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*To follow under separate cover

EAST DEVON DISTRICT COUNCIL
Minutes of the Meeting of the Council held at
Knowle, Sidmouth, on Wednesday, 11 April 2012

Present:

Councillors:

Peter Halse
Frances Newth
Mike Allen
Ray Bloxham
Peter Bowden
Graham Brown
Peter Burrows
Geoff Chamberlain
Maddy Chapman
Iain Chubb
David Cox
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
Mike Howe
Stuart Hughes
Douglas Hull

John Humphreys
Ben Ingham
Stephanie Jones
Sheila Kerridge
David Key
Jim Knight
Andrew Moulding
John O'Leary
Helen Parr
Geoff Pook
Ken Potter
Philip Skinner
Pauline Stott
Peter Sullivan
Graham Troman
Phil Twiss
Chris Wale
Mark Williamson
Tim Wood
Eileen Wragg
Steve Wragg
Claire Wright
Tom Wright

Hon Alderman Ron Mudge

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Denise Lyon, Deputy Chief Executive
Diana Vernon, Democratic Services Manager

Apologies

Councillors:

David Atkins
Roger Boote
Derek Button
Bob Buxton
David Chapman
Trevor Cope
John Jeffery
Brenda Taylor
Ian Thomas

Honorary Aldermen:

Vivienne Ash
Bernard Hughes
Ann & Graham Liverton
Dr Waterworth
Barry Willoughby

In the absence of Reverend Beth McDowell due to illness, the Chairman introduced retired minister, Brian Petty and invited him to say a prayer.

The meeting then started at 6.30 pm and ended at 7.37 pm.

*69 Public question time
No questions were raised at this part of the meeting.

*70 Minutes
The minutes of the meeting of the Council held on 22 February 2012 were confirmed and signed as a true record.

Councillor Geoff Chamberlain asked for an up-date on action taken in respect of Council minute 64(e) – Localism Act implementation. At the last meeting, Councillor Chamberlain had raised concerns about the proposed changes to Standards arrangements under the Localism Act. The Leader responded by confirming that he would circulate Government up-dates on the proposed changes to all Councillors. Urgent representation by the Leader, following consultation with the Chief Executive, would be made to local MPs. This would reflect the Council's concerns about the proposed Government intention to exclude independent and parish/town representatives from membership of the Standards Committee.

*71 EDDC Nominated Leisure East Devon Board Members

The Chairman advised that the Council had received notice from the Chief Executive of Leisure East Devon (LED) that members would be appointed to the LED Board of Trustees at its annual general meeting. This would be held before this Council's Annual Meeting where such nominations were normally agreed. The Council's current appointed members to the Board of Trustees were Councillor David Cox and Peter Sullivan. The LED Chief Executive advised that Councillor Cox had now served the maximum 5 years on the Board and therefore could not stand for a further term.

The Council was ask to nominate a new member of the LED Board of Trustees and to consider Peter Sullivan's re-appointment for a further year

RESOLVED: that Councillors Peter Sullivan and Tim Wood be appointed to the LED Board of Trustees and the LED Chief Executive advised accordingly.

*72 Chairman notices/announcements

a) Meetings of the Council

The Chairman asked Members not to bring coffee cups into the Council Chamber and for refreshment to be limited to water during the Council meetings. He also advised that he expected male Councillors to wear a tie at these more formal meetings.

b) Bay fm

The Chairman extended congratulations to local radio station Bay fm on being granted a 5 year full time broadcasting licence. This not-for-profit enterprise was set up in 2006 as an on-line 'station' during the Exmouth festival. The service would now be available daily from 7am until midnight.

c) Annual Civic Service

The Chairman reminded Councillors of the arrangements for the Annual Civic Service which was at 3.30 pm on 29 April 2012 at St Paul's Church, Honiton.

*73 Long Service Awards

The Chairman acknowledged, with gratitude, the loyalty of long-serving staff. He had recently made a number of awards to staff who did not wish to attend the formal Council presentations.

The Vice Chairman spoke of the career and valued contribution made by Kay Dowding who had worked for the Council for 25 years within Home Safeguard. She presented Kay with a Long Service Award and extended her thanks and congratulations.

*74 Questions (Procedure Rules 9.2 and 9.5)

The written response to the question about the Council's Communication Service confirmed that statements issued by the Communications Team were made on behalf of the Council and not on a political basis. Following a supplementary question, the Leader confirmed that the opposition group had the opportunity to present alternative views but he understood that all groups within the Council had supported the Council's budget for 2012/13.

The Environment Portfolio Holder had given a full written account to a question submitted in respect of the problem of Japanese Knotweed. He set out how the Council dealt with the problem on its land, referred to relevant legislation and how the Environment Agency addressed the wider problem. In response to a supplementary question, the Portfolio Holder confirmed that he would make sure that the problem would continue to be addressed.

A third question addressed to the Leader and Chairmen of the Development Management Committee and Local Plan Panel was answered in writing by emphasising that Development Management was an area of Council work which was and should remain completely neutral of party politics, regulated as it was by the Planning Inspectorate. In addition all Councillors had training in good governance and 'cash for policies' would be contrary to the Code of Conduct. In response to a supplementary question the Leader reminded the Council of the role of the Monitoring Officer and Standards Committee and relevant legislation around political donations. He paid tribute to the work of the Chairmen of the Development Management Committee and Local Plan Panel who served the Council and East Devon effectively, non-politically and to the best of their ability.

*75 Minutes of Cabinet and Committees

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

Cabinet	Minutes	182-208, 209-229
Development Management	Minutes	54-59, 60-65
Planning Inspections	Minutes	11-12, 13-14
Audit and Governance	Minutes	36-50
Licensing Committee	Minutes	13-16
Licensing & Enforcement Sub	Minutes	42-43

***75** Minutes of Cabinet and Committees (continued)

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

The Cabinet (minutes 215 and 216) had noted or accepted the following Overview/Scrutiny Committees' recommendations with or without amendment.

Overview and Scrutiny Committee	Minutes	72-86
Housing Review Board	Minutes	51-65

Arising from consideration of the above minutes:-

- a) Housing Revenue Account Business Plan (HRB Minute 58)
Councillor Douglas Hull extended congratulations to the Head of Housing and his team for the work carried out to prepare for the reform of the social housing finance regime. The Portfolio Holder – Sustainable Homes and Communities confirmed that in accepting a proportion of the national housing debt, the Council would be in a position to provide a more locally responsive and accountable service for the benefit of its tenants.
- b) Devon Home Choice (HRB Minute 60)
Councillor Douglas Hull referred to the proposed changes to the allocation of accommodation by the Council as a step in the right direction.
- c) Audit and Governance Committee
Amended pages were circulated to all Members for inserting into their Minute Books. Councillor Ken Potter, the Committee Chairman drew Members' attention to the Government proposal for Councils to use external auditors and no longer have elected Member Committees. On behalf of his Committee, Councillor Potter had made representations to the Government challenging these proposals. He said it was appropriate and important for Councillors, elected by the public, to be fully involved and responsible for their authority's governance.

***76** Changes to Committee Membership

- a) Development Management Committee

Councillor Geoff Chamberlain took this opportunity to pay tribute to Councillor Derek Button who was standing down from Development Management Committee for health reasons. Councillor Chamberlain extended grateful thanks to Councillor Button for his years of service to the Committee. The Chairman of the Council echoed these comments and acknowledged Councillor Button's valued contribution.

- RESOLVED** (1) that Councillor Martin Gammell be appointed to the Development Management Committee and as substitute to Councillor Geoff Chamberlain on the Planning Inspections Committee to replace Councillor Derek Button.

*76 Changes to Committee Membership (continued)

b) Licensing and Enforcement Committee

Councillor Philip Skinner advised that he was standing down from this Committee as work and family commitment had meant that he had been unable to attend all of the meetings of the Committee or keep up with the necessary training.

RESOLVED (2) that Councillor Christine Drew be appointed to the Licensing and Enforcement Committee to replace Councillor Philip Skinner.

*77 Youth film – I could live yours

The Chairman introduced Polly Anderson and Victoria Robinson, Community Development Officers (part of the EDDC Housing Team). Their work with young people in Littleham, Exmouth and Millwey in Axminster had resulted in the production of a series of three innovative films made by young people involved in community projects. The film ‘I could live yours’ was shown.

Polly and Victoria thanked the Council for their support and outlined what had been achieved on a tight budget. Their aim was to create healthy sustainable communities. They saw the benefits of taking positive steps to change cycles of behaviour at an early age through a range of activities and courses.

The Portfolio Holder – Sustainable Homes and Communities thanked Polly and Victoria for their valued efforts and their work with related agencies.

The Chairman, on behalf of the Council, thanked Polly and Victoria for their dedicated work and the difference they were making to young lives.

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of the Annual Meeting of the Council held at
Knowle, Sidmouth, on Wednesday, 23 May 2012

Present:

Councillors:

Peter Halse (Chairman)
Frances Newth (Vice Chairman)

Michael Allen	Stuart Hughes
David Atkins	John Humphreys
Ray Bloxham	Ben Ingham
Roger Boote	John Jeffery
Peter Bowden	Stephanie Jones
Graham Brown	Sheila Kerridge
Peter Burrows	David Key
Bob Buxton	Jim Knight
Geoff Chamberlain	Andrew Moulding
David Chapman	John O'Leary
Maddy Chapman	Helen Parr
Iain Chubb	Geoff Pook
Trevor Cope	Ken Potter
David Cox	Philip Skinner
Paul Diviani	Pauline Stott
Christine Drew	Peter Sullivan
Vivien Duval Steer	Brenda Taylor
Jill Elson	Ian Thomas
Martin Gammell	Graham Troman
Steve Gazzard	Phil Twiss
Roger Giles	Chris Wale
Graham Godbeer	Mark Williamson
Pat Graham	Tim Wood
Steve Hall	Eileen Wragg
Tony Howard	Steve Wragg
Mike Howe	Tom Wright

Honorary Aldermen:

Vivienne Ash
Mike Green
Bernard Hughes
Ann and Graham Liverton
Ron Mudge
Tony Reed
Margaret Rogers

Officers:

Mark Williams, Chief Executive
Rachel Pocock, Corporate Legal and Democratic Services Manager
Debbie Meakin, Democratic Services Officer
Diana Vernon, Democratic Services Manager

Apologies

Councillors:

Derek Button
Deborah Custance Baker
Alan Dent
Douglas Hull
Claire Wright

Honorary Aldermen

Bob Peachey
Sara Randall Johnson
Barry Willoughby
Dr Waterworth

The Chairman invited the Reverend Jane Lankester, Vicar of Awliscombe to say a prayer before the formal start of the meeting.

The meeting then started at 6.30 pm and finished at 7.03 pm.

*1 Election of Chairman

Councillor Peter Halse (Chairman) invited nominations for the office of Chairman of the Council for the ensuing year.

Councillor Sheila Kerridge proposed and Councillor John O'Leary seconded Councillor Peter Halse being elected Chairman of the Council for a second year.

In proposing, Councillor Kerridge said that Councillor Halse was aptly suited to the role of Chairman. He cared passionately for East Devon and for the health and well-being of its residents. He was a family man who was deeply committed to his faith. He had the manners and gentlemanly attributes appropriate for leaders of men. He was well respected by all, whatever their political persuasion.

In seconding, Councillor O'Leary said that Councillor Halse was an outstanding member of Honiton Town Council and had recently been elected as its Vice Chairman.

There were no other nominations.

RESOLVED that Councillor Peter Halse be elected Chairman of the Council for the ensuing year.

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

The Chairman then spoke in response to his election. He thanked all present and particularly his proposer and seconder. He had enjoyed his year as Chairman and regarded his appointment as a rare honour. His year as Chairman had been interesting and varied and had welcomed the opportunity to represent the whole Council.

*2 Appointment of Vice Chairman

Councillor Ken Potter proposed and Councillor Helen Parr seconded Councillor Frances Newth being appointed Vice-Chairman of the Council.

In proposing Councillor Potter said that Councillor Newth had long been involved with local politics and had been a member of EDDC for 7 years. He added that she had made him feel very welcome when he was first appointed.

In seconding, Councillor Parr said that Councillor Newth had represented the Council at a wide range of civic and community events throughout the year. She gave the Chairman her unwavering support and was a credit to the Council.

There were no other nominations.

RESOLVED that Councillor Frances Newth be appointed Vice-Chairman of the Council for the ensuing year.

*2 Appointment of Vice Chairman (continued)

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

The Vice-Chairman then spoke in response to her appointment. She thanked her proposer and seconder. She said she felt honoured and felt enormously privileged to be appointed to represent EDDC as its Vice Chairman. She thanked the Chairman, Leader, all Councillors and the hard working Officers for their support.

*3 Public Questions

The Chairman welcomed Honorary Aldermen; no questions were raised at this part of the meeting.

*4 Minutes

The minutes of the meeting of the Council held on 11 April 2012 were confirmed and signed as a true record.

*5 Chairman announcements

The Chairman recommended that Councillors take time at the close of the meeting to look at the poster display in the Members' area. The posters had been prepared for last week's special Jubilee Celebration event and were a showcase of the district's parish and town council grass roots projects. He referred to the achievements as 'localism' in its truest sense.

*6 Leader of the Council

Councillor Paul Diviani had been elected Leader of the Council at the 2011 Annual Meeting for a 4 year term – that is until the Annual Meeting following the May 2015 elections.

*7 Appointment of Deputy Leader

The Leader confirmed his appointment of Councillor Andrew Moulding as Deputy Leader of the Council, thanking him for his consistent and welcome support.

*8 Cabinet Members and Portfolio Holders

The Leader proposed no changes to the titles and or remit of the Portfolio Holders. The membership of the Cabinet would continue to comprise 10 Conservative Members, including 7 Portfolio Holders and 2 Deputy Portfolio Holders. Councillor Chris Wale was stepping down from the Cabinet due to work commitments and the Leader appointed Councillor Phil Twiss to his Cabinet as Deputy Portfolio Holder – Environment.

*8 Cabinet Members and Portfolio Holders (continued)

The Leader advised that, (in compliance with Articles 6.02 and 6.04 of the Constitution), he appointed the following Members (additional to the Leader and Deputy Leader) to the Cabinet (**Appendix A**) namely:

Ray Bloxham (Corporate Business),
Iain Chubb (Environment),
David Cox (Finance),
Jill Elson (Sustainable Homes & Communities),
Graham Godbeer (Economy),
Ian Thomas (Corporate Services)

with the Deputy Leader being appointed Strategic Development and Partnerships Portfolio Holder

and Stephanie Jones as Deputy Portfolio Holder, Sustainable Homes and Communities and Phil Twiss as Deputy Portfolio Holder, Environment.

*9 Committees

RESOLVED

- (1) that Committees be established for the municipal year as set out in Articles 7, 8, 9 and 10 of the Constitution ,
- (2) that the size and terms of reference for those Committees be as set out in Articles 7, 8, 9 and 10 of the Constitution.
- (3) that the membership of the Standards Committee be confirmed, namely:

Council representatives: Chairman of the Council, Councillors Peter Bowden, Geoff Chamberlain and Tim Wood.

Substitute members (To be called on to serve on the Sub Committee's Assessment or Review meetings or Hearings where EDDC Committee Members may be 'conflicted out' due to prior involvement, prejudicial interests or otherwise not available.) Councillors Derek Button, Douglas Hull, Frances Newth and Claire Wright.

***Independent representatives:** Ted Butt, Ray Davidson and Alison Willan.

and ***Parish/Town Council representatives:** Councillors Simon Pollentine, David Mason and Courtney Richards.

The Government has indicated that the new Standards arrangements will be in place in July 2012.

*9 Committees (continued)

(3) Standards Committee (continued)

*Mr E Butt and Councillor S Pollentine have now served on the Committee for the maximum two 4-year terms. However in anticipation of the imminent change in arrangements under the Localism Act, Council agreed to approve their continued service until the new arrangements were in place, and agreed the variation of Article 9 of the Constitution to permit their continued appointment.

(4) To confirm the non District Council membership of the Housing Review Board:

Tenant and/or Leaseholder representatives (to serve a further year on the Board)

Victor Kemp, Sally Lancaster, Christine Morrison, Pat Rous and Sue Saunders.

Independent Community representatives (to serve a further year on the Board)

Julie Adkin and Rob Finch

*10 Report of the Chief Executive

a) Allocation of seats to different political groups on Committees, Sub Committees, Advisory Panels/Forum

b) Amendments to the Council's Constitution

c) Annual report of the Overview and Scrutiny Committees

d) Member Champions

The Chairman acknowledged the valued work carried out by the Champions.

e) Council Structure

The Council structure (as agreed at the 2011 Annual Council meeting) to be retained as this continued to define logical links between the Chief Executive, Deputy Chief Executives, Heads of Service/Corporate Managers and the Portfolio Holders whose remit included input and support from their Member Champions.

*10 Report of the Chief Executive (continued)

- RESOLVED** (1) (a) that the allocation to different political groups of seats to be filled by the Council, in accordance with political balance rules, be determined as follows in respect of Overview/Scrutiny, Regulatory and other Committees:

Conservative Group	(43 Members)	72.4%	63
Liberal Democrats Group	(10 Members)	17.2%	15
Independents	(6 Members)	10.4%	9

Total (59 Members) **87**

(The political balance rules do not apply to the Cabinet or the Standards Committee).

- (b) that the allocation of seats on individual overview, scrutiny, regulatory and other committees be as set out on Page 16 of the agenda,
- (2) that the political balance for Advisory Panels/Forum/Steering Boards and Joint Bodies set out at Page 17 of the agenda, be agreed,
- (3) that the proposed amendments to the Constitution (set out in a table of amendments issued as a separate document including up-dates to reflect the purpose and priorities of the Council Plan, changes to the main policy and strategy documents, and amendment in respect of the Standards Committee to allow extension of the independent and parish members' terms of appointment beyond eight years) be approved with the Chief Executive being given delegated authority to make consequential drafting amendments to the Constitution in line with the report and keep it up-dated to reflect minor/consequential amendments required by legislative or organisational change,
- (4) that the annual reports of the Corporate Overview and Scrutiny Committees and the Housing Review Board be received and noted,
- (5) that the joint report of the Member Champions on key areas of work and their contribution towards achieving the Council's key priorities be received and noted,
- (6) that the Council structure (as agreed at the 2011 Annual Council meeting and included as **Appendix B** to these minutes) be retained

*11 Chairmen and Vice Chairmen of Committees

RESOLVED that the following be appointed as the Chairmen and Vice-Chairmen of the Committees indicated below for the ensuing year:-

Committees	Chairman	Vice-Chairman
Overview and Scrutiny	Stuart Hughes	John Humphreys
Housing Review Board	Pauline Stott	To be appointed by the HRB
Development Management and Planning Inspections	Mark Williamson	Helen Parr
Audit and Governance	Ken Potter	Peter Bowden
Interviewing (Chief Officers)	Leader	Deputy Leader
Employment Appeals	Deputy Leader	David Cox
Licensing and Enforcement	Steve Hall	Jim Knight

NOTE: Under the Constitution, there are specified arrangements for chairing the Standards Committee.

*12 Appointment of Member Champions

RESOLVED that the following Councillors be appointed as Member Champions to assist the Portfolio Holders in driving service improvements in key areas:

Affordable Homes	David Key
Asset Management	Bob Buxton
Business and Tourism	Graham Brown
Culture	John O'Leary
Customer Services	Vivien Duval Steer
Exmouth Town	Tim Wood
Localism and Big Society	Graham Troman
Member Development & Engagement	Maddy Chapman
Plain English	Trevor Cope
Planning Design and Heritage	Helen Parr
Procurement	Mark Williamson
Public Amenity, Beach & Foreshore	Tom Wright
Recycling	Roger Giles
Reputation and Marketing	Alan Dent
Rural Broadband	Philip Skinner
Rural Communities (including Post Offices)	Ken Potter
Seaton Town	Stephanie Jones
Youth	Christine Drew

*13 Appointment of Members to Committees

Members of the Council considered the nominations, put forward by the political groups, for membership of various committees.

RESOLVED that the membership of Committees for 2012/13 be as set out on **Appendix A** to these minutes.

*14 Appointment of Members to Leader's/Portfolio Holders 'think tanks'

RESOLVED that the membership of the Leader's/Portfolio Holders 'think tanks' for 2012/13 be as set out on **Appendix C** to these minutes.

*15 Appointment of Steering Boards, Forum, Panels, and Joint Bodies

Members noted that further to the review undertaken initially by the Corporate Business Portfolio Holder's Think Tank and recommendations of the Overview and Scrutiny Committee which were supported by Cabinet at its meeting on 4 April 2012, the allocation of places to the Leisure East Devon Partnership Forum would no longer be made formally through Council. Instead Leisure East Devon will be provided with a list of Ward Members so that arrangements could be made direct.

RESOLVED that appointments be made to Steering Boards, Forum, Panels, Joint Bodies for 2012/13 as set out on **Appendix D** to these minutes.

*16 Outside Bodies

It was noted that further to the review undertaken initially by the Corporate Business Portfolio Holder's Think Tank and recommendations of the Overview and Scrutiny Committee which were supported by Cabinet at its meeting on 4 April 2012, formal appointment of Councillor representatives to Outside Bodies will only now be made where the Outside Body meets one or more of the following criteria:

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

Council representatives formally appointed to Outside Bodies will engage with the relevant Portfolio Holder to ensure information is both fed back, and fed into, each Outside Body, Panel and Forum that meets the criteria for formal appointment.

