also Present: Councillors:
David Cox
Paul Diviani
Peter Halse
Andrew Moulding
- Officers: Jo Avery, Management Information Officer
Richard Cohen, Deputy Chief Executive
Simon Davey, Head of Finance
Christopher Holland, Democratic Services Officer
Hannah Jarvis, Democratic Services Officer
Denise Lyon, Deputy Chief Executive and Monitoring Officer
Chris Powell, Corporate Manager, ICT
- Internal Auditors: Chris Gunn, South West Audit Partnership
Andrew Ellins, South West Audit Partnership
- External Auditors: Jenny Dywer, Grant Thornton
Barrie Morris, Grant Thornton

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

*24 Public Questions

No questions were raised by members of the public.

*25 Minutes

The minutes of the meeting of the Audit and Governance Committee held on 10 November 2011 were confirmed and signed as a true record.

*26 Declarations of interest

There were no declarations of interest from Members.

*27 Whistleblowing Policy

Members considered the report of Denise Lyon, Deputy Chief Executive and Monitoring Officer concerning the update of the Whistleblowing Policy. The Policy had been revised in consultation with the Internal Audit Team, the Corporate Manager of Organisational Development and the Corporate Manager of Legal and Democratic Services.

Members debated the revised policy at length raising issues such as potential Member involvement and using discretion in dealing with any potential complaints raised by employees. The Monitoring Officer stated that any issues raised by employees were dealt with in a discrete and appropriate way.

*27 Whistleblowing Policy (cont'd)

RESOLVED: that the updated Whistleblowing Policy be adopted.

*28 Code of Corporate Governance

Members considered the report of Denise Lyon, Deputy Chief Executive and Monitoring Officer concerning the routine update of the Code of Corporate Governance. The Code stated that it helped to demonstrate to the public that the Council does the right things, in the right way for the right people in a timely, inclusive, open, honest and accountable manner.

RESOLVED: that the updated Code of Corporate Governance be agreed.

29 Retention and Disposal of Documents Policy

Members considered the report of the Corporate Manager of ICT concerning the Policy for the retention and disposal of documents. It was noted that the policy needed to be as simple and non time consuming as possible to implement for Officers. It also aimed to reduce the required storage space for Council paperwork which was a continuing issue, especially with a potential move from the Knowle Council Offices being investigated.

Some Members felt that actively destroying documentation may lead to the loss of important information or deeds. It was explained that if the policy was followed as stated and documents categorised correctly, all deeds and important and relevant information would be kept and more importantly be accessible and indexed/saved electronically. There was little point in keeping paper files just to 'be sure' if it was not know what was in those files or how to use the information contained in them.

Members requested that the blank 'X's indicated in the policy and contained in Appendix 2 to the Policy, should be included in detail in the main document and that Officers posts should be included where possibly regarding levels of responsibility.

RECOMMENDED: that the Retention and Disposal of Documents Policy be adopted subject to the inclusion of details as outlined in Appendix 2 of the Policy and the identities of responsible Officers for each level of documentation.

*30 Annual Audit Letter 2010-11

Members considered the report of Grant Thornton, External Auditors regarding the Annual Audit Letter.

Members noted that the letter summarised the key issues arising from the work carried out by the External Auditors for the Council during 2010/11. The letter was aimed to communicate the auditors key messages resulting from the audits to the Council and public.

It was noted that an opinion had been given to the Council concerning both the Accounts for 2010/11 and Value for Money conclusion and that further actions had been suggested in the key area of financial controls for 2012/13.

RESOLVED: that the contents of the Annual Audit Letter be noted.

*31 Certification Report 2010-11

Members considered the report of Grant Thornton, External Auditors regarding the Certification Report 2010-11 which outlined the Council's performance in applying for government grants, claiming and the preparation of information used in claims.

It was noted that the Council had submitted six claims and returns for certification. Further information including a report on those claims would be provided at the next meeting of the Committee.

Members commented that they would like to see more detail explaining each claim identified in the action plan and any reasons for those comments added which would help the public understand the report better.

RESOLVED: that the contents of the Certification Report 2010-11 be noted.

32 Partnership Policy

Members considered the report of Richard Cohen, Deputy Chief Executive concerning how the Council should manage partnership work with other bodies.