*16 Outside Bodies (continued)

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

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

RESOLVED that appointments and nominations to various bodies be made for 2012/13 as set out in **Appendix E** to these minutes with Members noting the reporting links.
(Arrangements in respect of Outside Bodies where nominations are not formally made at Council were noted).

Note: Councillor Pauline Stott, Council representative on the Norman Lockyer Observatory Management Committee said that if there was sufficient interest, the Observatory would arrange an open day for elected Councillors in October. Response to this suggestion was positive.

*17 Council and Committee Meetings 2012/13

RESOLVED that the programme of ordinary meetings of the Council, Cabinet and Committee meetings for 2012/13 be approved as set out on **Appendix F** to these minutes.

Chairman Date

Appendix A - Membership of Committees 2012/13

Members of Cabinet and Committees 2011/12	Cabinet	Overview/Scrutiny	Housing Review Board	Development Management	Planning Inspections	Standards	Audit & Governance	Interviewing (Chief Officers)	Employment Appeals	Licensing & Enforcement
Allen Michael										
Atkins David										
Bloxham Ray										
Boote Roger										
Bowden Peter							Vice Chairman			
Brown Graham										
Burrows Peter										
Button Derek						substitute				
Buxton Bob										
Chamberlain Geoff										
Chapman David										
Chapman Madeleine										
Chubb Iain										
Cope Trevor										
Cox David								Vice Chairman		
Custance Baker Deborah										
Dent Alan										
Diviani Paul	Chairman							Chairman		
Drew Christine										
Duval Steer Vivien										
Elson Jill										
Gammell Martin										
Gazzard Steven										
Giles Roger										
Godbeer Graham										
Graham Pat										
Hall Steve										Chairman
Halse Peter										
Howard Anthony										
Howe Michael										
Hughes Stuart		Chairman								
Hull Douglas						substitute				
Humphreys John		Vice Chairman								
Ingham Ben										
Jeffery John										
Jones Stephanie										

Appendix A - Membership of Committees 2012/13

Members of Cabinet and Committees 2011/12	Cabinet	Overview/Scrutiny	Housing Review Board	Development Management	Planning Inspections	Standards	Audit & Governance	Interviewing (Chief Officers)	Employment Appeals	Licensing & Enforcement
Kerridge Sheila										
Key David										
Knight Jim										Vice Chairman
Moulding Andrew	Vice Chairman							Vice Chairman	Chairman	
Newth Frances						substitute				
O'Leary John										
Parr Helen				Vice Chairman	Vice Chairman					
Pook Geoffrey							Chairman			
Potter Ken										
Skinner Philip										
Stott Pauline			Chairman							
Sullivan Peter										
Taylor Brenda										
Thomas Ian										
Troman Graham										
Twiss Phillip										
Wale Christopher										
Williamson Mark				Chairman	Chairman					
Wood Tim										
Wragg Eileen										
Wragg Steve										
Wright Claire						substitute				
Wright Tom										

Portfolio Holders: Strategic Development and Partnerships (and Deputy Leader) – Andrew Moulding, Corporate Business – Ray Bloxham, Corporate Services – Ian Thomas, Economy – Graham Godbeer, Environment – Iain Chubb (Deputy Environment – Phil Twiss) Finance – David Cox, Sustainable Homes and Communities – Jill Elson (Deputy Sustainable Homes and Communities – Stephanie Jones).

Planning Inspections – Substitute Members: Vivien Duval Steer (for Mark Williamson), Phil Twiss (for Alan Dent and Peter Sullivan), Ken Potter (for David Key and David Atkins), Stephanie Jones (for Helen Parr) Martin Gammell (for Geoff Chamberlain), Ben Ingham (for Geoff Pook Independent)

Standards Committee – Substitute EDDC members are – Councillors Derek Button, Douglas Hull, Frances Newth and Claire Wright – they can be called upon to serve on the Sub Committee's Assessment or Review meetings or Hearings where EDDC Committee Members may be 'conflicted out' due to prior involvement, prejudicial interests or otherwise not available.

Appendix B Council structure:

Chief Executive	Dep. Ch. Exec. Transformation & Systems Thinking	Dep. Ch. Exec. Development, Regeneration & Partnerships	Head of Service Housing	Head of Service Economy	Environment Managers: Environmental Health & Parking, Countryside & Culture and Streetscene	Head of Service Finance
CX Corporate Services Corporate Managers of HR Legal and Licensing Democratic Services Elections IT Communications	Monitoring Officer Corp Business Corp Strategy Performance Service transformation Customer Focus	Contracts Assets Project Delivery Big Society Localism Partnerships	Homelessness Council homes Housing enabling Private Sector / Affordable Homes	Economy Planning Building Control Estates / Property Waste to power	Regulatory (Env. health/Protection) Car Parks Streetscene/waste Countryside/engineering Emergency Planning Health & Safety Culture and Arts	s.151 Officer Revs & Bens Land charges Audit & Corporate Governance Customer Service Centre Leisure East Devon

Portfolio Holders (with Think Tanks)

Corporate Services	Corporate Business	Strategic Development & Partnerships	Sustainable Homes and Communities	Economy	Environment	Finance
Communication and Consultation Strategies Democratic Renewal Democratic Services & Cllr. Development Electronic Govt. HR ICT Strategy Legal Services Rural Broadband	Branding & Marketing Complaints and Ombudsman Corporate Strategy Data quality Equal access to services Equalities Service Delivery & Performance	Asset Transfer Big Society Growth Point LDF Localism Partnerships Project Delivery Regeneration Strategic Planning & Major Projects	Active Villages Affordable Homes Council Housing Community development Community transport Gypsies and Travellers Homelessness Housing enabling Independent Living Social inclusion	Agriculture Building Control Business enabling Climate Change Conservation Areas and Listed Buildings Economy Estates and Property (inc rents and estates' revenue streams /pricing including re car parks) Tourism Waste to power	Allotments Beaches & foreshores Burial Grounds Car Parks(see also Economy) Culture and Countryside Emergency Planning Grounds maintenance Health and Safety [Employer capacity] Health equality Land Drainage Control Parks & pleasure grounds Public toilets Refuse & Recycling Streetscene Services Street cleaning Water safety	Asset management Benefits Council tax Customer Service Centre Investments Insurance Land Charges Procurement Revenue Value for money

Champions

Member development & engagement Rural Broadband	Branding & Marketing Customer Service (Inc. equality of access) Plain English	Exmouth Town Localism & the Big Society Seaton Town	Affordable Homes Youth	Business & Tourism Planning Design & Heritage Rural Communities (inc. Post Office)	Culture Public amenity, beach and foreshore Recycling	Asset management Procurement
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Appendix C - Portfolio Holders' Think Tanks

		Appointments 2012/13 (Champions indicated)
1.	<p>Strategic Development and Partnerships</p> <p>Andrew Moulding</p>	<p>Michael Allen David Atkins Peter Bowden Derek Button Steve Gazzard Stephanie Jones (Seaton Champion) Graham Troman (Localism & Big Society) Tim Wood (Exmouth Champion)</p>
2.	<p>Corporate Business</p> <p>Ray Bloxham</p>	<p>Geoff Chamberlain Trevor Cope (Plain English Champion) Deborah Custance Baker Alan Dent (Reputation & Marketing) Vivien Duval Steer (Customer Services) Steve Hall Tony Howard Douglas Hull</p>
3.	<p>Corporate Services</p> <p>Ian Thomas</p>	<p>Maddy Chapman (Member Dev & Engagement) Pat Graham John Humphreys Philip Skinner (Rural Broadband Champion) Chris Wale</p>
4.	<p>Economy</p> <p>Graham Godbeer</p>	<p>Graham Brown (Business & Tourism) Martin Gammell Michael Howe Sheila Kerridge Helen Parr (Planning Design & Heritage) Geoff Pook Ken Potter (Rural Communities)</p>
5.	<p>Environment</p> <p>Iain Chubb (Deputy: Phil Twiss)</p>	<p>David Chapman Roger Giles (Recycling Champion) John O'Leary (Culture Champion) Eileen Wragg Claire Wright Tom Wright (Public Amenity, Beach & Foreshore Champion)</p>
6.	<p>Finance</p> <p>David Cox</p>	<p>Roger Boote Peter Burrows Bob Buxton (Asset Management) Ben Ingham Mark Williamson (Procurement Champion)</p>
7.	<p>Sustainable Homes and Communities</p> <p>Jill Elson (Deputy: Stephanie Jones)</p>	<p>Christine Drew (Youth Champion) Douglas Hull David Key (Affordable Homes Champion) Jim Knight Geoff Pook Pauline Stott Peter Sullivan Chris Wale</p>

The Chairman and Vice Chairman of the Council to be ex-officio and can attend any meetings of the Think Tanks.

Appendix D – Panels and Forum and Joint Bodies

PANELS AND FORUM

Appointments 2012/13

1. **ASSET MANAGEMENT FORUM**
Portfolio Holders – Strategic Development and Partnerships, Economy Finance
Asset Management Champion

Leader – ex officio
Chairman of the Council – ex officio
2. **COMMUNITY FUND PANEL**
Portfolio Holder - Finance
Cllrs:
Graham Brown
Derek Button
Trevor Cope
David Key
Jim Knight
3. **DISCIPLINARY PANEL – to consider disciplinary matters relating to statutory officers**
Cllrs:
David Atkins
David Cox
Martin Gammell
Pauline Stott
4. **ELIZABETH HALL ADVISORY FORUM**
Cllrs:
Vivien Duval Steer
Jill Elson
Brenda Taylor
5. **MANOR PAVILION THEATRE MANAGEMENT STEERING COMMITTEE**
Cllr Frances Newth
6. **MEMBER DEVELOPMENT WORKING PARTY**
Portfolio Holder – Corporate Services
Cllrs:
Maddy Chapman
Trevor Cope
Christine Drew
Pat Graham
Stephanie Jones
7. **NEW HOMES BONUS PANEL**
Portfolio Holder – Corporate Business
Portfolio Holder – Strategic Development and Partnerships
Trevor Cope
Douglas Hull
Stephanie Jones
Graham Troman

Appendix D – Panels and Forum and Joint Bodies

PANELS AND FORUM

Appointments 2012/13 (continued)

8. **OFFICE RELOCATION WORKING PARTY**

Leader of the Council

Portfolio Holders:

- Corporate Business
- Corporate Services
- Economy
- Finance
- Strategic Development & Partnerships

Champions:

- Asset Management
- Design

Cllrs:

Vivien Duval Steer

Steve Gazzard

Ben Ingham

Steve Wragg

9. **THELMA HULBERT GALLERY ADVISORY FORUM**

Leader of the Council

Culture Champion

Cllr Phil Twiss

JOINT BODIES

Appointments 2012/13

1. **EAST AND MID DEVON COMMUNITY SAFETY PARTNERSHIP**

Cllr Steve Gazzard

2. **EAST AND MID DEVON CRIME AND DISORDER SCRUTINY PANEL**

Chairman of Scrutiny Committee

Cllrs

Tony Howard

Tom Wright

Substitute:

Vivien Duval Steer

3. **EAST DEVON BUSINESS FORUM**

Leader of the Council

Portfolio Holder – Economy

Cllrs:

Pat Graham (Substitute: Eileen Wragg)

Stephanie Jones

4. **COUNTY COMMITTEES including: EAST DEVON HIGHWAYS & TRAFFIC ORDERS COMMITTEE**

Cllrs:

Pauline Stott

Ian Thomas

Phil Twiss

5. **EAST DEVON 'STAKEHOLDER PANEL' re ED Strategic Housing Land Availability (SHLAA)**

Portfolio Holder – Strategic Development and Partnerships

Appendix D – Panels and Forum and Joint Bodies

JOINT BODIES

Appointments 2012/13 (continued)

- | | | |
|-----|---|---|
| 6. | EXMOUTH AND SEATON
REGENERATION PROGRAMME
BOARDS | Exmouth – Portfolio
Holder Strategic Development &
Partnerships
Plus 2 local Ward Members (Jill Elson and
Exmouth Member Champion)
Seaton – Portfolio Holder - Economy
2 Seaton Ward Members (Seaton Champion
and
Jim Knight)
1 Axmouth Ward Member (Ian Thomas) |
| 7. | LEISURE EAST DEVON | Peter Sullivan
Tim Wood

(appointment made and confirmed at
Council meeting on 11 April 2012) |
| 8. | LOCAL JOINT PANEL | Leader
Portfolio Holder – Finance
Portfolio Holder – Corporate Services
Geoff Chamberlain
Vivien Duval Steer |
| 9. | LOWER EXE MOORING
AUTHORITY MANAGEMENT
COMMITTEE | Mike Howe
John Humphreys |
| 10. | NEW GROWTH POINT DELIVERY
TEAM STEERING BOARD | Leader of the Council
(Substitute: Deputy Leader) |
| 11. | RECYCLING AND REFUSE
PARTNERSHIP BOARD | Portfolio Holder – Environment
Deputy Portfolio Holder - Environment
David Cox
Steve Gazzard
Geoff Pook |
| 12. | SWAP (SOUTH WEST AUDIT
PARTNERSHIP) | Chairman of Audit and Governance
Committee
(Substitute: Vice Chairman of A & G
Committee) |
| 13 | WASTE PROJECT BOARD FOR
DEVON | Portfolio Holder - Environment |

NOTE:

Further to the review undertaken initially by the Corporate Business Portfolio Holder's Think Tank and recommendations of the Overview and Scrutiny Committee which were supported by Cabinet at its meeting on 4 April 2012, the allocation of places to the Leisure East Devon Partnership

Appendix D – Panels and Forum and Joint Bodies

Forum will no longer be made formally through Council. Instead Leisure East Devon will be provided with a list of Ward Members so that arrangements can be made direct.

Appendix E – Representation on Outside Bodies 2012/13

	Name of Outside Body	Councilor Appointments 2012/13	Portfolio Holders/ Champion – reporting link
(a)	APPOINTMENTS: GENERAL		
1	Blackdown Hills (AONB) Joint Advisory Committee	Paul Diviani	Environment
2	Citizens' Advice Service East Devon (CASED)	Trevor Cope John Humphreys	Sustainable Housing/ Communities
3	Community Council of Devon and Advisory Committee	Christine Drew	Sustainable Housing/ Communities
4	Devon and Exeter Area Rail Working Party	Mark Williamson David Atkins	Economy
5	Devon Authorities Waste and Recycling Committee	David Cox	Environment
6	Devon Playing Fields Association	Bob Buxton	Environment
7	Devon Youth Service	Youth Champion	Sustainable Housing/ Communities
8	East Devon AONB Partnership	Graham Godbeer Geoff Pook	Environment
9	East Devon Transport, Research and Information Project (TRIP) Working Party/Management Group	Stephanie Jones	Sustainable Housing/ Communities
10	East Devon Volunteer Support Agency (EDVSA) – Trustee Board	Tom Wright	Sustainable Housing/ Communities
11	Exe Estuary Management Group	Michael Howe	Environment
12	Exeter International Airport Consultative Group	Phil Twiss	Economy/ Environment
13	Exeter Science Park Board of Directors: Exeter Science Park – Shareholder representative:	Portfolio Holder – Economy Portfolio Holder – Finance	Economy

Appendix E – Representation on Outside Bodies 2012/13

	Name of Outside Body	Councilor Appointments 2012/13	Portfolio Holders/ Champion – reporting link
14	Exmouth Town Management Partnership Board	Jill Elson	Economy
15	Local Government Association General Assembly	Portfolio Holder – Corporate Business (substitute: Paul Diviani)	Council
16	Local Government Association Rural Commission and elected representative on LGA group	Paul Diviani (with vote) Rural Communities Champion (who can vote in the absence of Paul Diviani)	Council
17	Police and Crime Panel – Devon and Cornwall (To take effect following Police Commissioner appointment)	Leader Substitute: Tom Wright	Council
18	Seaton Town Hall Board of Management	Seaton Champion	Economy
19	South West Councils (formerly SW Branch of the Local Government Association) Including Employers' Panel	Leader Deputies: Portfolio Holders – Corporate Services and Corporate Business	Council
20	SPARSE – Rural Special Interest Group	Rural Communities Champion and Paul Diviani	Council
21	PATROLAJC – Parking and Traffic Regulations Outside London Adjudication Joint Committee (re Traffic Management Act 2004) To review in 2013	Portfolio Holder - Environment	Council

Appendix E – Representation on Outside Bodies 2012/13

OUTSIDE BODIES - NOTE:

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

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

Council representatives formally appointed to Outside Bodies will engage with the relevant Portfolio Holder to ensure information is both fed back, and fed into, each Outside Body, Panel and Forum that meets the criteria for formal appointment.

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

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

Appendix F – dates of meetings – calendar format

DATES FOR COUNCIL, CABINET & COMMITTEE MEETINGS 2012/2013

(Unless otherwise indicated meetings will normally be held at Knowle, Sidmouth. Not all meetings are open to the public and the public can be asked to leave other meetings on specified grounds.)

JUNE

Thursday	7		Overview and Scrutiny Committee	6.30pm
Tuesday	12	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	12	†	Licensing and Enforcement Committee	9.30 am
Tuesday	12		Development Management	2.00 pm
Wednesday	13		Cabinet	5.30 pm
Tuesday	19	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	19		Standards Committee	10.00 am
Thursday	21		Asset Management Forum	9.30 am
Thursday	21		Housing Review Board	6.00 pm
Friday	22		Planning Inspections	#
Tuesday	26	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	28		Audit and Governance Committee (DO NOT MOVE)	2.30 pm

JULY

Tuesday	3	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	5		Overview and Scrutiny Committee	6.30pm
Tuesday	10	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	11		Cabinet	5.30 pm
Thursday	12		Asset Management Forum	9.30 am
Tuesday	17	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	17		Development Management	2.00 pm
Tuesday	24	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	25		COUNCIL	6.30 pm
Thursday	26		Overview and Scrutiny Committee	6.30pm
Friday	27		Planning Inspections	#
Tuesday	31	††	Licensing and Enforcement Sub (if required)	9.30 am

AUGUST

Wednesday	1		Cabinet (if required)	5.30 pm
Tuesday	7	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	14	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	16		Asset Management Forum	9.30 am
Tuesday	21	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	21		Development Management	2.00 pm
Tuesday	28	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	28	†	Licensing and Enforcement Committee	9.30 am
Thursday	30		Overview and Scrutiny Committee (if required)	6.30pm
Friday	31		Planning Inspections	#

SEPTEMBER

Tuesday	4	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	5		Cabinet	5.30 pm
Thursday	6		Housing Review Board	6.00 pm
Tuesday	11	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	13		Asset Management Forum	9.30 am
Tuesday	18	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	18		Development Management	2.00 pm
Tuesday	25	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	27		Audit and Governance Committee	2.30 pm
Thursday	27		Overview and Scrutiny Committee	6.30pm
Friday	28		Planning Inspections	#

OCTOBER

Tuesday	2	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	3		Cabinet	5.30 pm
Tuesday	9	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	10		COUNCIL	6.30 pm
Thursday	11		Asset Management Forum	9.30 am
Tuesday	16	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	16		Development Management	2.00 pm
Tuesday	23	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	25		Overview and Scrutiny Committee	6.30pm
Friday	26		Planning Inspections	#
Tuesday	30	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	30		Standards Committee	10.00 am
Wednesday	31		Cabinet	5.30 pm

Appendix F – dates of meetings – calendar format

NOVEMBER

Tuesday	6	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	8		Audit and Governance Committee	2.30 pm
Thursday	8		Asset Management Forum	9.30 am
Thursday	8		Housing Review Board	6.00 pm
Tuesday	13	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	13		Development Management	2.00 pm
Tuesday	20	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	20	†	Licensing and Enforcement Committee	9.30 am
Thursday	22		Overview and Scrutiny Committee	6.30pm
Friday	23		Planning Inspections	#
Tuesday	27	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	28		Cabinet	5.30 pm

DECEMBER

Tuesday	4	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	4		Development Management	2.00 pm
Wednesday	5		COUNCIL	6.30 pm
Thursday	6		Asset Management Forum	9.30 am
Tuesday	11	††	Licensing and Enforcement Sub (if required)	9.30 am
Friday	14		Planning Inspections	#
Tuesday	18	††	Licensing and Enforcement Sub (if required)	9.30 am

JANUARY 2013

Wednesday	2	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	3		Overview and Scrutiny Committee	6.30pm
Thursday	3		East Devon Business Forum AGM – to include Budget/ Rates Consultation with the Business Community	6.30 pm
Tuesday	8	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	8		Development Management	2.00 pm
Wednesday	9		Cabinet	5.30 pm
Thursday	10		Asset Management Forum	9.30 am
Thursday	10		Housing Review Board	6.00 pm
Tuesday	15	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	16		Overview and Scrutiny Committee Service Planning and Budget (all day meeting)	9.00 am
Thursday	17		Audit and Governance Committee	2.30 pm
Friday	18		Planning Inspections	#
Tuesday	22	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	22		Standards Committee	10.00 am
Thursday	24		Overview and Scrutiny Committee	6.30 pm
Monday	28	##	Rates Consultation	6.30 pm
Tuesday	29	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	30		Cabinet	5.30 pm

FEBRUARY

Tuesday	5	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	5		Development Management	2.00 pm
Tuesday	12	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	14		Asset Management Forum	9.30 am
Friday	15		Planning Inspections	#
Tuesday	19	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	20		COUNCIL – setting Council Tax and agreeing budgets	6.30 pm
Tuesday	26	†	Licensing and Enforcement Committee	9.30 am
Tuesday	26	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	28		Overview and Scrutiny Committee	6.30pm

MARCH

Tuesday	5	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	5		Development Management	2.00 pm
Wednesday	6		Cabinet	5.30 pm
Thursday	7		Housing Review Board	6.00 pm
Tuesday	12	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	14		Asset Management Forum	9.30 am
Thursday	14		Audit and Governance Committee	2.30 pm
Friday	15		Planning Inspections	#
Tuesday	19	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	26	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	28		Overview and Scrutiny Committee	6.30pm

Appendix F – dates of meetings – calendar format

APRIL				
Tuesday	2	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	2		Development Management	2.00 pm
Wednesday	3		Cabinet	5.30 pm
Tuesday	9	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	9		Standards Committee	10.00 am
Wednesday	10		COUNCIL	6.30 pm
Thursday	11		Asset Management Forum	9.30 am
Friday	12		Planning Inspections	#
Tuesday	16	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	23		Licensing and Enforcement Sub (if required)	9.30 am
Thursday	25		Overview and Scrutiny Committee	6.30pm
Tuesday	30	††	Licensing and Enforcement Sub (if required)	9.30 am

MAY				
Tuesday	7		Development Management	2.00 pm
Wednesday	8		Cabinet	5.30 pm
Thursday	9		Asset Management Forum	9.30 am
Thursday	9		Housing Review Board	6.00 pm
Friday	10		Planning Inspections	#

Time to be arranged

If requested by the East Devon Business Forum

† The Licensing and Enforcement Committee includes within its functions the Licensing Act 2003, Gambling Act 2005, and all matters relating to hackney carriages and private hire.