Members noted that the policy and procedure for partnership arrangements by the Council had been audited by the internal audit Team as part of their ongoing programme of audits. In response to a number of recommendations from the audit team, the policy, guidance and partnership list had been updated and required approval by the Committee.

The Partnership List as at November 2011 had been supplied to allow the Audit and Governance Committee to monitor the status of Partnerships entered into by the Council.

Members expressed that they were pleased partnership work was being formalised as it was becoming more common and important in the work of the authority.

RESOLVED: 1) that the current Partnership List be noted.

2) that an annual report on the activity and performance of the Council's Partnerships as defined within the new policy be submitted to the Committee.

RECOMMENDED 1) that the new the Partnership Policy and Procedures be adopted.

2) that Councillor Roger Boote be appointed as the Committee Member representative to liaise with the management Information Officer regarding the status of the Partnership Register.

33 Risk Management Policy

Members considered the report of Simon Davey, Head of Finance. It was noted that the Risk Management Policy replaced and combined the previous Risk Management Policy Statement and Strategy produced in 2002 and the Council Risk Management Guide/Toolkit produced in 2009. In addition to reviewing and updating the previous documents, recommendations had been made by South West Audit Partnership in a recent audit of risk management and were incorporated into the Policy and Council working practices.

Members commented that they were pleased to see Risk Management becoming embedded into the everyday work of the Council.

RECOMMENDED: that the updated Risk Management Policy and Procedures be adopted.

*34 Report of Internal Audit Activity Quarter 3, 2011/12

Members considered the report of the Internal Audit Team which outlined the work of the audit team and the work undertaken in the third quarter of the 2011/2012 cycle as part of the Internal Audit Work Programme.

RESOLVED: that the Audit Activity Report and progress on significant items be noted.

*35 Forward Plan

Members noted the contents of the forward plan and future meeting dates. It was requested that an item of report only, intended to formally note the minor Council contracts be added to the meeting for 15 March 2012.

Chairman Date

EAST DEVON DISTRICT COUNCIL
 Minutes of a Meeting of the Licensing &
 Enforcement Sub-Committee held at Knowle,
 Sidmouth on Tuesday, 10 January 2012

Present: Councillors:
 Steve Hall (Chairman)
 Jim Knight
 Pauline Stott

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

Also Present: Councillors:
 Maddy Chapman
 Steve Gazzard

The meeting started at 9.30 am and ended at 9.35am.

***31 Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 22 November 2011, were confirmed and signed as a true record.

***32 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 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 the variation of a premises licence.	The Railway Inn, Queen Street, Honiton, EX14 1HE.	<p>Following mediation the applicant, five local residents and the Councils 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 addition of the following conditions:</p>

		<p>1. The number of live amplified music events (including percussion and brass instruments) must be limited to no more than five (5) per month.</p> <p>2. All external doors and windows must be kept shut, other than for access and egress, during live amplified music events (including percussion and brass instruments).</p>
	<p>Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003</p>	

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Tuesday, 17 January 2012

- Present: Councillors:
Steve Hall (Chairman)
Maddy Chapman
Ken Potter
- Also present: Councillor:
Thomas Wright
- Officers: Douglas Jackson – Licensing Officer
Chris Lane – Democratic Services Officer
Giles Salter – Assistant Solicitor
Neil McDonald – Licensing Officer
John Loveridge – Licensing Officer
- Apologies: Councillors:
Steve Gazzard
Jim Knight

The meeting started at 9.30 am and ended at 11.00 am.

*33 Minutes

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 10 January 2012, were confirmed and signed as a true record.

*34 Exempt Information

RESOLVED that the classification given to the documents to be submitted to the Sub-Committee be confirmed and that the report relating to exempt information be dealt with under Part B of the agenda.

*35 Application for Premises Licence under the Licensing Act 2003 – Lypmstone Youth Club Building , Candys Field, Lypmstone

Consideration was given to the report of the Licensing Officer on an application for a Premises Licence for Lypmstone Youth Club Building, Candys Field, Lypmstone.

The Sub Committee carefully considered the application with the amendments the applicant proposed for the variation of licensable activities 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 the decision.

*35 Application for a Premises Licence under the Licensing Act 2003 –
Lympstone Youth Club Building, Candys Field, Lympstone (Cont)

The Sub Committee considered the relevant representations that all parties had made including written representations and other documentation put before them. They had also considered the particular locality of the premises in a large village and its physical relationship with residential properties in the vicinity.