†† Sub-Committees of the Licensing and Enforcement Committee whose functions are primarily to deal with hearings under the Licensing Act 2003 and Gambling Act 2005.

Note:

- Devon County Council Budget meeting time tabled for February 2013 (date to be confirmed)
- Devon County Council elections scheduled for 2 May 2013.
- Meetings of the Standards Sub Committees will be arranged as required.

Appendix F – List of meetings matrix

LIST OF MEETINGS 2012/2013

Unless otherwise indicated meetings will normally be held at Knowle, Sidmouth. Not all meetings are open to the public and the public can be asked to leave other meetings on specified grounds.

Meeting	Day	Time	2012								2013				
			May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Annual Council	Wed	6.30pm	23												
Council	Wed	6.30pm			25				10		5		20		10
Cabinet	Wed	5.30pm		13	11	1*	5	3	28			9		6	3
								31				30			8
Overview & Scrutiny Committee	Thu	6.30pm		7	5	30*	27	25	22			3	28	28	25
					26							24			
Overview & Scrutiny Service Plan & Budget Meeting	Wed	9.00am										16			
Development Management Committee	Tue	2.00pm		12	17	21	18	16	13	4	8	5	5	2	7
Planning Inspections Committee	Fri	tba		22	27	31	28	26	23	14	18	15	15	12	10
Audit & Corporate Governance Committee	Thu	2.30pm		28			27		8		17		14		
Housing Review Board	Thu	6.00pm		21			6		8		10		7		9
Licensing & Enforcement Committee †	Tue	9.30am		12		28			20			26			
Licensing & Enforcement Sub Committee †† *	Tue	9.30am		12	3	7	4	2	6	4	2	5	5	2	
				19	10	14	11	9	13	11	8	12	12	9	
				26	17	21	18	16	20	18	15	19	19	16	
					24	28	25	23	27		22	26	26	23	
					31			30			29			30	
Standards Committee	Tue	10.00am		19				30			22			9	
Asset Management Forum	Thu	9.30am		21	12	16	13	11	8	6	10	14	14	11	9
Rates Consultation (if requested by ED Business Forum)	Mon	6.30pm									28				

NOTES

* If required

† The Licensing and Enforcement Committee includes within its functions the Licensing Act 2003, Gambling Act 2005, and all matters relating to hackney carriages and private hire.

†† Sub-Committees of the Licensing and Enforcement Committee primarily to deal with hearings under the Licensing Act 2003 and Gambling Act 2005.

□ Devon County Council Budget meeting time tabled for February 2011 (date to be confirmed)

□ Devon County Council elections scheduled for 2 May 2013

□ Meetings of the Standards Assessment and Hearings Sub/Review Sub will be arranged as required.

EAST DEVON DISTRICT COUNCIL

Minutes of the Extraordinary Meeting of the Council held at
Knowle, Sidmouth, on Wednesday, 27 June 2012

Present:

Councillors:

Peter Halse (Chairman)
Frances Newth (Vice Chairman)

Mike Allen	Douglas Hull
David Atkins	John Humphreys
Ray Bloxham	John Jeffery
Roger Boote	Stephanie Jones
Graham Brown	Sheila Kerridge
Peter Burrows	David Key
Derek Button	Jim Knight
Bob Buxton	Andrew Moulding
Geoff Chamberlain	Geoff Pook
Maddy Chapman	Philip Skinner
Iain Chubb	Pauline Stott
David Cox	Brenda Taylor
Deborah Custance Baker	Graham Troman
Christine Drew	Phil Twiss
Jill Elson	Mark Williamson
Martin Gammell	Tim Wood
Steve Gazzard	Eileen Wragg
Roger Giles	Steve Wragg
Graham Godbeer	Claire Wright
Pat Graham	Tom Wright
Steve Hall	

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:

Peter Bowden	Helen Parr
David Chapman	Ken Potter
Trevor Cope	Peter Sullivan
Alan Dent	Ian Thomas
Paul Diviani	Chris Wale
Vivien Duval Steer	
Tony Howard	Honorary Aldermen:
Mike Howe	Vivienne Ash
Stuart Hughes	Tony Reed
Ben Ingham	David Scott
John O'Leary	Dr Waterworth

The meeting started at 7.00 pm and ended at 7.55 pm.

- *18 Public question time
No questions were raised at this part of the meeting.

- *19 Declaration of interest

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Graham Brown	20	Personal	Standards complaint (Councillor Brown left the meeting during the discussion on changes to the complaints' arrangements).

- *20 Draft Code of Conduct, complaints process and Constitution amendment

The report of the Monitoring and Deputy Monitoring Officers outlined the changes to the Standards arrangements under the Localism Act 2011 which would come into force from 1 July 2012. The drafted Code of Conduct was very similar to the template being recommended for adoption by all Councils in Devon, including the Unitaries, Towns and Parishes.

Members were also asked to adopt new complaint arrangements which would include the newly designated role of 'Independent Person'. The draft Code and proposed changes to the complaints process had been supported in principle by the Standards Committee at its meeting on 19 June 2012.

The report and a briefing session for Councillors before the start of the meeting clarified the proposed new arrangements and how these differed from those currently in place.

Councillor Geoff Chamberlain believed that the public would perceive the proposed composition of the Standards Committee to be 'one-sided' and proposed that an independent person should chair the meeting. The Chief Executive advised that under the new legislation, the independent and parish/town co-opted members did not have voting rights and therefore could not realistically chair the Standards Committee meetings. Members were also reminded of the Chairman of the Council's neutral stance. Following debate which reflected the Liberal Democrat and Independent Groups' concerns, an amendment to recommendation 5 (proposed composition of the Standards Committee) was proposed by Councillor Chamberlain and seconded by Councillor Eileen Wragg.

"The Council writes to the Department for Communities and Local Government expressing its deep disappointments about the new regime and requesting that this matter – relating to the removal of independent members' votes – is reviewed as a matter of urgency, if members of the public are to retain any confidence in the system."

Members were aware that letters had already been sent to local MPs from the Council to express concern about the proposed composition of the Standards Committee but this action had failed to change the arrangements.

*20 Draft Code of Conduct, complaints process and Constitution amendment (continued)

The Deputy Leader whilst having a degree of sympathy with a number of points raised, said that the Localism Act had been passed and this Council had to abide by its requirements. These included the membership of the Standards Committee and its voting rights. He said that a decision had to be made by the Council in respect of the arrangements so that they could be implemented, as required, from 1 July 2012.

The amendment was put to the vote and, as requested, this was recorded.

For	Against
Mike Allen Peter Burrows Derek Button Geoff Chamberlain Martin Gammell Steve Gazzard Roger Giles Pat Graham Douglas Hull John Jeffery Jim Knight Geoff Pook Brenda Taylor Eileen Wragg Steve Wragg Claire Wright	Peter Halse Frances Newth David Atkins Ray Bloxham Roger Boote Graham Brown Bob Buxton Maddy Chapman Iain Chubb David Cox Deborah Custance Baker Christine Drew Jill Elson Graham Godbeer Steve Hall John Humphreys Stephanie Jones Sheila Kerridge David Key Andrew Moulding Philip Skinner Pauline Stott Graham Troman Phil Twiss Mark Williamson Tim Wood Tom Wright

There were no abstentions.

There were 16 votes in favour of the amendment and 27 against. The amendment was therefore lost.

*20 Draft Code of Conduct, complaints process and Constitution amendment (continued)

In answer to a question about complaint procedures, the Monitoring Officer advised that she was currently drafting the detail for these. The intention was to try to resolve complaints in a fair way at the earliest opportunity and, where appropriate, would use mediation to achieve a satisfactory outcome for all sides.

Councillor Mike Allen proposed that a working party or Task and Finish Forum be set up to review the detail of the new complaints process. He said that this needed to be transparent and reasonable. Councillor Derek Button seconded the proposal as he said that the arrangements in place needed to be efficient and in the public's best interests.

The Chief Executive suggested that it would be appropriate to refer the drafted details of the complaints processes and procedures to the Standards Committee. The minutes from that Committee would then be referred to Council. The Council supported this suggestion - the proposal for a Task and Finish Forum to look at processes and procedures was put to the vote and lost.

In response to concerns raised about correct processes in respect of criminal prosecutions for some Code breaches, Members were advised that such cases would be referred to the Director for Public Prosecutions and would be subject to Police procedures.

The Chairman invited Councillors Phil Twiss and Eileen Wragg to put forward nominees for membership of the Standards Committee from their parties together with a substitute member.

- RESOLVED:**
1. that as from 1 July 2012, the Council's new Code of Conduct be in the form set out in Appendix A to the report.
 2. that the Council's Constitution be amended to include provisions for a Member to be excluded from Council meetings when a matter is being considered in which they have a disclosable pecuniary interest unless the Member has been granted a dispensation; the Corporate Legal and Democratic Services Manager be given delegated authority to effect the Constitutional changes and other consequential amendments arising out of the Localism Act and Code of Conduct changes, including the new arrangements for Standards Committee and the Hearings Sub-Committee set out in the report.

*20 Draft Code of Conduct, complaints process and Constitution amendment (continued)

3. that granting a dispensation on the following grounds be delegated to the Monitoring Officer:
 - a. that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
 - b. that without the dispensation the representation of different political groups would be so upset as to alter the likely outcome of any vote.
4. that the making of dispensations on the following grounds be delegated to the Standards Committee:
 - a. the authority considers that a dispensation is in the interests of the persons living in the Council's area; and
 - b. the Committee considers that it is otherwise appropriate to grant a dispensation.
5. that the proposed composition of the Standards Committee be as set out at paragraph 3 of the report, with politically balanced membership as follows:
 - Chairman of the Council
 - Councillors (4) – Peter Bowden, Geoff Chamberlain, Frances Newth and Tim Wood
 - Substitute members (2) – Alan Dent and Douglas Hull
 - two non-voting independent members – Ray Davison plus one vacancy, and
 - two non-voting parish councillor members – Courtney Richards and David Mason.
6. that the arrangements for dealing with complaints be as set out in paragraph 5 of the report, with the detailed processes and procedures being referred to the Standards Committee for consideration; (the recommendations of the Standards Committee would then be referred to Council for determination)
7. that the appointment of one Independent Person and one Reserve Independent Person (applicants who had responded to an advertisement had been shortlisted and interviewed) be endorsed for a 4 year term, namely:
 - Alison Willan - Independent Person
 - John Walpole - Reserve Independent Person).

*20 Draft Code of Conduct, complaints process and Constitution amendment (continued)

8.
 - a. that the Monitoring Officer prepares and maintains a new register of Members' interests to comply with the requirements of the Localism Act and the new Code of Conduct and ensures that all Members are informed of their duty to register interests;
 - b. that the Monitoring Officer advises parish clerks on the new registration Arrangements.
9.
 - a. that the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct;
 - b. that the Monitoring Officer be given delegated power, after consultation with the Independent Person, to determine whether a complaint merits formal investigation and to arrange such investigation. The Monitoring Officer to be instructed to seek resolution of complaints without formal investigation wherever practicable, and given discretion to refer decisions on investigation to the Standards Committee [or a sub-committee of it] or to consult the Chairman where she feels that it is inappropriate for a decision to be taken without having done so, and to report quarterly to Standards Committee on the discharge of this function;
 - c. that where the investigation finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer be instructed to close the matter, providing a copy of the report and findings of the investigation to the complainant and to the member concerned, and to the Independent Person, and reporting the findings to the Standards Committee for information;
 - d. that where the investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer in consultation with the Independent Person be authorised to seek local resolution in appropriate cases, with a summary report for information to Standards Committee. Where such local resolution is not appropriate or not possible, she is to report the investigation findings to the Hearings Sub Committee of the Standards Committee for local hearing;

*20 Draft Code of Conduct, complaints process and Constitution amendment (continued)

- e. that Council delegate to the Hearings Sub Committee such of its powers as can be delegated to take decisions in respect of a member who is found on hearing to have failed to comply with the Code of Conduct, such actions to include:
- (i) Censuring or reprimanding the member;
 - (ii) Publishing its findings in respect of the member's conduct;
 - (iii) Reporting its findings to Council [or to the Parish Council] for information;
 - (iv) Recommending to the member's Group Leader (or in the case of un-grouped members, recommending to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
 - (v) Recommending to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
 - (vi) Recommending to Council that the member be replaced as Executive Leader;
 - (vii) Instructing the Monitoring Officer to [or recommend that the Parish Council] arrange training for the member;
 - (viii) Removing [or recommending to the Parish Council that the member be removed] from all outside appointments to which he/she has been appointed or nominated by the authority [or by the Parish Council];
 - (ix) Withdrawing [or recommend to the Parish Council that it withdraws] facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
 - (x) Excluding [or recommending that the Parish Council exclude] the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings

*20 Draft Code of Conduct, complaints process and Constitution amendment (continued)

- (xi) Approval be given to the procedures for handling complaints at Appendix B to the report, with the Monitoring Officer being given delegated authority to finalise procedures.

- 10. Outstanding complaints of breach of the Code of Conduct as at 1 July 2012 be dealt with in accordance with The Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012 and completed under the new arrangements.

REASON

To have arrangements in place to comply with the Standards regime in the Localism Act from 1 July 2012.

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Cabinet
held in the Council Chamber, Knowle, Sidmouth
on Wednesday, 2 May 2012

Present:

Councillors:

Paul Diviani (Leader/Chairman)
Ray Bloxham
Iain Chubb
David Cox
Jill Elson
Graham Godbeer
Stephanie Jones
Chris Wale

Also

Present:

Councillors:

David Atkins
Roger Boote
Geoff Chamberlain
Alan Dent
Martin Gammell
Steve Gazzard
Steve Hall
Peter Halse
Stuart Hughes
John Humphreys

Ben Ingham
John O'Leary
Helen Parr
Ken Potter
Pauline Stott
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
Karen Jenkins, Corporate Organisational Development Manager
Rachel Pocock, Corporate Legal & Democratic Services Manager
Chris Powell, Corporate ICT Manager
Andrew Wood, Projects Director
Jamie Buckley, Community Engagement and Funding Officer
Diana Vernon, Democratic Services Manager

Apologies

Councillors:

Andrew Moulding
Ian Thomas

Non-Cabinet Members:

David Chapman
Maddy Chapman
Frances Newth
Geoff Pook
Eileen Wragg

The meeting started at 5.30 pm and ended at 7.40 pm.

***230 Public Questions**

The Chairman welcomed Councillors present at the meeting.

In reply to a question from Councillor Chamberlain about the failure of the Council's Outlook software over recent days, the Corporate ICT Manager outlined the extent of the problem and recovery work undertaken.

***231 Minutes**

The minutes of the meeting of the Cabinet held on 4 April 2012 were confirmed and signed as a true record subject to the inclusion of Councillor Pauline Stott in the list of Members present.

***232 Declarations of interest**

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Councillor David Cox	242	Personal	Seconded member of Leisure East Devon Board

***233 Urgent item – Office relocation – appointment of architectural services**

The Leader agreed for this item to be taken as a matter of urgency to avoid unnecessary delays to the office relocation project. Due to the exempt information contained in the report (Paragraph 3 Schedule 12A – information relating to the financial or business affairs of any particular person), the item would be considered under Part B of the agenda.

***234 Exclusion of the Public**

RESOLVED: that the classification given to the documents to be submitted to the Cabinet (including the urgent item at minute 233 above), be confirmed, and that the reports relating to exempt information, be dealt with under Part B.

***235 Forward Plan**

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

***236 Matters referred to the Cabinet**

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

- *237 Minutes of the meeting of the Overview and Scrutiny Committee held on 29 March 2012

RESOLVED: that the following decisions be noted:

Minute 90 The Overview and Scrutiny Committee to review the draft Strategy for Local Flood Risk Management during the consultation period in Autumn 2012.

Minute 91 The Local Police Area Commander to be invited to attend the Overview and Scrutiny Committee to give assurances on continued effective police levels for all areas under his command.

Minute 92 The amended policy documents in respect of equality policy and objectives to be circulated to members of the Committee.

- *238 Minutes of the meeting of the Recycling and Refuse Partnership Board held on 28 March 2012

Councillor Iain Chubb, Partnership Board Chairman, up-dated Members on the progress being made in respect of the expansion of the service currently provided. A decision on cardboard banks had been delayed until a more detailed appraisal on the option of kerbside collection of cardboard was available. The SITA development team had been requested to produce a report for consideration by the Partnership Board on costings, types of materials that could be combined, vehicle design/capacity and an indicative timetable for introducing mixed plastics and cardboard to kerbside collections across the district. Councillor Chubb emphasised the importance of any expansion being cost effective. He also advised that SITA and Streetscene Officers were addressing problems previously reported in respect of side-waste.

- *239 Recommendations of the meeting of the Community Fund Panel held on 2 April 2012

Each year the Council allocated a sum of money to be given in grants for community buildings in villages. The scheme was usually administered by the Community Council for Devon but this year had been administered by EDDC. The Panel had taken into account the application guidance notes and the background details of each application.

RESOLVED:

- (1) that the Panel's recommended contributions, as set out in the report, be approved;
- (2) that the Panel's recommended refusals/deferrals of applications, as specified in the report, and the reasons given, be supported;
- (3) that the Community Council of Devon's offer to administer the Village Halls' funding scheme in 2012/13 be accepted.

240 Transforming the Council – Key Decision

Members considered the joint report of Denise Lyon, Deputy Chief Executive, Corporate Organisation Development Manager and Corporate ICT Manager setting out plans (Customer, Communications and ICT) for achieving the Council's fourth priority of 'an outstanding Council.' The up-dated versions of the plans, following final input and editing, were circulated at the meeting. The plans would help drive improvement in customer focused service delivery, giving the public a choice of how these services could be accessed by harnessing advances in technology. Although the plans were distinctive, they had the same overarching aim which would draw the various strands together corporately.

Implementing the plans had cost implications which were set out in the report. The recommended appointment of a Communications and Reputation Manager to support the plans had sparked debate at the meeting of the Overview and Scrutiny Committee on 26 April 2012.

Councillor John Humphreys, Vice Chairman of the Overview and Scrutiny Committee gave feedback. He advised that the Committee had supported the intention of the report but Members wished to reassure themselves regarding the value for money aspects of the proposal bearing in mind the likely budget shortfalls. The Committee had asked for the decision on the Communications and Reputation Manager appointment to be deferred to allow a Task and Finish Forum to be set up to analyse the post's job description to ensure that the appointment would achieve value for money and defined benefits for the Council.

Further debate included:

- The drive for improved customer service, public perception and the Council's reputation;
- Improvement to the electronic channels of communication as well as continuing to provide more traditional links such as telephone and face-to-face;
- The proposed new Manager would operate strategically for the benefit of the whole Council, including keeping Members informed;
- The Council did not currently have sufficient in-house resource to be able to provide a proactive service;
- The use of social media and web opportunities would help the Council to engage with the public more widely;
- There were areas of Council involvement that were key to the future of the district but had been given limited media coverage – such as Cranbrook and the Jurassic Coast;
- It was important to improve the links between this Council and the local town and parish councils as these were the community leaders. Elected Councillors also had a role in developing and improving this key relationship.

RECOMMENDED: (1) that the Plans attached to the report to support the Council's transformation plans to become an outstanding Council be agreed;

240 Transforming the Council – Key Decision – continued.

- (2) that a Residents' Survey designed to track the Council's reputation be agreed - the finding would be used to improve Council services and people's quality of life (budgetary provision £6,500);
- (3) that the Local Future Group Ltd District profile tool be purchased to provide good data to inform the Council's audience-led communication, decision making and equalities agenda (budgetary provision £5,000).

RESOLVED:

that a politically balanced Task and Finish Forum be set up to examine the job description of the proposed Communications and Reputation Manager with the recommendations being reported to Cabinet to enable the decision to be referred to the July meeting of Council.

(The Corporate Organisational Development Manager to run a workshop on corporate reputation for Members of the Task and Finish Forum in advance or as part of its meeting(s).

REASON

To best meet the needs of East Devon residents in the context of a reducing public sector and the need to work more closely with communities to reflect their needs and wishes in how the Council operates.

*241 Investors in People Silver Standard

Members welcomed the report of the Corporate Organisational Development Manager who confirmed that the Council had been awarded the Silver Investors in People Standard. This strong and positive message reflected the Council's drive to be a great place to work and an organisation that people wanted to belong to. The assessor had provided a list of additional indicators that she felt the Council could work on to help achieve the Gold Standard. This information would be used as the basis of an action plan.

RESOLVED

that an investment of £1,400 be agreed to enable the Council to go for the Gold Investors in People Standard – to reinforce pride in working at the Council and in the services delivered, help retain the skilled workforce and continue to enhance its reputation.

REASON

The Investors in People Award helped to motivate staff and was an external endorsement of the great work being done across the Council.

*242 Development of the Cranbrook New Community – Key Decision

Members considered the report of the Projects Director which provided an up-date on the development of Cranbrook, with particular focus on its social development as a new community. The Projects Director recommended that expressions of interest be made to secure a community development resource to support the first residents of Cranbrook and to help manage the new Multi-Purpose Community Building. Members were also invited to consider how best to secure the political representation of Cranbrook in advance of the establishment of a formal parish/town council.

A letter received from Chief Executive of Leisure East Devon Limited proposing their early use of part of the multi-purpose building was circulated for consideration.

Members noted that Devon County Council would be providing mobile library services for the next 5 years with no future decision yet being taken regarding taking accommodation within the multi-purpose building. The County Council would not be contributing to the cost of fitting out the building. How to address the identified budget shortfall to progress the development of the building was discussed. The aim was for the building to become self-financing; it would provide accommodation for the town council when formed as well as use by community groups.

RESOLVED

- (1) that the progress being made with the delivery of the Cranbrook new community be noted;
- (2) that the approach of inviting formal expressions of interest for securing the community development resource be endorsed;
- (3) that the launch of a marketing exercise for the vacant space within the Multi-Purpose Building be supported;
- (4) that options for meeting the capital fit-out costs for the Multi-Purpose Building through external funding sources be explored;
- (5) that how best to support the political representation of Cranbrook, until a town council was established, be further explored;
- (6) that the proposal from Leisure East Devon be followed up and its feasibility or otherwise reported back to the Cabinet.

REASON

To ensure that the residents of Cranbrook are supported from the outset in the best way possible. Steps also needed to be taken to meet the cost of fitting out the multi-purpose building which was being delivered ahead of schedule.

***243** Local Communities Fund

The Community Engagement and Funding Officer presented her report, setting out the details of a new funding opportunity for Town and Parish Councils in East Devon that would equate to £1.10 per elector. Devon County Council had committed £1 per person on the electoral roll for East Devon and this Council had committed an additional 10p per elector from part of the New Homes Bonus Fund.

The scheme would be administered by this Council through the New Homes Bonus Panel plus a representative from Devon County Council. A copy of the application form and guidance was included with the agenda report. The fund would be launched by the Leader and Portfolio Holder – Corporate Business at the Town and Parish Councils Jubilee Awards event on 17 May 2012.

Some concern was raised regarding the requirement for local councils to work with at least one other council. However Members accepted that running the scheme as set out for a trial year and then review would be useful.

RESOLVED that the Local Community Fund application form and guidance notes be endorsed with delegated authority being given to the Corporate Organisational Development Manager to formally implement the scheme through the New Homes Bonus Panel.

REASON The new funding stream would be administered by EDDC on behalf of itself and Devon County Council. The scheme needed a coherent application form and guidance notes.

***244** Community Hall Funding

Members considered the report of the Community Engagement and Funding Officer in respect of the Community Funding Scheme for community halls. Until 2011, the scheme had been administered by the Community Council for Devon on behalf of the Council. The arrangement then ceased temporarily due to lack of funding but could be re-instated now that Community Council funding had been restored.

RESOLVED

- (1) that the Community Council of Devon once again administer EDDC's Community Funding for Village Halls;
- (2) that EDDC's criteria for the Community Hall funding be widened to include community shops and community pubs in villages.

REASON To make more effective use of Council resources and to better align the fund with the new Community Council of Devon criteria.

***245** Performance monitoring report until March 2012

Denise Lyon, Deputy Chief Executive presented the performance information for the 2011/12 financial year until March 2012. Performance report showed improved and positive performance across the board, including in respect of collection rates and rents, despite the recession. She thanked all staff who had helped achieve such a good performance. This information was now available on line.

*245 Performance monitoring report until March 2012 - continued

RESOLVED that the progress and proposed remedial action for performance measures for the 2011/12 financial year until March 2012 be noted welcomed and congratulations given to all concerned.

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

*246 Exmouth Regeneration

Richard Cohen, Deputy Chief Executive gave a presentation on progress being made on the regeneration of Exmouth and the associated projects and timeframes. He outlined demographical information in respect of East Devon and then specifically Exmouth, with national comparisons. He set out Exmouth's positive characteristics and assets and areas where improvements were needed. The presentation indicated opportunities for growth and included the Masterplan, priority projects and possible future initiatives for the benefit of Exmouth.

The Leader thanked Richard for his informative and helpful presentation.

*247 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).

*248 Seaton Regeneration Programme Board – Action Points

Members noted the confidential report of the meeting of the Seaton Regeneration Board held on 20 March 2012 and progress being made in respect of prioritised projects.

*249 Exemption from Standing Orders – Seaton Discovery Centre

Members considered the report of the Head of Economy seeking approval for an exemption from Standing Orders to enable the preferred Seaton Discovery Centre operators to use their design company for the interior of the Centre. In addition an exemption from Standing Orders was also sought for the extension of services of Natural Histories as lead consultant on behalf of the Council.

- RESOLVED**
- (1) that an exemption from Standing Orders be approved to enable the extension of Natural Histories appointment to lead the design development and external funding bid of the Discover Centre;
 - (2) that an exemption from Standing Orders be approved to enable the appointment of Devon Wildlife Enterprise to develop the interpretative designs and installations within the Discovery Centre.

- *249 Exemption from Standing Orders – Seaton Discovery Centre - continued

REASON To assist the facilitation of a project that will enhance the area and support the Seaton Regeneration agenda in general and ambitions for the delivery of a Discovery Centre in particular. The Seaton Regeneration Programme Board was an enthusiastic supporter of the Seaton Jurassic Coast Discovery Centre.

- *250 Office relocation – appointment of architectural services, exemption from Standing Orders

Members considered the report of Richard Cohen, Deputy Chief Executive seeking an exemption from Standing Orders to extend Kensington Taylor Architects' existing appointment to help meet the very tight timetabled programmes.

RESOLVED

- (1) that the Kensington Taylor Architects' current engagement be approved for a further and final extension up to a sum of £27,700 (excluding VAT) to deliver services detailed in the report – with exemption to Contract Standing Orders requiring three written quotations being approved in the particular circumstances set out in the report;
- (2) that the details of the project spend to date be noted;
- (3) that a review of costs of the project viability period be approved with a further report being referred to the Cabinet following consideration by the Office Accommodation Member Working Party on 30 May 2012.

REASON To enable the project to continue through to outline planning stage using existing acquired expertise and to avoid 6-8 weeks project slippage.

- *251 Members' Office Relocation Working Party – Action notes

Members noted the confidential report of the meeting of the Members' Office Relocation Working Party held on 27 March 2012.

- *252 Budleigh Salterton Long Boat Cafe

Members considered the report of the Head of Economy seeking authority to grant a 99 year sub-lease on the store behind the public shelter adjacent to the Longboat Cafe to the cafe owners. Once in place, authority was then sought to grant a 125 year lease to Budleigh Salterton Town Council on the public shelter.

Budleigh Salterton Ward Members spoke on the report and added that the Town Council's intention was to refurbish the shelter in celebration of the Queen's Diamond Jubilee. They also asked for the conditions in respect of the sub-lease of the rear store to include the need to allow unrestricted access to the viewing platform on the roof of the store.

*252 Budleigh Salterton Long Boat Cafe - continued

RESOLVED

- (1) that a 99 year sub-lease be granted for the rear store behind the shelter adjacent to the Longboat Cafe on terms to be agreed by the Head of Economy in consultation with the Portfolio Holder – Economy, subject to Landlord’s consent;
- (2) that subject to (1) above, a sub-lease of the public shelter adjacent to the Longboat Cafe be granted to Budleigh Salterton Town Council for a term of 125 years at a peppercorn rent, subject to Landlord’s consent.

REASON

As set out in the report.

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Cabinet
held in the Council Chamber, Knowle, Sidmouth
on Wednesday, 13 June 2012

Present: **Councillors:**
Paul Diviani (Leader/Chairman)
Andrew Moulding
David Cox
Jill Elson
Graham Godbeer
Ian Thomas
Phil Twiss

Also Present: **Councillors:**
Mike Allen
Maddy Chapman
Alan Dent
Christine Drew
Vivien Duval Steer
Steve Gazzard
Peter Halse
Sheila Kerridge
Frances Newth
John O'Leary
Geoff Pook
Ken Potter
Pauline Stott
Tim Wood
Eileen Wragg
Tom Wright

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

Apologies **Councillors:**
Ray Bloxham
Iain Chubb
Stephanie Jones
Non-Cabinet Members:
David Atkins
Graham Brown
Geoff Chamberlain
Martin Gammell
Steve Hall
Mark Williamson

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

*1 Public Questions

The Chairman welcomed Councillors and Bob Wiltshire (Chairman of the Independent Remuneration Panel). No questions were raised at this point of the meeting.

*2 Minutes

The minutes of the meeting of the Cabinet held on 2 May 2012 were confirmed and signed as a true record.

*3 Declarations of interest

Councillor/ Officer	Minute number	Type of interest	Nature of interest
David Cox	17	Personal	Co-opted Member of Leisure East Devon Board

*4 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.

*5 Forward Plan

Members noted the contents of the Forward Plan for the period 1 June to 30 September 2012. This would be up-dated to include the Sports Development Strategy and the draft Local Council Tax Reductions Scheme, the latter would be referred to the next meeting (11 July) of the Cabinet.

*6 Matters referred to the Cabinet

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

*7 Minutes of the meeting of the Overview and Scrutiny Committee held on 26 April 2012

The Leader invited Councillor Ken Potter, Member Champion – Rural Communities, to up-date the Cabinet on the Post Office Local Pilot Scheme (Committee Minute 98). Councillor Potter advised that the pilot scheme was due to end prematurely on 30 June. He updated the Cabinet on the national and local drive to save the Post Office service. He asked the Cabinet to endorse a draft letter (circulated at the meeting) which the Overview and Scrutiny Committee had recommended be sent to the Local Government Association requesting a conference on the post office network.

In supporting the recommendation of the Overview and Scrutiny Committee, the Leader thanked Councillor Potter for his valued efforts.

The recommendation and decision in respect of the Communications and Reputation Manager (Committee Minute 100) had been referred to the Cabinet at its last meeting. The recommendations of the Task and Finish Forum, set up as a result, are reported at Minute 11 below.

- *7 Minutes of the meeting of the Overview and Scrutiny Committee held on 26 April 2012 (continued)

RESOLVED 1: that the following decisions be noted:

Minute 99 The Overview and Scrutiny Committee to receive a further update on on-street parking enforcement in April 2013.

Minute 102 The final version of the annual report had been agreed by the Chairman and Vice Chairman on behalf of the Committee and referred to the annual meeting of the Council on 23 May 2012.

RESOLVED 2: that the letter prepared by the Member Champion – Rural Communities be sent to the Local Government Association, on behalf of the Council, requesting a conference on the post office network.

- *8 Minutes of the meeting of the Housing Review Board held on 3 May 2012

A briefing note on the Government's Troubled Families Initiative (Minute 74) had been circulated with the agenda papers. A troubled family 'was considered to be one that has serious problems and causes serious problems. In every troubled family there are a range of common factors including things like parents not working, mental health problems, children not in school, the family causing crime and anti-social behaviour and costing local services a lot of time and money routinely responding to these problems.'

The Government was setting up a new Troubled Families Team based within the Department for Communities and Local Government to join-up Government efforts and provide expert help to local areas. Government money was being made available and Councils were now being asked to identify families in their areas based on specified factors. The initiative was linked with the concept of Community Budgets which give local public service providers the freedom to work together to redesign services around the needs of citizens.

Devon County Council was seen as the natural lead authority and East Devon District Council has signalled its willingness to be a partner in this initiative. Initial data matching had identified troubled family 'hotspots' within East Devon. It was suggested that the Housing Service could lead this Council's role and involve relevant sections such as the Environmental Health and Benefits teams. It was anticipated that when a number of issues had been resolved relating to governance, measuring outcomes, and release of funding, that the initiative would 'go live' in September 2012.

The Portfolio Holder – Sustainable Homes and Communities advised that this initiative would help extend the effective work already being carried out by the Council's housing service and its partners.

The Chairman of the Housing Review Board referred to the changes to the Right to Buy Scheme and discount available. The Council had anticipated that this would have resulted in a significant increase in local applications to buy. However although there had been additional interest, there had been only one new application to buy. The Board would monitor the number of homes being sold under the scheme.

*8 Minutes of the meeting of the Housing Review Board held on 3 May 2012 (continued)

The Portfolio Holder – Corporate Services referred to Minute 83 – Affordable Housing – which recommended that the Chief Executive be given delegated authority to acquire new affordable homes on terms and conditions to be agreed. Councillor Thomas said that a prudent approach was essential due to the level of borrowing to which the Council was already committed through the self-financing initiative and potential for future rises in interest rates.

The Leader, Portfolio Holder – Finance and the Chief Executive assured the Cabinet that the Council's approach was always measured and prudent. Delegating authority to the Chief Executive to progress opportunities to acquire new affordable homes would streamline procedures. However, any decision would be based on the recommendations of the Housing Review Board together with financial and risk considerations. The delegation would allow timely decisions to be made on financially feasible opportunities with the aim of increasing the Council's housing stock.

RESOLVED 1: that the following decisions be noted:

- Minute 71** Housing Review Board forward plan.
- Minute 72** Tenant and Council Partnership Statement.
- Minute 75** Position on Housing Finance as set out in the report to the Board.
- Minute 76** Annual report (which was referred to the annual meeting of the Council on 23 May 2012).
- Minute 77**
- a) that the new framework for the regulation of social housing has come into force;
 - b) the key matters of importance to EDDC as a provider of social housing; and
 - c) the steps that are being taken to comply with the legislation.
- Minute 78**
- a) the steps being taken to monitor and learn from formal complaints and service issues;
 - b) the work of the Customer Care Commitments Service Review Group with regard to monitoring and promoting the complaints process; and
 - c) the forthcoming changes to the way complaints can be passed to the Housing Ombudsman.
- Minute 79** The changes to the Right to Buy Scheme and its impact on housing finances.
- Minute 80** Empty properties (voids) performance.

*8 Minutes of the meeting of the Housing Review Board held on 3 May 2012 (continued)

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

Minute 82 the Cabinet decision to authorise the Head of Housing to enter into contract with the two contractors scoring the highest marks in the tender evaluation process for responsive repairs to Council owned homes and work to void properties.

RESOLVED 2: that the following recommendations be approved:

- Minute 73**
- 1 that a single price support charge of £9.85 per week be introduced to all sheltered housing residents regardless of where they live, subject to prior consultation with the Tenant Representative Group.
 - 2 that the spot contracts route be agreed in principle, but that no decision be made until more was known about the eligibility criteria, longevity of the contracts and the freedoms and flexibilities allowed (and see 6 below).
 - 3 that officers develop a separate support contract for customers who had a support need according to the eligibility criteria, taking into account 6 below and subject to the following conditions:
 - a) that the Housing Review Board sees the draft agreement for approval;
 - b) that assurances are gained from Devon County Council that the money released from block contracts can be reinvested, before EDDC enters into spot contracts;
 - c) that sheltered housing continues to be used for those with support needs.
 - 4 that officers run a pilot project for Mobile Support Officers to deliver support to tenants living within the authority's general needs accommodation . (The costings and eligibility criteria for the pilot to be brought to a future Board meeting).
 - 5 that the Board agree a vision, a simple statement to clearly encompass the values and aspirations held for the future of support services in East Devon. The vision to be "to deliver outstanding support services to all residents of East Devon, regardless of housing tenure".
 - 6 that a risk/impact assessment be undertaken on recommendations 2 and 3 above with a report being brought back to the Board on the financial impact and service delivery impact on residents.

- *8 Minutes of the meeting of the Housing Review Board held on 3 May 2012 (continued)

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

- Minute 74** that the Council support the concept of troubled families intervention and works with other agencies on implementing the scheme locally.
- Minute 75** that the Head of Housing include the Right to Buy scheme on the Housing Review Board's forward plan and bring regular reports to the meetings on the number of houses being sold under the scheme and the income received as a result of those sales.
- Minute 79** that the Housing Review Board receive regular reports on the impact of the Right to Buy scheme and monitor the number of homes being sold under the scheme.
- Minute 82** that a press release be issued before the start of the new contract informing East Devon residents of the positive impact the Council housing repairs service had on the local business economy.
- Minute 83** that in respect of the acquisition of 11 houses at Morton Way, Axminster, the Chief Executive uses his delegated authority to acquire new affordable homes on terms and conditions to be agreed.

- *9 Recycling and Refuse Partnership Board

The minutes of the meeting of the Recycling and Refuse Partnership Board held on 24 May 2012 were noted. The minutes included reference to the successful approach to addressing side-waste issues previously reported, the decrease in collected household waste compared with the previous year, moves for closer integrated work in waste management across Devon and the local recycling champion initiative.

The Deputy Portfolio Holder – Environment spoke positively about plans to extend the recycling scheme to include cardboard and mixed plastics. These would be fully considered and costed during the budget discussions for the 2013/14 financial year.

- 10 Independent Remuneration Panel

The Leader invited the Panel Chairman, Bob Wiltshire to present the recommendations of the Panel which had met on 18 April 2012. The Panel had invited the Leader to its meeting where he advised that no significant changes would be made to the committee structure for the 2012/13 year. The Council's intention not to raise the level of Council Tax meant that Members would be encouraged to vote for no increase to Members' Basic Allowances for a further year.

10 Independent Remuneration Panel (continued)

In respect of recommendation (2) – Councillors' subsistence allowances, the Chief Executive advised that the current arrangement was to link any change in levels with Officer subsistence allowances. These were based on recommendations of the Local Government Association and the rate of inflation. However the Cabinet was confident that the current level of subsistence allowances for Councillors was adequate.

The Leader thanked Mr Wiltshire for the work undertaken by the Panel.

- RECOMMENDED:**
- (1) that no change be made to Member Basic Allowance for 2012/13;
 - (2) that no change be made to the Members' Subsistence Allowances for Overnight/London accommodation (£125) or to the subsistence allowance for meals;
 - (3) that the Special Responsibility Allowance awarded to the Chairman of the Housing Review Board be increased to £3,098 from 1 June 2012 to reflect the increased work and responsibility of this role – the increase to be reviewed in 12 months.

REASON To contain costs but ensure that the allowances paid to Councillors reflected their levels of special responsibility.

11 Recommendations of the Communications and Reputation Manager Post Task and Finish Forum

Further to the Cabinet decision of 2 May 2012, a politically balanced Task and Finish Forum had been set up to examine the job description of the proposed Communications and Reputation Manager. The Cabinet debated the Forum's recommendations and made minor amendments; these would now be referred to the July meeting of Council.

- RECOMMENDED:**
- (1) that the name of the post be changed to "Communications and Public Affairs Manager" to better reflect the role;
 - (2) that the job description and person specification be amended to incorporate change management capability, research capability, and the ability to undertake education of officers and Members in communication;
 - (3) that consideration be given to the addition of an Apprentice to work with the new post and the existing Communications Officer.

REASON To positively take steps to improve the Council's communications and reputation as part of the Transforming the Council initiative.

*12 Revenue and Capital Outturn report 2011/12

Head of Finance introduced the Revenue and Capital Outturn report which set out the final position for the year, giving a comparison of the outturn position against budgets set for 2011/12 and highlighting variations. The report detailed the effect these results had on the Council's reserves and balances. Members were asked to consider the proposal to transfer the overall surplus from the General Fund Services (£1.013m) into the Capital Reserve. This would be used to alleviate the deficiency in the Capital Budget in the short term so that a programme of essential capital works could be maintained. Further initiatives would be explored to balance the Capital Programme in the longer term.

Members acknowledged the importance of maintaining balances at recommended levels due to a number of uncertainties and potential risk to Council finances.

Members noted that the Housing Revenue Account had a surplus of £0.112m which was less than the targeted acceptable level. However the 2012/13 budget had been set to bring this balance back into line.

The Head of Finance advised Members that a sum of £80,000 from land disposal to Tesco's had been carried over from 2010/11 to improve youth facilities in Seaton. The Town Council had yet to call upon this money with a viable proposal. Members were asked if this money should be rolled over into the 2012/13 Capital Budget.