It was considered relevant that no representations had been received from the Police in relation to the Licensing Act objectives that were the subject of representations, which were: public safety, public nuisance, crime and disorder and protection of children from harm. 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 was granted.

Members noted that the applicant had reduced the hours originally asked for from 23.00 to 21.00. The applicant did not attend the hearing. The other responsible authorities' case was from Environmental Health who on paper had concerns about amplified noise from the premises but their representations were withdrawn when the applicant amended the terminal hour for all licensable activities to 21.00.

The interested parties case on paper was concerning drunken behaviour, vandalism and littering by potential users of the Youth Club. Also issues relating to noise nuisance. The interested party did not attend 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 put forward by the applicants and the likely impact of the application. In relation to the evidence heard regarding the history of the premises, it was considered the establishment would be managed satisfactorily and controlled with good policies in place and adequate supervision from the Youth Club management.

Members did not accept that there was evidence of a significant 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 a history of complaints to the statutory authorities. The concerns of local residents about the future operation were taken into account by ensuring that suitable conditions were imposed and that the operating hours were not unreasonably late.

At the present time there was no real evidence that the operation the applicant proposed to run would cause the unacceptable impact local residents suggested because the terminal hour for all licensable activities had been reduced.

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

Whilst the concerns expressed by the interested parties were acknowledged, the Sub Committee believed the concerns expressed in representations had been

- *35 Application for a Premises Licence under the Licensing Act 2003 – Lympstone Youth Club Building, Candys Field, Lympstone (Cont)

addressed by the hours of operation for the licensable activities and the conditions imposed which had been tailored to the size, characteristics and the activities on the premises, and which was believed were necessary and proportionate.

RESOLVED

that the premises licence be granted under the Licensing Act 2003 as follows:

1. The extent of the areas within which the various licensable activities would be permitted is as indicated by the legends on the applicant's plan.
2. Permitted hours for the various licensable activities will be as set out in the amended Appendix B to read terminal hour for all licensable activities as 21.00.
3. The conditions will now be as shown in Appendix E plus additional conditions 12-14 as set out below:

12. All external doors and windows must be kept shut, other than for access and egress, in all rooms when events involving amplified music or speech or other entertainment are likely to give rise to noise.

13. Prominent, legible notices requesting people to leave the premises and the area quietly, considering the neighbours, must be displayed at all exits.

14. The Licensing holder or a person authorised by them must liaise with the property owner of 14 Jackson Meadow, Lympstone and make a contact telephone number available during the running of any event where amplified music or speech or other entertainment are likely to give rise to noise so that any noise nuisance issues can be reported and the amplification managed appropriately.

Appendix F deleted.

- *36 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.

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

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 the grant of a premises licence	Swallows Eaves Hotel Swan Hill Road Colyford Colyton EX24 6QJ	Following mediation the applicant and the two interested parties have agreed that they consider a hearing to be unnecessary if the following agreed position is approved. To include the following condition in the premises licence operating schedule: "All recorded music played on the premises will be limited to background music levels"
Recommendation	Recommend approval of application subject to the amended operating schedule	

- *37 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, of the description set out on the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session.

- *38 Hackney Carriage Driver's Licence Application

Consideration was given to whether an applicant was a fit and proper person to be licensed as Hackney Carriage driver. Members considered the Council's policy guidelines that stated that applicants for a Hackney Carriage Drivers licence should be free of conviction for 3-5 year for either/and/or dishonesty and violence. The applicant was currently almost 4 years free of conviction. The overriding duty of the Sub Committee was protection of the public.

The applicant had previously applied for a Hackney Carriage Drivers Licence on 15 March 2011 at which time the Sub Committee had refused the request and

*38 Hackney Carriage Driver's Licence Application (Cont)

indicated that they would consider a further application in 12 months time if the applicant has continued his rehabilitation and good behaviour. Members acknowledged that Mr AQ had tried hard to rehabilitate himself (including charitable work in the community) and there had been no further incidents to give any reasons for concern. He had shown a commitment to his family business and they felt that granting his Hackney Carriage licence would further assist with his economic and social rehabilitation.

RESOLVED that Mr AQ's request to be licensed as a Hackney Carriage Driver be granted;

In reaching this decision the Licensing & Enforcement Sub Committee had regard to the Human Rights Act 1998 and in particular, Article 6.