- RESOLVED:**
- (1) that the Revenue and Capital Outturn position 2011/12 be agreed;
 - (2) that the transfers and level of Reserves detailed in the report be agreed;
 - (3) that £80,000 of a capital contribution to Seaton Town Council for youth provision be carried forward into the 2012/13 Capital Programme, with the availability of the contribution being time-limited to 31 March 2013.

REASON To agree the Council's approved budgets for General Fund Services, Housing Revenue Account and Capital Expenditure. This final position (including variations from budgets and levels of reserves and balances) will flow through the Council's Statement of Accounts.

13 Treasury Management Performance 2011/12

Members considered the Treasury Management Performance 2011/12 report presented by the Head of Finance. The report detailed the overall performance of the Council's investment portfolio during 2011/12 and gave up-dates to the Treasury Management Strategy. The report set out a separate overview of the General Fund and Housing Revenue Account to reflect the Council's borrowing in respect of the self-financing loan.

Members considered a request for exemption to standing orders to recruit consultants to carry out the tender for an external investment manager. The reasons for this requested exemption were set out in the report. The Portfolio Holder – Finance supported the intention to tender.

13 Treasury Management Performance 2011/12 (continued)

- RESOLVED**
- (1) that the investment return for 2011/12 be noted;
 - (2) that an exemption from Standing Order be approved for the appointment of Sector Treasury Service to undertake the tender for an external investment manager for the reasons set out in the report.

- RECOMMENDED**
- that the following amendments be made to the 2012/13 Treasury Strategy:
- credit rating from which the Council's external fund managers can lend 20% of the fund be amended from AA+ to AA- in line with previous years;
 - the use of Money Market Funds be agreed with a counterparty limit of £2,000,000 per fund.

REASON

The Investec report to 31.03.12 meeting substantiated the performance of the Council's externally-managed funds. Almost all of the interest earned by the Council in 2011/12 has come from this source.

Changes to the strategy will allow the Council's external fund managers to continue to operate in line with previous mandates and will increase the number of options available to the accountancy team when placing moneys in the short term.

*14 Building Control financial statement 2011/12

Members considered the report of the Head of Economy setting out an approved Building Control Service annual end of year financial statement as required by regulations. The overriding objective was for cost recovery only and Members were presented with the report so that the level of charges could be reviewed. A review of current charges had indicated that the Schedule of Charges should remain the same.

RESOLVED

that the annual financial statement of the Building Control chargeable and non-chargeable accounts 2011/12 be noted with no increase in the level of charges being recommended.

REASON

The Service is required to provide an approved annual end of year financial statement and to base its charges on cost recovery only; the annual statement is used for reviewing the level of charges.

*15 Performance monitoring report until April 2012

Denise Lyon, Deputy Chief Executive presented the performance information for the 2011/12 financial year until April 2012. Performance was positive.

The Leader acknowledged the work of the teams in achieving improvements year on year.

RESOLVED that the progress and proposed remedial action for performance measures for the 2011/12 financial year until April 2012 be welcomed.

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

*16 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).

*17 Arts and Culture programme review

Members considered the report of the Countryside and Leisure Manager in response to the Asset Management Forum's recommendation to undertake a wide review of the Council's arts programme including the Thelma Hulbert Gallery, the Manor Pavilion Theatre, Arts Development and Villages in Action.

Members recognised the value of arts and culture across the district and the need to explore future levels of support and approach.

RESOLVED

- (1) that it be noted that the Overview and Scrutiny Committee had set up a Task and Finish Forum to examine the Council's current programme of support to arts and culture including the future support of the Thelma Hulbert Gallery,
- (2) that the recommendations of the Task and Finish Forum be reported to the Overview and Scrutiny Committee at its 26 July meeting and referred to the Cabinet's 5 September 2012 meeting, with a decision on the future of the arts and culture programme being made by Council.

REASON To undertake a structured review of the current arts and culture programme and agree a timeframe for strategic decisions to be made.

*18 Priority Disposal Programme – York Street Parking Spaces

Members considered the report of the Head of Economy setting out the results of the marketing and tender process in respect of the 6 York Street car parking spaces.

RESOLVED that the freehold of 6 York Street car parking spaces be sold for the sum of £120,000 subject to their use being for the parking of cars only and to the inclusion of a claw back clause for half the uplift in value if planning permission is granted for development in the future.

REASON The decision complies with the provisions of Section 123 of the Local Government Act 1972 which requires that the Council obtains the best price that is reasonably obtainable.

At the end of the meeting the Leader advised that Kate Little, Head of Economy was leaving the Council to take up another work opportunity. He thanked Kate for her hard work and valued contribution during her time with East Devon District Council. He then presented her with a signed card and gift with the best wishes of the Cabinet.

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the
Overview and Scrutiny Committee held
at Knowle, Sidmouth on 29 March 2012

Present:	Councillors: Stuart Hughes (Chairman) John Humphreys (Vice Chairman) Graham Brown Peter Bowden Deborah Custance Baker Vivien Duval Steer Roger Giles Sheila Kerridge	David Key John O'Leary Graham Troman Tim Wood Eileen Wragg Tom Wright
	Officers: Denise Lyon – Deputy Chief Executive Debbie Meakin – Democratic Services Officer	
Also Present	Councillors: Ray Bloxham Trevor Cope David Cox Paul Diviani Jill Elson Martin Gammell Steve Gazzard	Stephanie Jones Tony Howard Frances Newth Peter Sullivan Pauline Stott Phil Twiss Chris Wale
	Committee Members: Mike Allen David Chapman Peter Burrows Brenda Taylor Claire Wright	Councillors: Alan Dent Geoff Chamberlain Steve Hall Andrew Moulding

The meeting started at 6.30pm and ended at 7.25pm.

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

*88 Minutes

The minutes of the meetings of the Overview and Scrutiny Committee held on 1 March 2012 were signed and confirmed as a true record.

*89 Declarations of Interest

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Cllr Stuart Hughes	90	Personal	Devon County Council Cabinet Member responsible for Flooding Risk
Cllr Peter Bowden	90	Personal	Member of South West Regional Flood and Coastal Committee
Cllr Eileen Wragg	90	Personal	Member of South West Regional Flood and Coastal Committee

*90 Devon County Council's progress in Flood Risk Management

The Chairman welcomed Martin Hutchings, Flood Risk Manager, to the meeting. Martin took the Committee through his update report, highlighting:

- Flood Risk Regulation 2009 threshold of 30,000 people at risk meant that Devon had no "significant flood risk areas" under this legislation. The Preliminary Flood Risk Assessment produced as required by this legislation will be reviewed before June 2017 and at subsequent six year levels, or if a change of threshold is made;
- Flood and Water Management Act 2010 – Strategy for Local Flood Risk Management. The production of this strategy is being overseen by a Devon Flood Risk Partnership, and will be used as a toolkit for local risk management authorities. A draft strategy will be out for consultation in the autumn of 2012;
- New powers enable the County Council to designate an asset, which in their opinion has an important contribution to flood defences. Members raised concern at the impact of this designation on the asset owner. If the asset needed substantial repair or replacement, there was no recognised funding to cover the cost. In response, Martin confirmed that the cost could rest with the asset owner, but thought it was likely that other funding could be sourced to assist financially.
- Sustainable Drainage Systems (SuDS) provisions consultation closed in March and Defra are expected to provide the results of the consultation in May 2012. The current implementation date for establishing a SuDS Approving Body (SAB) and having a SuDS delivery plan in place is now likely to be 1 April 2013.

The new funding mechanism is explained in the update report. Members recognised that the funding mechanism is biased towards the number of properties to protect from flooding, as well as deprived areas. This meant that rural areas would be unlikely to attract significant funding. Other sources of funding, such as through section 106 monies, or from the Community Infrastructure Levy, had to be considered to meet costs.

Members stressed the serious disadvantage of rural communities in attracting funding for flood alleviation schemes. Devon County Council has made a significant contribution to costs, but Councillor Peter Bowden gave an estimation of £30million funding shortfall over a seven year period. He urged Members to recognise the District Council's part to play in contributing to that funding gap.

*90 Devon County Council's progress in Flood Risk Management
(continued)

In answer to questions, Martin assured the Committee that work continued to educate the public in their responsibilities as landowners in keeping watercourses flowing.

The Committee noted the progress to date and would continue to monitor progress regularly.

RESOLVED that the Overview and Scrutiny Committee review the draft Strategy for Local Flood Risk Management during the consultation period in the autumn of 2012.

*91 Mid and East Devon Local Police Areas temporary command by Exeter LPA Commander

Councillor Tom Wright, Member of the East and Mid Devon Crime and Disorder Scrutiny Panel, informed the Committee of the recent changes in police command for the area. Due to reorganisation within the Police, in preparation of the election of a Police and Crime Commissioner, the Exeter LPA Commander is now in charge of the East and Mid Devon areas. Councillor Wright felt this could adversely affect the policing of the lower crime areas of East and Mid Devon, by diverting police to Exeter.

RESOLVED that the LPA Commander be invited to attend the Overview and Scrutiny Committee to give assurances on continued effective police levels for all areas under his command.

*92 Equality Policy and Objectives

Denise Lyon, Deputy Monitoring Officer, reminded the Committee of the requirement under legislation to have an equality policy in place.

The Corporate Business Think Tank had worked to further reduce the size of the policy presented to the Committee, changing the construction of the document. It is now in the form of a two page policy document, supported by a detailed document. The intention is for the policy to be clear, targeted at the public, staff, and Members. The supporting document is for staff to use for detailed information in implementing the policy into service delivery.

The report presented to the Committee contained the recommendation for a dedicated Equalities Support Officer. This will change before presentation to Cabinet, as officers and Members felt it would be better to buy in skills as and when needed. Denise outlined recent costs suffered by Somerset County Council in dealing with challenges on their equalities approach.

RESOLVED That the amended policy documents be circulated to the Overview and Scrutiny Committee on the 30 March. Further comment on the policy documents can be made up to 4 April prior to Cabinet.

*93 Forward Plan

Debbie Meakin, Democratic Services Officer, updated the Committee on changes to the forward plan. The first Community Infrastructure Levy Task and Finish Forum is due to be held on 22 May 2012.

Chairman Date

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

Present:

Councillors:

Stuart Hughes (Chairman)	David Key
John Humphreys (Vice Chairman)	John O'Leary
Mike Allen	Brenda Taylor
Peter Bowden	Graham Troman
Derek Button	Tim Wood
David Chapman	Eileen Wragg
Deborah Custance Baker	Tom Wright
Vivien Duval Steer	
Sheila Kerridge	

Officers:

Simon Davey – Head of Finance
Andrew Ennis – Environmental Health and Parking Services Manager
Karen Jenkins – Corporate Organisational Development Officer
Denise Lyon – Deputy Chief Executive
Debbie Meakin – Democratic Services Officer
Chris Powell – Corporate ICT Manager
Mark Williams – Chief Executive

Also Present

Councillors:

Ray Bloxham	Peter Halse
Geoff Chamberlain	Douglas Hull
Trevor Cope	Stephanie Jones
David Cox	Ken Potter
Paul Diviani	Pauline Stott
Steve Gazzard	Ian Thomas
Graham Godbeer	Phil Twiss

Apologies:

Committee Members:

Graham Brown
Peter Burrows
Mike Howe
Claire Wright

Councillors:

Iain Chubb
Jill Elson
Steve Hall
Tony Howard
Mark Williamson

The meeting started at 6.30pm and ended at 8.23pm.

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

*95 Minutes

The minutes of the meetings of the Overview and Scrutiny Committee held on 29 March 2012 were signed and confirmed as a true record.

*96 Declarations of Interest

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Cllr Stuart Hughes	99	Personal	Devon County Council Cabinet Member responsible for Flooding Risk

*97 Cabinet Agenda

The Portfolio Holder for Corporate Business highlighted a report on the Cabinet agenda for 2 May 2012. The report on the Local Communities Fund set out a new funding opportunity for town and parish councils. The fund, provided by Devon County Council at £1 per elector with an additional 10p per person from EDDC would be administered by this Council.

He highlighted one concern already raised within the County Council guidelines. The guidelines advise that bids will only be accepted from “clusters” of two or more towns or parishes. No single parish can bid from the fund. This was explained as a desire from the County Council to bring together parishes to form hubs that will mean the fund benefits a wider area, and to distinguish the fund from County Ward Member Locality budgets.

The Committee expressed concern about the practicalities of some areas, such as the major towns, working with other parishes or towns to bring about a bid. The Committee noted the guidelines proposed and were encouraged to attend the Cabinet meeting.

*98 Update on Post Office Local Pilot Scheme

Councillor Ken Potter updated the Committee on his recent attendance to meeting also attended by the Minister for Post Offices and the Chief Executive of Post Office Limited. He had raised his concern directly with them on the proposals to upgrade the post office network.

Ward Members with a Post Office Local in their ward had met that afternoon to update Councillor Potter on how the Local style of post office branch was received by their constituents. Feedback would continue to be collated to send to Post Office Limited when the pilot scheme was completed.

RECOMMENDED that Cabinet be requested to write to the Local Government Association to request a conference on the post office network.

*99 On-street parking enforcement

The Environmental Health and Parking Services Manager presented his report highlighting the cost neutral enforcement service. The current team of officers, both full and part-time, also benefited the Council in providing a good level of cover for the on-street and off-street parking in the District. Their visible presence helped encourage compliance with parking restrictions. He gave the Committee a breakdown of penalty ticket numbers served in the main towns. In response to a question he made clear that resources were applied where issues were reported.

*99 On-street parking enforcement (continued)

RESOLVED that the Committee receive a further update on on-street parking enforcement in April 2013 .

*100 Transforming the Council

Denise Lyon, Deputy Chief Executive, took the Committee through the plans to help deliver the Council's fourth priority of "an outstanding Council". She reminded Members of the significant improvements to service delivery over recent years. The plans before the Committee sought to keep improving service delivery in three key areas:

- Service design to cut waste, improve efficiency whilst meeting customer need;
- Keep pace with changing technology and customer demand for that technology;
- Continued improvement of communications, to listen to the customer.

The Corporate Business Think Tank discussed the plans earlier that day. Some wording had been changed to improve clarity.

The Corporate Organisational Development Manager informed Members of the recent review of reputation management for the Council. This had given a key message that well informed and engaged residents are more satisfied with the Council. The Local Futures software tool would provide valuable data on the demographics for the District to help inform service delivery, as would a residents survey to establish public satisfaction. The last survey was the Place Survey in 2009.

The Corporate ICT Manager highlighted the ICT plan as the key support to service delivery, helping to improve cost efficiency whilst maintaining government security requirements. He also stressed the preparations for future technological development.

The Head of Finance reminded the Committee of the financial implications of taking on a new post. He asked them to consider the benefits of the post balanced with the shortfall estimate of £400,000 in 2012/14.

The Committee debated the report, including:

- Applying plain english principles to the plans;
- Good work done by services needed to be communicated to the public to help build a positive reputation for the Council;
- Concern that public perception of the post and its on-costs would not be positive;
- Reputation could be built through actions rather than public relations;
- All plans should ensure that the population not prepared, or not able to use, technology to access Council services, are catered for. The Deputy Chief Executive assured the Committee that this was core to the delivery of all services in having available all means of access, including home visits, face to face meeting at reception, and telephone, as well as access via the Council's website;

*100 Transforming the Council (continued)

- Concern that the job description for the post of Communications and Reputations Manager did not make clear the requirement to listen to the public; or have sufficient detail of dealing with social media requirements;
- Concern that the post scale was high for a post that appeared to be another press officer post. The Deputy Chief Executive made clear that the post required the ability and necessary authority to effectively change working practices and improve website content;
- Appreciation of the value of data from the Local Futures software tool but questioning if another, cheaper option would gain the same information, such as survey monkey software on the website. The Deputy Chief Executive explained that the use of survey monkey software would not provide a robust, representative sample of the district, but there was room for both these methods to be used;
- Questioning if communication work could be outsourced at less cost, such as from the County Council communications team.

The Portfolio Holder for Corporate Services explained how the ways of accessing the Council's services would remain the same but change in levels of demand as technology improved. He stressed the need to resource the implementation of the plans adequately, to achieve the objectives of the plans.

RECOMMENDED that Cabinet defer consideration on recommendation 2 (agree recruitment of a Communications and Reputation Manager) of the report on Transforming the Council until 13 June 2012 to allow a Task and Finish Forum to consider the job description in detail and consider practicalities of outsourcing communication work.

RESOLVED that, subject to the Cabinet decision on the report on Transforming the Council on 2 May 2012, a Task and Finish Forum be set up to review the Communications and Reputations Manager role proposed and consider the practicalities of outsourcing communications work; comprising Councillors Mike Allen, Peter Bowden, John Humphreys, Vivien Duval Steer from the Committee, and Councillor Trevor Cope (Plain English Champion).

*101 Implementation of the Localism Act

Denise Lyon, Deputy Chief Executive, presented the information report by the Corporate Legal and Democratic Services Manager. The Committee welcomed the report as a useful, clear guide on the Localism Act for future reference.

She responded to specific questions relating to the future of the Standards Committee and the Code of Conduct. A Devon group of solicitors are currently formulating a Code for the Devon area. A report will be coming to the Standards Committee and Cabinet on the new Code, and how complaints will be handled. She reminded the Committee that regulations were still pending on the detail of this aspect of the Act.

*102 Draft Annual Report of the Overview and Scrutiny Committee

The Committee considered the report. The Chairman requested any further comments to be directed to the Democratic Services Officer by the 1 May 2012.

RESOLVED that the final version of the Annual Report be agreed by the Chairman and Vice Chairman on behalf of the Committee.

*103 Forward Plan

The Committee received an update on the plan. A presentation on the public health agenda would be arranged for 2013. Regular Portfolio Holder updates would be scheduled in throughout the civic year.

Chairman Date

*3 Recording of Meetings

Debbie Meakin, Democratic Services Officer, presented her preliminary report on the options for recording of Council meetings and looking at recording by others. Council had resolved for the Committee to consider the implications, including cost and control, of allowing the recording of Council meetings.

The Committee viewed a small part of a Devon County Council webcast to see the quality of the product offered by their provider, Public-i. The practicalities and the direct costs of implementing webcasting in the current Council offices were set out in the report; the Committee was reminded of the indirect costs including another officer present at a meeting to switch between cameras.

Devon County Council viewing figures were set out in the report. There had been a decline in viewing figures in recent months.

The report also covered the aspects of recording by others of Council meetings, advising that more work is required to compile a suitable and workable protocol. The report also advised that having a recording made by the Council would help to give individuals the opportunity to view a whole meeting, rather than rely on other content that may have been edited out of context.

The Portfolio Holder for Corporate Services set out his view to the Committee, including:

- Agreed in principle with the operation of recording meetings, looking to aspire to a quality production, such as Prime Minister's Questions in the House of Commons;
- Devon County Council webcasts overall came across as dull and their viewing figures equated to a very small percentage of the County's residents;
- From his experience, the cost of providing webcasting to a good quality could be as much as three times the reported figure from Public-i of 14k – 16k per year;
- The current position of not permitting recording by others was outdated and need to be reviewed, but not to the detriment of meetings. Personal recording items brought in by individuals could potentially disrupt meetings and steps would need to be in place to ensure this doesn't happen;
- Any member of the public has the right not to be recorded – consideration has to be given to compliance to data protection, human rights, libel and defamation issues;
- Social media is common place in use and should not be prevented, but "qualified privilege" must be taken into account;
- Webcasting at a quality level could be considered as part of the relocation project.

The Committee considered the report and the views of the Portfolio Holder, including:

- Public interest is high in specific meetings, such as Development Management, when the Chamber can be full to capacity; webcasting the meeting gives the opportunity for the public to view from home. In response the Portfolio Holder commented that other options, for example providing screens in the Members' Area to cover additional seating at busy DM meetings, could be considered;

*3 Recording of Meetings (continued)

- A recording of a Council meeting could be beneficial in order for a factual record to be available for standards investigations or to challenge misquoted comments; this use of a recording would be for another purpose as a means of having a record and could be covered much more cheaply than a webcasting option, such as audio recording only;
- Contrasting comments from the Committee, covering both support for a more open and transparent move forward that would have public appetite, and views that the public were not interested and the cost could not be justified against small viewing figures;
- Social media needed to be embraced as a means of engaging the public and enabling better transparency;
- In response to a question about the removal of the signs in the Council suite about prohibiting recording, the Portfolio Holder advised that the legal issues around qualified privilege still needed to be resolved before the signs could be removed.

RESOLVED

1. that the positive benefits of webcasting and indicative cost in the report be noted;
2. that the Committee receive a future report, to look at the audio/visual recording of council meetings, including the use of social media, with a view to reviewing a draft policy to recommend to Council.

*4 Quarterly Monitoring of Performance – Fourth Quarter 2011/12

The Committee considered the report on the key issues across the Council's services, showing a number of continued improvements. One question was raised which would be researched and reported back to the Committee.

*5 Notes from the Communications and Reputation Manager Post Task and Finish Forum

The Committee heard how the Forum had discussed the need for an apprentice role in the Communications Team, in order to deal with the technical aspects of social media whilst learning about the media trade. The Chairman supported this proposed recommendation as of benefit not only to that team, but as an excellent opportunity for a young person to learn and gain experience in growing social media.

The majority of the Committee agreed with the recommendations put forward by the Forum, with one vote against and one abstention.

*5 Notes from the Communications and Reputation Manager Post Task and Finish Forum (continued)

- RECOMMENDED**
1. that the name of the post be changed to “Communications and Public Affairs Manager” to better reflect the role;
 2. that the job description and person specification be amended to incorporate change management capability, research capability, and the ability to undertake education of officers and Members in communication;
 3. that consideration is given to the addition of an Apprentice to work with the new post and the existing Communications Officer, to specifically cover social media work and other associated duties.

*6 Broadband update

The Portfolio Holder for Corporate Services reminded the Committee of the government commitment to having in place super fast broadband for 90% of homes by 2020. They had also committed to 100% by 2020 with at least 2MB speed by 2015 for all homes.

He highlighted the scale of those 10% of homes not having super fast broadband and that many would be in the East Devon area. He had met with the Minister for Culture, Communications and Creative Industries, Ed Vaizey MP along with the two local MPs to discuss the government objectives. He had also met with Devon County Council, who had confirmed that they were working to the 2020 objective, which he hoped indicated that they were tackling the work by dealing with rural areas first, starting work at the outside and working in towards the towns.

As a result of these meetings, he felt that expectations would be better managed.

The government had only one preferred supplier, BT. He was actively looking at wireless networks and how local communities could supply their own broadband – however, if established, BT could force that community group to share the infrastructure.

The Committee discussed the benefits to all aspects of the rural community in having a level of service equal to that of the towns – not just for businesses to operate on a level playing field, but also to serve the community in accessing government services. There was a real danger perceived that not having the digital infrastructure in place disadvantaged a high proportion of the District’s population.

The Chairman, on behalf of the Committee, thanked the Portfolio Holder for his continued efforts in pursuing this issue and offered the assistance of the Committee if required for any lobbying purposes.

*7 Forward Plan

The Committee received an update on the plan. The Chairman had agreed an Arts and Culture Task and Finish Forum. Councillor John O'Leary will chair this. The purpose of this Forum is to review the service with a view to informing the budget process that begins in September for the 2013/14 year.

Membership of the Forum will consist of Councillors John O'Leary, Derek Button, Vivien Duval Steer, Douglas Hull, Peter Halse, and Tom Wright.

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Housing Review Board held at Knowle, Sidmouth on 3 May 2012

Present:

Councillors:

Pauline Stott (Chairman)
Christine Drew
Douglas Hull
Jim Knight
Peter Sullivan

Co-opted Tenant Members:

Sue Saunders (Vice Chairman)
Victor Kemp
Pat Rous

Co-opted Independent Community Representative:

Rob Finch

Officers:

Sue Bewes, Landlord Services Manager
Dennis Boobier, Housing Needs and Strategy Manager
Emma Charlton, Housing Projects Officer
Amy Gilbert, Support Services and Home Safeguard Manager
John Golding, Head of Housing
Peter Richards, Rental Manager
Alethea Thompson, Democratic Services Officer

Also Present:

Councillors:

Jill Elson - Portfolio Holder for
Sustainable Homes and
Communities
Stephanie Jones – Deputy
Portfolio Holder for Sustainable
Homes and Communities
Geoff Chamberlain
Martin Gammell

Apologies

Co-opted Tenant Member:

Sally Lancaster

Co-opted Independent Community Representative:

Julie Adkin
Vivienne Ash, Honorary Alderman
Giles Salter, Solicitor

The meeting started at 6.00pm and ended at 8.55pm.

*66 Chairman’s welcome

The Chairman welcomed all those present to the meeting.

*67 Public Question Time

There were no questions raised by members of the public.

*68 Minutes

The minutes of the meeting of the Housing Review Board held on 8 March 2012, were confirmed and signed as a true record.

The Head of Housing gave two brief updates on the minutes. He reported that the Portfolio Holder for Sustainable Homes and Communities’ Think Tank had considered Minute 55 (restrictions on the sale of former Council homes) and agreed that the policy was still appropriate and should stay as it was, with no changes proposed. The Portfolio Holder for Sustainable Homes and Communities’ Think Tank and the Housing Service Managers Team had also considered Minute 57 (Tenant Scrutiny Panel report – scrutinising community centres) and their responses would be presented to the June meeting of the Board.

*69 Declarations of Interest

Board Member	Minute number	Type of interest	Nature of interest
Jim Knight		Personal	His daughter lived in a Council owned property.
Sue Saunders	73	Personal	She lived in sheltered accommodation.
Rob Finch	83	Prejudicial	He worked for Devon and Cornwall Housing Association.

*70 Exclusion of the Public

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

*71 Housing Review Board Forward Plan

The Head of Housing presented the forward plan.

RESOLVED: that the forward plan be noted.

*72 Tenant and Council Partnership Statement

The Housing Review Board considered the Tenant and Council Partnership Statement. This was the commitment between the Council, tenants, leaseholders and staff. It set out how the Council would help tenants to get involved in influencing and shaping decisions taken to deliver a housing service which met the needs and priorities of tenants. There were a number of key commitments that would be jointly delivered to enable tenants to be involved in the decision making processes related to Council housing. It continued the theme of the Tenant and Council Partnership Agreement and would be incorporated into the revision of the Tenant Involvement Strategy. The Statement would be signed by the Head of Housing, the Chair of the Housing Review Board and the Vice Chair of the Tenant Representative Group.

RESOLVED: that the Tenant and Council Partnership Statement be noted.

*73 Supporting People position and TaFF report

The Board received a presentation from the Landlord Services Manager, the Rental Manager and the Support Services and Home Safeguard Manager updating them on the work of the Sheltered Housing Task and Finish Forum (TaFF) and seeking a steer on the future direction of Housing Support Services in East Devon. A full copy of the presentation can be viewed at:

http://www.eastdevon.gov.uk/future_of_supported_housing_hrb030512.pdf

Over the past few years there had been major changes in the way in which support services had been viewed, paid for and delivered. This had influenced the way in which the housing service responded to the need for support services. The Board were asked to agree a series of recommendations that would effectively set the direction for the future of Housing Support Services in East Devon.

There were some concerns around separating tenancy and support agreements alongside the provision of support in general needs accommodation and the private sector. This could signal the end of sheltered housing and would have implications on the allocation of sheltered homes. It was agreed that an impact/risk assessment should be carried out prior to a decision on these recommendations.

A further report on the TaFF's first task, to monitor the progress of decommissioning some of EDDC's sheltered housing, would be reported to the Board in June 2012.

On behalf of the Board the Chairman thanked the Support Services and Home Safeguard Manager, the Landlord Services Manager and the Rental Manager for an excellent presentation. The Portfolio Holder for Sustainable Homes and Communities thanked all the members of the Sheltered Housing Task and Finish Forum for their effort and hard work.

*73 Supporting People position and TaFF report (cont'd)

- RECOMMENDED:**
- 1 that a single price support charge of £9.85 per week is introduced to all sheltered housing residents regardless of where they live, subject to prior consultation with the Tenant Representative Group.
 - 2 that the spot contracts route be agreed in principle, but that no decision be made until more was known about the eligibility criteria, longevity of the contracts and the freedoms and flexibilities allowed.
 - 3 that officers develop a separate support contract for customers who had a support need according to the eligibility criteria, subject to the following conditions:
 - a) that the Housing Review Board sees the draft agreement for approval;
 - b) that assurances are gained from Devon County Council that the money released from block contracts can be reinvested, before EDDC enters into spot contracts;
 - c) that sheltered housing continues to be used for those with support needs.
 - 4 that officers run a pilot project for Mobile Support Officers to deliver support to tenants living within the authority's general needs accommodation . The costings and eligibility criteria for the pilot would be brought to a future Board meeting.
 - 5 that the Board agree a vision, a simple statement to clearly encompass the values and aspirations held for the future of support services in East Devon. The vision would be "to deliver outstanding support services to all residents of East Devon, regardless of housing tenure".
 - 6 that a risk/impact assessment be undertaken on recommendations 2 and 3 and that a report be brought back to the Board on the financial impact and service delivery impact on residents.

(Sue Saunders declared a personal interest in the above item as she lived in sheltered accommodation).

*74 Troubled families initiative

Consideration was given to the report of the Head of Housing which explained the concept of the troubled families' initiative and how EDDC might get involved locally (as the local housing authority). The concept simply saw a considerable amount of resource going towards a relatively small number of 'problem' families and proposed a better way of co-ordinating action with the aim of achieving successful outcomes. The report outlined the thinking behind the scheme and what work was being undertaken locally to take part in the initiative.

*74 Troubled families initiative (cont'd)

Devon County Council was the natural lead authority because of its responsibilities towards children and families. 137 families in East Devon using specific DCC services had been identified. DCC anticipated that the initiative would 'go live' in September 2012. Members of the Board were pleased with the report and felt that it was a good initiative.

RECOMMENDED: that the Council support the concept of troubled families intervention and works with other agencies on implementing the scheme locally.

*75 Housing Revenue Account reform update

The Housing Review Board considered the Head of Housing's report which provided an update on the loans taken out by the Council following the move to self-financing. It also included an assessment on how this impacted on the Housing Revenue Account (HRA) Business Plan. The loans to achieve self-financing were taken out through the Public Works Loans Board and the rates were favourable on the day that loan finance was secured. 24 loans were taken out over varying periods of maturity, all at fixed rates of interest. The average rate of interest for all loans was 2.99%.

This put the HRA in a healthy financial position and gave cause for much optimism. The Business Plan projections had been updated with the actual debt and interest rates. This had increased the surpluses that accumulated each year, which could be projected assuming other assumptions remained correct. The HRA surplus was a proxy indicator of how well the Business Plan was doing.

Concern was expressed over the changes to the Right to Buy scheme and how this would impact on the HRA Business Plan. A request was made for regular reports to the Housing Review Board on the number of houses in East Devon that were being sold under the Right to Buy scheme, and how much money the Council received from the sales. The Head of Housing would put this on the forward plan and would bring regular reports to the Board. Further concern was expressed over welfare reform and the Board acknowledged the need to keep a very close eye on the impact of the welfare reform measures. It was suggested that the two local M.P.s be invited to attend a meeting of the Housing Review Board to hear members' concerns.

An annual review of the Housing Revenue Account Business Plan, and one off reviews when major spending decisions were required was proposed in the report. A business case for each additional spending item would be brought to the Board to allow them to consider and prioritise new expenditure.

The Board thanked the Head of Housing and his team for all the work they had done to achieve the HRA reform and self-financing. Officers were also thanked for negotiating such good interest rates on the loans.

*75 Housing Revenue Account reform update (cont'd)

RECOMMENDED that the Head of Housing include the Right to Buy scheme on the Housing Review Board's forward plan and bring regular reports to the meetings on the number of houses being sold under the scheme and the income received as a result of those sales.

RESOLVED: that the position on housing finance, as set out in the report, be noted.

*76 Draft annual report of HRB activity

The Board considered the draft annual report prepared by the Democratic Services Officer, covering the work of the Board in that civic term. The report demonstrated the vast amount of work that had been undertaken by the Board during the previous year.

RESOLVED: that the draft annual report of the Housing Review Board be agreed.

*77 Revised regulatory framework

The Board received the report of the Housing Projects Officer which outlined the new framework for the regulation of social housing, which came into force on 1 April 2012, and how these new regulations would affect EDDC. The Tenant Services Authority no longer existed and responsibility for regulation had passed to the Homes and Communities Agency (HCA). There was a greater emphasis on self regulation.

The full consultation document could be viewed at <http://www.tenantservicesauthority.org/upload/pdf/rf-main-full.pdf>. The new regulatory framework implemented the amendments to the Housing and Regeneration Act 2008 introduced by the Localism Act 2011 and the Secretary of State's directions on specific standards. Housemark had produced a useful briefing guide which could be viewed at [http://www.housemark.co.uk/hmresour.nsf/lookup/CoregulationBriefing.pdf/\\$File/Co regulationBriefing.pdf](http://www.housemark.co.uk/hmresour.nsf/lookup/CoregulationBriefing.pdf/$File/Co%20regulationBriefing.pdf).

There were significant changes to the way in which social housing providers were regulated. In summary these were:

- There was a clear distinction between how providers' performance against 'economic' and 'consumer' standards were assessed;
- The regulator's main focus was on ensuring that the economic standards were met, and their involvement with consumer standards was limited;
- The fundamental basis of regulation was co-regulation, composed of self regulation combined with tenant scrutiny.

The key items of significance to EDDC were changes to the handling of complaints and changes to the tenancy standard.

*77 Revised regulatory framework (cont'd)

The steps that EDDC were taking to comply with the new requirements could be summarised as:

- Continuing to support co-regulation, tenant involvement at all levels and the work of the Tenant Scrutiny Panel.
- Continuing to provide feedback on performance and local standards in the Annual Report to Tenants.
- Working with tenants, through the Customer Care Commitments Service Review Group and the Tenant Representative Group, to improve the complaints process and to consider whether they wished to introduce a designated tenant panel for complaints.
- Working on a new tenancy policy and the introduction of a flexible tenancy. This work would be presented to the HRB at a future meeting.
- Ensuring that the Council continued to subscribe to a mutual exchange service and that this was accessible to all tenants.

RESOLVED:

that the Board notes:

- 1) that the new framework for the regulation of social housing has come into force;
- 2) the key matters of importance to EDDC as a provider of social housing; and
- 3) the steps that are being taken to comply with the legislation.

*78 Housing service complaints review

The Board considered the report of the Housing Projects Officer providing information on formal complaints for the period April 2011 – March 2012. It explained the role of the Customer Care Commitments Service Review Group (CCCSRG) in monitoring complaints and outlined the progress being made with monitoring service issues. It also explained the changes to the regulation of social housing that would affect the complaints procedure.

RESOLVED:

that the Board notes:

- 1) the steps being taken to monitor and learn from formal complaints and service issues;
- 2) the work of the CCCSRG with regard to monitoring and promoting the complaints process; and
- 3) the forthcoming changes to the way complaints can be passed to the Housing Ombudsman.

*79 Reinvigorating the Right to Buy

Consideration was given to the report of the Head of Housing which set out the recent changes to the Right to Buy scheme and made an initial assessment of the impact locally. The report showed a comparison between the current scheme and the changes. There was a need to carefully monitor Right to Buy enquiries and sales for any renewed interest in the scheme following the changes. The Housing Revenue Account Business Plan could be updated with the latest information on trends once the Council was in a position to predict future sales.

*79 Reinigorating the Right to Buy (cont'd)

It was noted that most of the changes to the scheme were already in place. The most significant one was the increase in the discount cap to £75,000. Other key points and changes included:

- Every additional home sold under Right to Buy should be replaced by a new home for affordable rent.
- Local authorities would be able to retain the receipts for replacement housing.
- Councils would be able to deduct the necessary amount to cover the debt from the receipt, but would not be required to use this part of the receipt to repay loans.
- Councils would be able to deduct a certain amount from the receipt for the cost of withdrawn applications.
- Local authorities would be allowed to fund up to 50% of the cost of re-purchasing a former council home, up to a maximum of 6.5% of any additional net receipts.
- The 'cost floor' had been retained and extended from 10 years to 15 years, and the Government would continue to allow councils to apply for exemption from pooling arrangements.

It was noted that there had already been a lot of interest and the Council had received nine applications under the Right to Buy scheme during April 2012. Three properties had been sold under Right to Buy during 2011. Approximately 50% of Right to Buy applications usually went through to completion. As agreed previously during the meeting, it was decided to monitor the number of applications and houses sold under the Right to Buy Scheme at every meeting of the Housing Review Board.

Members agreed that it would not possible to provide one for one replacement properties (with the capital receipts) in East Devon due to the high cost of development and acquisitions in the area. Also, affordable rents (at 80% of market value), not social rents would be charged on these new replacement properties.

It was felt that a paper should be produced showing evidence of what selling off an EDDC property meant and what it would cost to build a new property. The Portfolio Holder for Sustainable Homes and Communities reported that she had been lobbying the local M.P. Hugo Swire and the Housing Minister Grant Shapps on this issue.

RECOMMENDED: that the Housing Review Board receive regular reports on the impact of the Right to Buy scheme and monitor the number of homes being sold under the scheme.

RESOLVED: that the Board note the changes to the Right to Buy scheme and its impact on housing finances.

*80 Empty properties (voids) performance

Consideration was given to the report of the Housing Needs and Strategy Manager which set out the performance in respect of letting void properties for the financial year 2011/12 (period April 2011 to March 2012).

*80 Empty properties (voids) performance (cont'd)

The report showed that it had taken on average 24 days to relet each empty property compared with a target for 2011/12 of 25 days.

RESOLVED: that the report be noted.

*81 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).

*82 Retendering of the responsive repairs and work to void properties contract

The Head of Housing's report was presented to Cabinet in April. It summarised the re-tendering process for contracts relating to responsive repairs and works to void properties. The tender evaluation process was explained. Two clear winners had emerged from the robust and comprehensive scoring system. The Head of Housing had issued the intention to award contract notices and notified tenderers of the standstill period. He had held a pre-contact meeting with both contractors and hoped for a seamless transfer of services. Fortnightly meetings would be held and the target date for the new contract was 2 July 2012. The Council had deliberately reverted back to using two contractors in case one was to go out of business in the future.

There had been a number of enhancements made to the contract, including an early evening appointment slot and a Saturday morning slot. The new contract was showing the potential for significant financial savings, and the Council had achieved very good value for money. On behalf of the Board the Chairman thanked the Head of Housing for all his efforts.

The Portfolio Holder for Sustainable Homes and Communities felt that a press release should go out before the start of the new contract stating the impact of repairs service on the local business economy. Both contractors were local firms and were encouraged to employ local people and source local materials.

RECOMMENDED: that a press release be issued before the start of the new contract informing East Devon residents of the positive impact the Council housing repairs service had on the local business economy.

RESOLVED: that the Cabinet decision – to authorise the Head of Housing to enter into contract with the two contractors scoring the highest marks in the tender evaluation process for responsive repairs to Council owned homes and work to void properties – be noted.

- *83 Affordable housing – acquisition of 11 houses at Morton Way, Axminster

The report of the Head of Housing presented an opportunity to acquire 11 newly completed homes at a price that represented excellent value for money. The report advised the Board of the business case behind the potential to acquire additional affordable homes consistent with the Council's Homes and Communities Plan and Housing Revenue Account Business Plan. The intention was to make the developer an offer for the homes (subject to survey and valuation) and agree terms and conditions for the sale. This might prove to be successful, but equally the developer could reject the offer.

RECOMMENDED: that the Chief Executive uses his delegated authority to acquire new affordable homes on terms and conditions to be agreed.

(Rob Finch declared a prejudicial interest in the above item as he was employed by Devon and Cornwall Housing Association. He left the Chamber during the discussion and voting).

Chairman

Date

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Housing Review Board held at Knowle, Sidmouth on 21 June 2012

Present:

Councillors:

Pauline Stott (Chairman)
Christine Drew
Douglas Hull
Jim Knight
Chris Wale

Co-opted Tenant Members:

Victor Kemp
Pat Rous
Sally Lancaster
Sue Saunders

Officers:

Sue Bewes, Landlord Services Manager
Dennis Boobier, Housing Needs and Strategy Manager
John Golding, Head of Housing
Jane Reading, Tenant & Communities Section Leader
Giles Salter, Solicitor
Alethea Thompson, Democratic Services Officer
Mandy White, Housing Accountant

Also Present:

Councillors:

Stephanie Jones – Deputy
Portfolio Holder for Sustainable
Homes and Communities
Geoff Chamberlain
Paul Diviani
Steve Gazzard
Phil Twiss

Tenant Scrutiny Panel
members:
Eric Howard
Josie Ireland
Roger Pell

Apologies

Co-opted Independent Community Representatives:

Julie Adkin
Rob Finch

Councillors:

Jill Elson - Portfolio Holder for Sustainable Homes and
Communities
Alan Dent
Pat Graham
John O'Leary
Eileen Wragg

The meeting started at 6.00pm and ended at 8.05pm.

*1 Chairman’s welcome

The Chairman welcomed all those present to the meeting. She welcomed new member Councillor Chris Wale to the Housing Review Board, as well as members of the Tenant Scrutiny Panel and Councillors who had come to observe the meeting. The Chairman invited everybody present to introduce themselves.

*2 Public question time

Tenant member Sue Saunders gave feedback to those present on the Annual Tenants’ Conference which had taken place on 8 June 2012 in Broadclyst’s Victory Hall. The theme of the conference was ‘Communities – past, present and future’. The day included speakers from East Devon District Council and four workshops. The Community Development Officers demonstrated the work that they had been doing. Positive feedback had been received and ideas were already being put forward for next year’s conference.

On behalf of the Board the Chairman thanked Sue for her verbal report and thanks were given to the committee which organised the Annual Tenants’ Conference.

*3 Appointment of Vice Chairman

RESOLVED that tenant representative Sue Saunders be appointed Vice Chairman of the Board for the ensuing year.

*4 Minutes

The minutes of the meeting of the Housing Review Board held on 3 May 2012, were confirmed and signed as a true record.

*5 Declarations of interest

Board Member	Minute number	Type of interest	Nature of interest
Jim Knight		Personal	His daughter lived in a Council owned property.
Jim Knight	10	Personal	He was a Devon County Council Councillor
Sue Saunders	10 & 11	Personal	She lived in sheltered accommodation.
Sally Lancaster	10 & 11	Personal	She lived in sheltered accommodation.
Pat Rous	10 & 11	Personal	She lived in sheltered accommodation.
Victor Kemp	13	Personal	He had a disability.