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Licensing &
Enforcement Sub-Committee held at Knowle,
Sidmouth on Tuesday, 24 January 2012

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

The meeting started at 9.30 am and ended at 10.40am.

*39 Minutes

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 17 January 2012, were confirmed and signed as a true record.

*40 Application to grant a Premises Licence under the Licensing Act 2003 at Star of India, 22 Mill Street, Ottery St Mary

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 on the premises at Star of India, 22 Mill Street, Ottery St Mary.

The Sub Committee carefully considered the application with the amendments the applicant proposed for the granting of a new Premises Licence 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 both parties had made and the written representations and other documentation put before the Sub Committee by both parties. They considered the particular locality of the premises in a town centre main street 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, which was crime and disorder. From this it was concluded that the Police did not consider that there was currently any significant problem associated with the

*40 Application to grant a Premises Licence under the Licensing Act 2003 at Star of India, 22 Mill Street, Ottery St Mary (Cont)

proposed operation of the premises, if the amended application was granted provided the conditions they had mediated were imposed.

The applicant, Mr Shams Uddin, stated at the hearing that he wanted a licence to be able to sell alcohol to patrons who were waiting for take away orders as well as those having meals on the premises. The applicant explained to the Sub Committee the layout of the lobby area where alcohol would be served to patrons purchasing take away meals. The applicant assured the Sub Committee that there would always be a member of staff behind the serving bar in a position to supervise that area where take away customers would wait.

The Police case, represented by Mr Barry Sleight, Licensing Officer was on paper that the Police had asked for CCTV. The takeaway area was too small to accommodate persons drinking alcohol. Police concerns were that the lobby could become a vertical drinking establishment. There was no seating and persons may stand outside the premises drinking. There were also concerns over potential confrontation in a small area with alcohol adding to the mix and that the management had not agreed to the conditions on staff training and challenge policy.

At the hearing the Police added that there were concerns that the lobby area, if not properly conditioned, would become a stand up drinking area which could lead to disorder because of its size and layout. There were associated concerns that it could lead to disorder outside of the premises, patrons 'necking' alcohol too quickly and drink driving.

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 was currently well managed and controlled with appropriate policies in place and adequate supervision of staff from line management.

The Sub Committee did not share the concerns the Police had advocated that there were problems in relation to crime and disorder. They did consider that CCTV had an important role in preventing crime and disorder, identifying offenders and in managing public behaviour on and in leaving the premises. The Sub Committee accepted the mediated position set out by both parties.

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.

*40 Application to grant a Premises Licence under the Licensing Act 2003 at Star of India, 22 Mill Street, Ottery St Mary (Cont)

RESOLVED 1. that the new 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 Appendix A.
- (c) The conditions will now be as shown in Appendix H with conditions 5 – 7 of Appendix F. Condition 6 amended to read 'Alcohol will only be supplied to customers taking table meals or ordering take away meals. All alcohol must be consumed on the premises.
- (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 responsible authority, Members believed that concerns expressed in representations had been addressed by the hours of operation for the licensable activities and the conditions which had been imposed, which had been tailored to the size, characteristics and activities on the premises, and which Members believed were necessary and proportionate.

3) that the Designated Premises Supervisor would be Mr Shams Uddin, 2 Masefield Road, Exeter, EX4 2HA.

*41 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 the grant of a premises	Exmouth Pavilion, The Esplanade, Exmouth,	Following mediation the applicant and the Devon and Cornwall Constabulary have agreed that they consider a hearing to be

<p>licence.</p>	<p>EX8 2AZ.</p>	<p>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"> 1. No customers will be permitted to take open containers of alcoholic or soft drinks from the premises except for consumption in the garden area immediately adjoining the premises. 2. The proof of age policy for the premises will be 'Challenge 25' acceptable forms of identity will be Photo Driving Licence, Passport, ID Cards bearing the 'PASS' Logo.
<p>Application for the grant of a premises licence.</p>	<p>The Mackarness Hall, High Street, Honiton, EX14 1PG.</p>	<p>Following mediation the applicant and the Devon and 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"> 1. All functions or events to be held at the premises will be subject of a risk assessment by the licence holder to assess the impact of the function or event on the four Licensing objectives. Those considered to be of a high risk will not held or suitable control measures will be put in place.
	<p>Recommend approval of applications subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003</p>	

Chairman Date