*6 Exclusion of the public

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

*7 Housing Review Board forward plan

The Head of Housing presented the forward plan. A request was made for an item to be added to the forward plan, ideally in September 2012, for a report on the viability and cost of turning open spaces in Millwey Rise, Axminster into allotments. It was noted that a statement in respect of the Tenant and Council Partnership Agreement 2011-2014 had been reported at the previous meeting, and could be removed from the forward plan. The Garage Management Review Task and Finish Forum would be reporting its findings to the Housing Review Board in September 2012.

RESOLVED: that the forward plan be noted and updated.

*8 Right to Buy: reinvesting receipts into new affordable homes

The Head of Housing's report considered the recently issued guidance on the use of receipts from Right to Buy sales and how they might be retained to provide new affordable housing. The Board needed to decide whether to enter into an agreement with the Communities and Local Government (CLG) department to use the receipts generated through the Right to Buy towards the provision of affordable housing. There were a number of risks in the conditions being imposed, but the report concluded that the Council should enter into an agreement to re-invest Right to Buy receipts.

The Secretary of State would agree that EDDC could retain additional Right to Buy receipts, on condition that EDDC agreed:

- i. to use those receipts for the provision of affordable rented homes;
- ii. that those receipts would constitute no more than 30% of total investment in such homes (net of any contribution from another public body);
- iii. that if, after three years, any of those receipts were not used as set out above, it would pay the un-used sums - plus interest - to the Secretary of State.

The deadline to enter into the agreement was 27 June 2012. The Council had the option to cancel this in the future.

The Head of Housing reported that the key issue to be aware of was the requirement on EDDC to provide 70% of the funding towards new homes built under the scheme. If Right to Buy sales exceeded expectations the Council could find itself in a position of needing to commit more resources than it could afford. Previously, the Council had only sold two or three homes a year. Under the new scheme the current level of Right to Buy sales was estimated to be approximately 10 per year. The Council could reasonably match this with the 70% funding and meet its development aspirations. Financial modelling based on a range of scenarios and assumptions was contained in the report and members noted the impact of selling 10, 20 and 30 homes.

A booklet from the Communities and Local Government (CLG) was circulated at the meeting giving up to date advice on the Right to Buy scheme.

- *8 Right to Buy: reinvesting receipts into new affordable homes
(cont'd)

RECOMMENDED: that the Council enter into an agreement with the CLG for the reinvestment of Right to Buy receipts into new affordable housing schemes.

- *9 HRA financial monitoring report 2012/13 – month 1, April

The Board received a report from the Housing Accountant giving a summary of the overall financial position on the Housing Revenue Account (HRA), HRA Capital Programme and the Business Plan for 2012/13 at the end of month one (April 2012). Regular monitoring would highlight any areas of concern or unforeseen expenditure in the HRA and associated capital programme and enable corrective action to be taken as required. Any variances would be reflected in the Business Plan.

Current monitoring indicated that:

- The Housing Revenue Account Balance would be maintained at or above the adopted level.
- The position on the HRA Business Plan had not changed significantly and remained healthy.

Members felt that the report was good and easy to understand and noted the two variances so far. A query was raised over how residents were informed of the funding for loft conversions. The Housing Needs and Strategy Manager reported that Devon Home Choice was used to identify homes that were severely overcrowded. An EDDC surveyor would be assessing these properties over the next few months with a view to preparing schemes for extension or loft conversion.

RECOMMENDED: that the variances identified as part of the HRA revenue and capital monitoring process up to month one be acknowledged.

- *10 The financial risks and service delivery impact for tenants in moving to spot contracts

Consideration was given to the report of the Landlord Services Manager, detailing the financial risks and service delivery impact for tenants in agreeing to a change of Supporting People contract type, and separating the support contract from the client's tenancy agreement. This followed on from a report to the previous meeting of the HRB on 3 May 2012, which made a series of recommendations around the future of Housing Support Services for older people in East Devon.

Officers had met to debate the issues and a list of perceived risks and service delivery impacts, along with suggested mitigating actions, had been produced and were contained within the report. These were noted and discussed by the Board.

- *10 The financial risks and service delivery impact for tenants in moving to spot contracts (cont'd)

The eligibility criteria for the support service/community alarm had been considered by Devon County Council. It was anticipated that this would not change and that it was something that EDDC could work with. However, there was a risk that DCC could restrict funding for people over 55 years with a support need. There was the risk that if people downsizing with no support requirements were moved into sheltered accommodation, EDDC could lose that funding. However, this risk needed to be assessed on an individual basis, with a balanced judgement between losing support charges or gaining a 3/4 bedroom property.

The Vice Chairman raised a number of questions on behalf of the tenants and these were discussed by the Board. One of the major concerns was the mixed housing that would result from decommissioning properties.

The Landlord Services Manager was thanked for her well presented report.

RECOMMENDED: that the risks and impacts contained within the report be taken into consideration when deciding the future of support services for older people.

- *11 Decommissioning of sheltered housing update

The report of the Housing Landlord Services Manager reminded the Board of the process that had been adopted to decommission some of the Council's sheltered housing. The process was designed to ensure that the sheltered housing was 'fit for purpose'. The report also provided an update on the decommissioning of properties identified within the 'Year One' plan.

The Sheltered Housing Task and Finish Forum (TaFF) had set out a one year, three year and five year plan for decommissioning properties. The three routes taken to decommission properties were:

- Automatically decommission properties when they become void;
- Tenants stay, receive services with no change, and the property is automatically decommissioned when it becomes void;
- Tenants who request to 'opt out' are notified of a date that the decommissioning would take place.

In the future there would be a procedure that would see decommissioning built into the day to day process of managing void properties.

The list of schemes that were being decommissioned under the one year plan was noted. It was envisaged that the decommissioning of year one properties would be completed by the end of September 2012. The matter would then be brought back to the Sheltered Housing Task and Finish Forum for their review.

The Board sent its congratulations to all the staff involved in the process.

RESOLVED: that the report be noted.

*12 Feedback on Tenant Scrutiny Panel report

The Chairman invited the Chairman of the Tenant Scrutiny Panel to the table.

The Housing Landlord Services Manager's report contained at Annex 1 the Council's suggested response to the recommendations made by the Tenant Scrutiny Panel (TSP) in its review of housing community centres. The first Tenant Scrutiny Panel report was well researched and presented. Careful consideration had been given to the recommendations and the Housing Landlord Services Manager's report outlined a positive response to the findings.

The Portfolio Holder for Sustainable Homes and Communities' Think Tank had discussed the TSP's recommendations and generally agreed with them. Officers then decided the actions that could be taken in response.

The TSP raised the concern that many of the community centres lacked some basic facilities/equipment. All of these items had been logged in the evidence file. It was agreed that this would be passed onto the Landlord Services Manager who would use the existing budget to rectify these issues.

The Board thanked and congratulated the TSP for all the hard work on the first piece of work that they had undertaken.

- RECOMMENDED:**
- 1 that the series of actions contained in Annex 1 to the report be agreed as the response to the Tenant Scrutiny Panel review of community centres.
 - 2 that the TSP evidence file be passed to the Landlord Services Manager who would use this as a basis for upgrading and refurbishing facilities within the existing community centres budget.

*13 Adaptations and recharges

The Housing Review Board considered the Housing Needs and Strategy Manager's report which set out the options for charging for major adaptations required by tenants to enable them to continue to live independently. Members had considered a detailed report at their meeting in March 2011 and adopted a revised Landlord Disabled Adaptations Policy. They had also asked officers to submit a report to a future meeting on whether or not to introduce charges for adaptations. Members noted the key features of the adopted policy.

The introduction of a revised landlord adaptation policy had been running for 12 months. The backlog had been eliminated; less had been spent on adaptations in 2011/12 than in previous years; and only six tenants had been denied an adaptation because they were under occupying a family home. The cost of introducing a charging policy could outweigh the amount recovered from eligible tenants. It was therefore recommended that no charge be made for the adaptations provided to tenants to enable them to live independently.

- RECOMMENDED:** that the Council agrees not to introduce charging for adaptations to tenants' homes.

*14 East Devon's tenancy strategy and tenancy policy

The Localism Act 2011 created a statutory requirement for all local authorities to develop a tenancy strategy by January 2013. The revised regulatory standards framework had an expectation that all housing providers would develop a tenancy policy. As a local authority that still had housing stock EDDC needed to develop both a tenancy strategy and a tenancy policy. The Government had made some radical changes to social tenancies by the introduction of flexible tenancies and affordable rents and the Council needed to state its position on these policy changes. The Board had received an initial paper on the need to have a tenancy strategy and tenancy policy at its meeting on 1 December 2011.

The tenancy strategy set out the Council's approach to tenancy issues and reflected the housing needs and priorities for the district. Registered housing providers with stock within the district should take note of this strategy with regard to the management and development of their properties. The strategy was based on a Devon wide framework and would therefore be similar to other local authorities in Devon. Key points included:

- Affordability
- Length of tenancy
- Type of tenancy
- Tenancy review
- Disposal of stock
- Downsizing
- Vulnerable groups

The draft tenancy strategy had been sent to all registered housing providers within the district. Several of the tenant groups, including the Tenant Representative Group (TRG) and the Housing Needs Review Group had also been consulted with. The tenancy strategy must be in place by 14 January 2013.

The tenancy policy sets out the types of tenancy that EDDC as a landlord would use, in what circumstances, and other aspects of managing its tenancies. The policy included sections on the following areas:

- Tenancy types and conditions
- Tenancy agreements
- Sustaining the tenancies
- Ending the tenancy
- Succeeding to a tenancy
- Tacking under occupation
- Adapted properties
- Transfers
- Mutual exchanges

The Board were asked to agree to the introduction of flexible tenancies. The details of these were outlined in the report and discussed by the Board. The changes to the rules on succession were also noted.

*14 East Devon's tenancy strategy and tenancy policy (cont'd)

The Vice Chairman raised a number of questions on behalf of the tenants and these were discussed by the Board. Specifically tenants were concerned about the right to carry out improvements and to be compensated for improvements undertaken. It was suggested that the Council were unlikely to refuse permission for most improvements.

The Board thanked the officers concerned for their report and agreed that the tenancy policy would introduce benefits for the Council.

- RECOMMENDED**
- 1 that EDDC's position on affordability as set out in Section 2.5.1 of the report be confirmed.
 - 2 that EDDC only consider charging affordable rent (80% of market rent) (or in some cases intermediate rent) on Council new build schemes or acquisitions.
 - 3 that the introduction of a flexible tenancy as in the circumstances outlined in Section 3.7 – to come into effect on 1 April 2013, be agreed.
 - 4 that the change to succession rights as outlined in Section 3.8 – to come into effect on 1 April 2013, be agreed.
 - 5 that the Tenancy Strategy (Annex 1) and Tenancy Policy (Annex 2) be adopted

*15 Housing performance indicator report 2011/12

The Board considered the Housing Performance Indicator Report for 2011/12 which detailed selected indicators to gauge the performance of each of the Housing Service's teams. The information included had been reported quarterly throughout the year to Housemark, and internally to Housing Managers, so as to be able to benchmark and monitor the service provided to tenants. The report allowed managers to understand where their teams had been successful and where there might be room for improvement.

Good performance monitoring was critical with the Council's new Housing Revenue Account Business Plan and the report was considered alongside the financial monitoring regime discussed earlier during the meeting.

- RESOLVED:** that the report be noted and the Board highlight any issues they would like further information on.

*16 Advantage South West procurement club review

Consideration was give to the Head of Housing's report which showed the performance specific to East Devon of the Advantage SW procurement club that the Council joined in 2009. The group existed to improve the value for money for its members in the building products used and in relation to new build. The report provided a review of the activities undertaken during 2011/12 and highlighted some of the good practice being undertaken.

The issue of solar panels was raised and discussed and it was noted that further reports would be brought to the Board on renewable energy and the Green Deal.

RECOMMENDED: that the report be noted and the Council confirm its intention to remain a member of Advantage SW.

*17 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).

*18 Possible disposal of two Council houses at Normandy Close, Exmouth

The Head of Housing's report asked the Board to consider, in light of the structural issues related to the properties, whether it wished to continue to retain 24 and possibly 26 Normandy Close, Exmouth, or dispose on the open market, or refurbish/repair the existing properties.

RECOMMENDED: that the Council dispose of 24 and 26 Normandy Close, Exmouth on the open market and use the receipts to enable further council housing to be constructed or acquired in Exmouth.

Chairman

Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at the Council Chamber, Knowle, Sidmouth, on Tuesday 3 April 2012

- Present: Councillors:
Mark Williamson (Chairman)
Derek Button
Alan Dent
Vivien Duval Steer
Geoff Chamberlain
Tony Howard
Ben Ingham
Stephanie Jones
David Key
Helen Parr
Peter Sullivan
Phil Twiss
Steve Wragg
- Ward Members: Councillors:
David Atkins
Steve Gazzard
Graham Godbeer
Eileen Wragg
Claire Wright
- Also Present: Councillors:
Paul Diviani
Martin Gammell
- Officers: Ed Freeman, Development Manager
Paul Barclay, Legal Locum
Hannah Whitfield, Democratic Services Officer
- Apologies: Councillors:
Peter Burrows
Mike Howe
Jim Knight
Geoff Pook
Ken Potter

The meeting commenced at 2.00 pm and ended at 4.55 pm.

- *66 Minutes
The minutes of the meetings of the Development Management Committee held on Tuesday 6 March 2012 were agreed and signed as a true record.
- *67 Local Plan Panel Notes
The notes of the Local Plan Panel meeting held on 28 February 2012 were noted.

*68 Exe Estuary Impacts of New Development and Mitigation

The Committee considered the Development Manager's report setting out the results of a joint study, undertaken between EDDC, Teignbridge District Council and Exeter City Council, to consider the implications of new development on the Exe Estuary which was a Special Protection Area (SPA), Rasmar Site and a Site of Scientific Interest (SSSI). The study had revealed that various recreational activities within the estuary caused significant disturbance.

Members noted that a visitor and household survey had indicated that 70% of visitors during the winter lived within 5km of the estuary. Any additional development within close proximity to the estuary would add to the levels of disturbance and it was therefore considered necessary, as an interim solution, to start collecting financial contributions, through section 106 agreements, towards a mitigation strategy to offset the disturbance caused by residents of any new developments (new dwellings and holiday accommodation). The contribution would, to begin with, be on the basis of £350 per dwelling to be collected through a Unilateral Undertaking or Section 106 agreement. The money collected would be used on on-site or off-site mitigation measures, including contributions towards the Clyst Valley County Park.

Member comments regarding the proposed interim Exe Estuary impact contributions included:

- Support for the contributions from new development towards a mitigation strategy;
- Concerns raised regarding flood risk, which had not been mentioned in the report, and difficulties in insuring properties within flood risk areas;
- Further report to include criteria for how money would be spent on mitigation measures;
- Committee wished to see regular update reports on contribution totals and projects/initiatives that the money had been allocated to.

RESOLVED: that the proposed interim Exe Estuary impact contributions be imposed on all new residential developments within 10km of the Exe Estuary with immediate effect and that a further report be brought back to Committee on management arrangements and the charging schedule.

*69 Planning Appeal Statistics

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

*70 Applications for Planning Permission and matters for determination

RESOLVED: that the applications before the Committee be determined as set out in Schedule 11 – 2011/2012 (attached).

*70 Applications for Planning Permission and matters for determination cont...

RESOLVED: that the applications before the Committee be determined as set out in Schedule 11 – 2011/2012 (attached).

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 Helen Parr	11/1934/COU	Prejudicial Interest (left the Chamber during discussion and voting)	Husband owned land adjoining the application site.

*71 Vote of Thanks

The Chairman and Councillor Geoff Chamberlain gave tribute to Councillor Derek Button, who had decided for health reasons to resign from the Development Management Committee. Councillor Button had given great support to members over the many years he had served on the Committee. His contributions, forensic ability to highlight and focus on the key points of an application and his good humour would be greatly missed.

Councillor Derek Button praised the hard work of the Committee, on which he had thoroughly enjoyed being a member.

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Special Meeting of the Development Management
Committee held at the Council Chamber, Knowle, Sidmouth,
on Tuesday 8 May 2012

Present: Councillors:
Mark Williamson (Chairman)

Alan Dent
Vivien Duval Steer
Geoff Chamberlain
Martin Gammell
Tony Howard
Mike Howe
Ben Ingham
Stephanie Jones
Helen Parr
Ken Potter
Peter Sullivan
Phil Twiss
Steve Wragg

Also Present: Councillors:
Mike Allen
Peter Bowden
Paul Divani
Jill Elson
Roger Giles
Graham Godbeer
Stuart Hughes
Douglas Hull
Pauline Stott
Graham Troman
Tim Wood
Claire Wright

Officers: Paul Barclay, Legal Locum
Neil Blackmore, Landscape Architect
Matt Dickins, Planning Policy Manager
Kate Little, Head of Economy
Linda Renshaw, Senior Planning Officer
Claire Rodway, Senior Planning Officer
Hannah Whitfield, Democratic Services Officer
Frank Woolston, Senior Planning Officer

Apologies:	<u>Committee Members</u>	<u>Non-Committee Members</u>
	Councillors:	Councillors:
	David Key	David Atkins
	Geoff Pook	Steve Gazzard
		Andrew Moulding

The meeting commenced at 10.03am and ended at 12.40pm.

***72 Chairman's Introduction**

The Chairman welcomed all those present to the meeting. He set out the purpose of the meeting, which was to consider changes to the new East Devon Local Plan resulting from the large number of responses received during the consultation on the draft Plan in late 2011/early 2012 and recommendations of the Local Plan Panel.

There was outstanding work, detailed in the main committee report, to be completed prior to the new East Devon Local Plan being endorsed for submission to examination, for example bringing the Plan in line with the newly published National Planning Policy Framework (NPPF). A re-draft of the proposed submission of the New East Devon Local Plan would be considered by the Committee at their 17 July meeting and by Full Council on 25 July.

***73 Declarations of Interest**

Councillor/ Officer	Item	Type of interest (action taken)	Nature of interest
Councillor Stephanie Jones	Item 10 – New East Devon Local Plan, 2006 to 2026	Personal Interest	Lives opposite to land allocated for housing in Seaton
Councillor Peter Bowden	Item 10 – New East Devon Local Plan, 2006 to 2026	Personal Interest	Owner of a plot of land at Town Orchard, Whimple
Councillor Mike Allen	Item 10 – New East Devon Local Plan, 2006 to 2026	Personal Interest	Honiton Town Councillor
Councillor Stuart Hughes	Item 10 – New East Devon Local Plan, 2006 to 2026	Personal Interest	Devon County Council Cabinet Member for Highways and Transportation
Councillor Graham Godbeer	Item 10 – New East Devon Local Plan, 2006 to 2026	Personal Interest	Vice Chairman of East Devon AONB Partnership
Councillor Paul Diviani	Item 10 – New East Devon Local Plan, 2006 to 2026	Personal Interest	Member of the Management Team for East Devon AONB

***74 Local Plan Panel Notes**

The notes of the Local Plan Panel meeting held on 20 March 2012 were noted.

***75 Local Development Scheme and Statement of Community Infrastructure**

The Planning Policy Manager explained that the Council was required to produce a Local Development Scheme (LDS). This Scheme set out a timetable for future planning documents to be produced and a Statement of Community Involvement

***75 Local Development Scheme and Statement of Community Infrastructure cont...**

(SCI), setting out how the Council would consult on the documents. The Committee was advised that the two documents would be combined and made available on the Council's website.

Two principal policy documents were proposed for production in the LDS. These were:

1. The new East Devon Local Plan (excluding detailed/small-scale site boundaries and allocations);
2. Plan of village boundaries and allocations.

Members noted that there was flexibility in the LDS to include supplementary documents to support the two principle policy documents.

RESOLVED: that the Local Development Scheme and Statement of Community Involvement be endorsed, and the Scheme as the project management document to inform/direct policy document be approved.

***76 Vision for East Devon**

The Committee received a presentation from the former Local Plan Panel Chairman, Councillor Mike Allen setting out how the vision for East Devon and the Local Plan Panel's had arrived at its recommendations. This included the stages of production, an overview of evidence gathering initiatives undertaken, outlining key strategic policies and the importance of producing a 'sound' Local Plan.

***77 Contributions by Ward Members**

The Chairman invited Ward Members who had indicated that they wished to make a representation to the Committee to speak. He advised that the representations made should also presented during the proposed 4 week consultation period on the towns and West End maps.

***78 New East Devon Local Plan – 2006 to 2026**

The Planning Policy Manager reported that the Local Plan Panel had now concluded its work on producing and refining the draft Local Plan and outlined the next steps in Plan production. The current draft of the new Local Plan, circulated to Members of the Committee, which covered strategic and local policies for development in East Devon, was an amended and refined version of the Plan that had been issued for consultation from December 2011 to January 2012.

The Committee noted that the Local Plan would be accompanied by a Proposal Map that covered the whole of the District (excluding the villages) with inset maps for each of the seven towns and one for the West End. Policies and boundaries for villages would be produced in a separate policy document – this work would be completed over the summer/autumn months.

***78 New East Devon Local Plan – 2006 to 2026 cont...**

The Committee considered a presentation by the Planning Policy Manager highlighting key changes, as set out in the Committee’s papers, to the new Local Plan following the 2011/12 consultation. Committee Members were invited to comment during the presentation. A circulated addendum report containing a few minor anomalies in the new Local Plan was noted.

- RESOLVED:**
1. that ‘provision is made for drying clothes’ is added to Policy H3 – Conversion of existing dwellings and other buildings to flats;
 2. that the recommended changes detailed in the report addendum, be incorporated into the Plan;
 3. that the seven town inset maps, with a brief covering report for each town detailing policy for sites and boundaries, be made available for a four week period of public consultation;
 4. that the consultant’s study into Recreation/Open Space standards be considered by Development Management Committee on 12 June 2012 and recommendations of the Committee be used to inform policy in the next draft of the Plan (Strategy 43);
 5. that a feedback report following the town consultation event be brought back to Development Management Committee on 17 July along with the final redrafted Local Plan to incorporate recommended changes:
 - a. arising from the consultation on the town maps;
 - b. to ensure that minor factual/drafting errors were corrected, up to date data , where available, was used in the Plan and minor changes were made to address unresolved comments/objections;
 - c. to ensure, where viable and desirable, the Plan is amended to take account of and align with the National Planning Policy Framework;
 6. that the draft of the Local Plan before Development Management Committee on 17 July 2012, along with any recommendations from that Committee, be taken to Council on 25 July 2012 with a recommendation for approval for formal Pre-submission Consultation prior to formal submission.

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Development Management
Committee held at the Council Chamber, Knowle, Sidmouth,
on Tuesday 8 May 2012

Present: Councillors:
Mark Williamson (Chairman)
Alan Dent
Vivien Duval Steer
Geoff Chamberlain
Martin Gammell
Tony Howard
Mike Howe
Ben Ingham
Stephanie Jones
Helen Parr
Ken Potter
Peter Sullivan
Phil Twiss
Steve Wragg

Ward Members: Councillors:
Ray Bloxham
Douglas Hull

Also Present: Councillors:
Paul Diviani

Officers: Paul Barclay, Legal Locum
Ed Freeman, Development Manager
Claire Rodway, Senior Planning Officer
Hannah Whitfield, Democratic Services Officer

Apologies:	<u>Committee Members</u>	<u>Non-Committee Members</u>
	Councillors: David Key Geoff Pook	Councillors: David Atkins Steve Gazzard Pat Graham Andrew Moulding Eileen Wragg

The meeting commenced at 2.00 pm and ended at 4.46 pm.

***79 Minutes**

The minutes of the meetings of the Development Management Committee held on Tuesday 3 April 2012 were agreed and signed as a true record.

***80 Planning Appeal Statistics**

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

***81 Appeals Status Report**

The Committee considered the end of year overview report regarding planning appeals for the year, from 1 April 2011 to 31 March 2012. The Development Manager reported that during that time 74% of appeals had been dismissed and 26% had been allowed. The Council had maintained an appeal success rate that was higher than the National average. This was considered to be an important indicator in achieving consistency in the decision making process.

Members noted that the number of planning appeals received had more than halved since the Systems Thinking process had been undertaken in the Planning Service. More time was now being spent with applicants to achieve a satisfactory outcome when possible – this work was endorsed by Planning Inspectors.

As requested by the Committee at its previous meeting the report contained details of cost implications – lessons were learnt from the appeals that were allowed.

The Chairman welcomed the detailed report and thanked Planning Officers and Committee Members for their work over the past year to achieve the high appeal success rate.

RESOLVED: that the Appeals Status be noted.

***82 Proposed Designation of Dunkeswell Neighbourhood Area**

Neighbourhood Planning Regulations, which had now been circulated to Town, Parish and District Councils, required any Town or Parish wishing to produce a Neighbourhood Plan to apply to the District Council, as Local Planning Authority, for consent to designate the area to be covered by the Plan. The District Council must then advertise the proposal for at least 6 weeks before formally advising whether the area is to be designated or not.

The Senior Planning Officer advised that Dunkeswell Parish Council had applied to designate a Neighbourhood Area covering the whole of Dunkeswell Parish and agreement was sought by the Committee to undertake the publicity process. Results of the consultation would be reported back to the Committee at a future meeting.

In addition the Committee was asked to consider giving delegated authority to the Head of Economy, in consultation with the Development Management Committee Chairman and relevant Ward Members, to accept and publicise subsequent designation applications by other Parishes, to avoid delaying the Neighbourhood Plan process. The results of the consultation would be reported back to Committee.

During debate about Neighbourhood Plans the Senior Planning Officer clarified that the District Council had a legal obligation to meet referendum and examination costs. The cost of producing the Plan would need to be met by the Parish/Town Council – there was no maximum cost of producing a Plan.

Approximately 20 Parishes had indicated that they wanted to produce a Neighbourhood Plan. However Members were advised that part of the Local Plan process over the summer/autumn months would involve engaging with Parish Councils that wished to allocate land for housing identified in the Local Plan and therefore a Neighbourhood Plan may not be required.

- RESOLVED:**
1. that the application for the Dunkeswell Neighbourhood Area be agreed and publicity undertaken. Results of the consultation to be reported back to the Committee at a future meeting;
 2. that Delegated Authority be given to the Head of Economy, in consultation with the Chairman of Development Management Committee and relevant Ward Members to accept and publicise any future applications received for proposed designation of a Neighbourhood Area, unless the applicant has previously submitted a proposal which has not been determined, in which case the application would be declined.

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

RESOLVED: that the applications before the Committee be determined as set out in Schedule 12 – 2011/2012 (attached).

Councillor Tony Howard requested that his vote against the resolution to approve the application at Holly Bank, Lower Broad Oak Road, West Hill (11/2796/FUL) be recorded.

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 Geoff Chamberlain	11/0733/FUL	Personal Interest (remained in Chamber but did not speak or vote)	Applicant was an acquaintance.
Councillor Phil Twiss	12/0455/FUL	Personal Interest (remained in the Chamber to speak and vote)	Joint applicant was a business client.

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Development Management
Committee held at the Council Chamber, Knowle, Sidmouth,
on Tuesday 12 June 2012

Present: Councillors:
Mark Williamson (Chairman)
David Atkins
Alan Dent
Vivien Duval Steer
Tony Howard
Mike Howe
Ben Ingham
Stephanie Jones
Helen Parr
Geoff Pook
Ken Potter
Peter Sullivan
Phil Twiss
Steve Wragg

Ward Members:	Councillors:	Roger Giles
	Peter Bowden	Graham Godbeer
	Graham Brown	Andrew Moulding
	Derek Button	Ian Thomas
	Paul Diviani	Eileen Wragg
	Tony Howard	Claire Wright
	Steve Gazzard	Tom Wright

Also Present: Honorary Alderman Ray Franklin

Officers: Paul Barclay, Legal Locum
Matt Dickins, Planning Policy Manager
Ed Freeman, Development Manager
Stephanie Lewis, Assistant Democratic Services Officer
Kate Little, Head of Economy
Sulina Tallack, Section 106 Officer
Graeme Thompson, Fixed Term Section 106 Officer
Hannah Whitfield, Democratic Services Officer

Apologies:	<u>Committee Members</u>	<u>Non-Committee Members</u>
	Councillors: Geoff Chamberlain Martin Gammell David Key	Councillors: Pat Graham Steve Hall Jim Knight Frances Newth Brenda Taylor Tim Wood

The meeting commenced at 2.00 pm and ended at 8.35 pm.

*1 **Minutes**

The minutes of the meetings of the Special Development Management Committee and Development Management Committee held on Tuesday 8 May 2012 were agreed and signed as a true record.

*2 **Planning Appeal Statistics**

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

*3 **Open Space Study**

The Committee considered a report presented by the Fixed Term Section 106 Officer on the results of the Open Space Study commissioned by EDDC to provide an evidence base to inform the Local Plan, Section 106, the Community Infrastructure Levy, Neighbourhood Plans, and in order to prioritise spend, grants and funding. Originally commissioned in 2011 the Study had been adapted to ensure compliance with the new National Planning Policy Framework (NPPF).

Members noted that the Study underpinned the Council's implementation of policy RE3 of the adopted Local Plan (and Strategy 50 of the new emerging Local Plan) by setting local opens space standards and providing evidence of deficiencies in quantity, and quality of, and access to open space. The evidence would be used to help establish appropriate standards of provision and levels of developer contributions. Appeals inspectors required robust evidence of need to underpin requirements of developers and this study aims to provide that evidence.

A further report would be presented to a future Committee regarding minimum standards for fixed outdoor facilities, such as Tennis Courts.

The Committee welcomed the report and highlighted the importance of providing adequate open space for sport and recreation. The Chairman thanked the Fixed Term Section 106 Officer for setting out clear expectations regarding minimum local open space standards.

- RESOLVED:**
1. that the Open Space Study be endorsed as evidence for assessing planning applications and determining developer contributions;
 2. that the standards are incorporated into policy of the emerging new East Devon Local Plan.

*4 **Parish Plans – Rockbeare and Shute**

Parish Plans had been produced by local residents of Rockbeare, which encompassed part of the new community site, and Shute, which included adjacent settlements.

The Committee considered the report of the Planning Policy Manager which addressed each of the Parish Plans, both of which set the local agenda and were very well written and discussed weight given to Parish Plans when considering applications.

The Chairman welcomed and commended both the Plans.

***5 Parish Plans – Rockbeare and Shute cont...**

- RESOLVED:**
1. that the Parish Plans for Rockbeare and Shute be endorsed and used to inform decision making in the District and the production of the new Local Plan;
 2. that the Parish Plan groups be congratulated on their Plans and the Planning Policy Manger send a letter of thanks to those involved.

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

- RESOLVED:** that the applications before the Committee be determined as set out in Schedule 1 – 2012/2013 (attached).

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 Paul Diviani	12/0415/FUL	Personal Interest (spoke as Ward Member)	Chairman of the Blackdown Hills AONB Partnership
Councillor Geoff Pook	Open Space Study	Personal Interest (remained in Chamber to speak and vote)	Involvement in the construction industry.
Councillor Peter Sullivan	12/0892/FUL	Personal Interest (remained in the Chamber to speak and vote)	Member of the Royal British Legion (Sidmouth Branch)

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Planning Inspections Committee held at the Knowle, Sidmouth on Friday 13 April 2012

Present: Councillors:
Mark Williamson(Chairman)
Geoff Chamberlain
Alan Dent
Tony Howard
David Key
Helen Parr
Geoff Pook
Peter Sullivan

Officers: Paul Barkley, Legal Locum
Nigel Barrett, Senior Planning Officer
Ed Freeman, Development Manager
Hannah Whitfield, Democratic Services Officer

Ward Members: Councillors:
Steve Gazzard
Eileen Wragg

Apologies: Councillor Pate Graham

The meeting started at 10.45 am and ended at 11.40 am.

***15 Minutes**

The minutes of the meeting of the Planning Inspections Committee held on 16 March 2012 were confirmed and signed as a true record.

***16 Application referred to the Planning Inspections Committee**

The Committee considered the application referred to it by the Development Management Committee.

- a) Exmouth Town: Application No: 11/0885/OUT – Outline application for demolition of existing light industrial building and construction of 4no flats (matters of landscaping and appearance reserved) at outbuilding to the rear of 85 Fore Street, Exmouth.

RESOLVED: that the application be REFUSED contrary to officer recommendation for the following reasons:

Reasons for Refusal

On the basis of the information submitted the Local Planning Authority is of the opinion that the proposal would, by reason of its scale, massing and extent of site coverage, represent a cramped form of overdevelopment of the site that would have a detrimental impact upon the character and appearance of the area and the amenities of the occupiers of nearby residential properties owing to the lack of any proposed parking provision within the scheme that would exacerbate existing problems generated by both a lack of car parking facilities in the area and resulting levels of on-street parking. As a consequence, the proposal would be contrary to the provisions of Policies CO6 (Quality of New Development) of the Devon Structure Plan 2001-2016 and Policies S4 (Development Within Built-up Area Boundaries), D1

Planning Inspections Committee, 13 April 2012
(Design and Local Distinctiveness), TA7 (Adequacy of Road Network and Site Access) and TA9 (Parking Provision in New Development) of the East Devon Local Plan 1995-2011.

Members resolved against the Officers' recommendation of approval as they felt that the scale and massing of the development would lead to a cramped form of development which would have a detrimental impact on the character and amenity of the area and nearby residents. Furthermore they believed that the lack of any on-site parking would contribute to existing problems of a lack of car parking facilities, be detrimental to amenities, and would add to problems generated by on-street parking.

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Planning Inspections
Committee held at Exmouth Town Hall on Friday 18 May
2012

- Present: Councillors:
Mark Williamson(Chairman)
Geoff Chamberlain
Alan Dent
David Key
Helen Parr
Peter Sullivan
- Officers: Paul Barkley, Legal Locum
Ed Freeman, Development Manager
Alethea Thompson, Democratic Services Officer
- Ward Members: Councillors:
Steve Gazzard
Eileen Wragg
- Also present: Councillors:
Vivien Duval Steer
Steve Wragg
- Apologies: Councillors:
Pat Graham
Tony Howard
Geoff Pook
Ken Potter

The meeting started at 9.30 am and ended at 10.10 am.

- *17 Minutes
The minutes of the meeting of the Planning Inspections Committee held on 13 April 2012 were confirmed and signed as a true record.
- *18 Application referred to the Planning Inspections Committee
The Committee considered the application referred to it by the Development Management Committee.
- a) Exmouth Town: Application No: 12/0427/FUL – Conversion of dwelling into five flats, installation of roof lights in front elevation, construction of dormer window to rear and construction of cycle store at 6 St Andrews Road, Exmouth.

*18 Application referred to the Planning Inspections Committee (cont'd)

RESOLVED: that the application be REFUSED contrary to officer recommendation for the following reasons:

Reasons for Refusal

The proposal to convert the existing dwelling into 5 self-contained flats would result in an overdevelopment of the site, resulting in a poor standard of internal amenity for future residents, with inadequate outdoor amenity space to serve the needs of those residents, a lack of off-street parking within the site and a general intensification of activities, to the detriment of the character and appearance of the area and to the amenities enjoyed by existing residents, contrary to the provisions of Policies H6 (Conversion of Existing Dwellings and Other Buildings to Flats) and D1 (Design and Local Distinctiveness) of the East Devon District Local Plan 1995 - 2011.

Members resolved against the Officers' recommendation of approval as they felt that the development would be an overdevelopment of the site and would lead to a poor level of amenity for residents of the proposed dwellings due to a lack of space within the site to accommodate the number of dwellings proposed and an appropriate amount of outside amenity space. Furthermore they believed that the lack of any off street car parking facilities would lead to additional pressures on the on-street car parking in the area to the detriment of the amenities of existing residents.

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Audit and Governance Committee
held at Knowle, Sidmouth, on Thursday 28 June 2012

Present: Councillors:
Ken Potter (Chairman)
Peter Bowden (Vice Chairman)
Roger Boote
Bob Buxton
Steve Gazzard
Steve Hall
Tony Howard
Geoff Pook

Also Present: Councillors:
David Cox – Portfolio Holder, Finance
Martin Gammell

Officers: Paul Bacon, ICT Design and Compliance Manager
Simon Davey, Head of Finance
Hannah Whitfield, Democratic Services Officer

Internal Auditors: Andrew Ellins, South West Audit Partnership
Chris Gunn, South West Audit Partnership

External Auditors: Jenny Dwyer, Grant Thornton

The meeting started at 2.30 pm and ended at 4:05 pm.

*1 Public Questions
No questions were raised by members of the public.

*2 Minutes
The minutes of the meeting of the Audit and Governance Committee held on 15 March 2012 were confirmed and signed as a true record.

A Member of the Committee asked for an update regarding the Electors Challenge on the 2010/11 Accounts relating to the way the District Council was recording parking charge notice income for Off/On Street Parking which had been reported at the last meeting. The Head of Finance advised the Committee that a number of other Councils had experienced similar challenges and the cost of obtaining the opinion was being shared between the authorities. Grant Thornton, who had a duty to respond when an objection was raised, had written to the objector with a provisional view; the objector had 20 days to respond.

RESOLVED: that Grant Thornton's conclusion regarding the Electors Challenge on EDDC's 2010/11 Accounts and costs of the challenge to the Council be reported at a future Audit and Governance Committee.

*3 Declarations of interest
There were no declarations of interest from Members.

*4 Revenue and Capital Outturn Report 2011/12

The Head of Finance presented his report on the Revenue and Capital outturn 2011/12. The report set out the final position for the year, comparing the outturn position against budgets set for 2011/12. Variations were highlighted. The report detailed the effect the outturn had on the Council's reserves and balances.

The Head of Finance drew Members' attention to the importance of maintaining balances at above recommended levels during uncertain economic times. However the surplus in the Housing Revenue Account was currently below the targeted level. As a result the 2012/13 budget had been set to bring this balance back into line, and to reflect the new risks associated with HRA self-financing.

During a lengthy debate on the report a number of questions were raised by the Committee. The Head of Finance's responses to these questions included:

- Cabinet had agreed to increased budgets for certain service areas during the year. However there were no service areas that had significantly overspent their budget.
- The maintenance budget had been slightly increased and would continue to be monitored.
- Reserves were not taken into account when calculating the Formula Grant.
- New Homes Bonus (NHB) and Business Rate Retention (BRR) were two government incentives. It was not yet known how these incentives would affect the Formula Grant received from government and therefore the Council's General Fund was being kept at a high level. However it was noted that EDDC had a number of large projects, including Cranbrook and the Science Park that would benefit from the incentives. The NHB and BRR was revenue and could be used to for capital projects.
- Further clarity would be sought regarding the £350 of income being collected on new dwellings near the Exe Estuary and how they affected the Council's finances.
- Service budgets were set cautiously to ensure performance was maintained, however it was noted that savings had been achieved.
- The underspend on the economic development budget funding related to additional funding that Members agreed in the 2011/12 budget to assist work with asset management . This underspend had been transferred to a reserve for use in 2012/13.
- Savings had been made in the Document Centre through an 'invest to save' business plan.
- A report on investment in ICT and savings achieved would be presented at a future meeting.

RESOLVED:

1. that the 2011/12 year end position be noted;
2. that the Head of Finance provide a report on ICT investment and savings achieved to a future Audit and Governance Committee. (The remit of the report to be discussed with the Chairman of the Committee and Councillor Buxton).

***5** Year End Risk Review 2011/12

Members considered the report of the Management Information Officer setting out risk information for the 2011/12 financial year until March 2012. Members were reminded that the Council's Risk Management Policy required all risks identified by the Council to be reviewed bi-annually. All risk owners had been asked to reassess the overall risk, update their control actions and re-score the risk. The Committee was pleased to note that the Risk Management process was becoming more embedded within the Council.

The Committee discussed the report. In response to a query raised relating to contract letting the Head of Finance explained that Standing Orders were currently being re-written and would be presented to the Committee at their September meeting. Andrew Ellins advised the Committee that SWAP was timetabled to look at contracts in quarter two. Any concerns regarding specific contractors raised by Members would be looked at by SWAP.

The Chairman invited the ICT Design and Compliance Manager to explain processes in place to address the highlighted risks relating to CoCo Compliance and System Design. The Committee heard that the Council was required to comply with government Code of Connection (CoCo) for system security, access and use of government ICT systems and overall information security. The Council had met a majority of the mandatory/strongly recommended controls and were being monitored quarterly for the small number of controls not met. The main Disaster Recovery site with new back up and recovery systems and processes was expected to be in place for July 2012. There would be a regular testing schedule.

The Head of Finance, in response to a question enquiring about call levels to the dedicated fraud line, advised the committee that the line was now handled by the Benefits service however few calls were received that related to non-benefit issues.

RESOLVED: that the Year End Review 2011/12 report be noted.

***6** Internal Audit Plan – Review of 2011/12

Members considered the report of the Audit Manager which provided the outturn position for the Internal Audit Plan at the end of 2011/12 (quarter 4). It also provided Internal Audit's overall opinion on the systems of internal control at this Council.

In total, 37 audit reviews were completed in 2011/12 – a further audit was due for completion. Andrew Ellins of SWAP advised the Committee that considering the balance of audit work and outcomes, he was able to offer 'reasonable' assurance in respect of the areas reviewed during the year as on balance most were found to adequately controlled. The Council's direction of risk management was encouraging. Any audit receiving a 'partial' assurance would be reviewed to check recommendations had been implemented.

The scoring system was explained to the Committee. Members felt it would be helpful in future to be given brief reasons for an audit receiving a 'partial' assurance. The Committee was advised that SWAP was reviewing its scoring system for the following year.

RESOLVED: that the content of the Internal Audit Annual Report and Opinion be accepted as presented.

*7 Forward Plan 2012/13

The Committee noted the contents of the forward plan and future meeting dates. Annual Audit Plan 2012/13 was to be amended to 2013/14.

Items to be included:

- 27 September 2012 – Contract letting Standing Orders
- 8 November 2012 – Annual audit letter, fee letter and ICT review
- 14 March 2013 – Audit Charter

*8 Future of SWAP Partnership

The Vice Chairman reported that he had recently, on behalf of the Chairman, attended a meeting to consider the future of SWAP. A number of business models had been discussed and a proposal had been put forward which all authorities in the Partnership would need to agree. A report would be presented to a future Committee meeting.

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Standards Committee held at Knowle, Sidmouth on 19 June 2012

Present:	Ted Butt	Independent Chairman
	Cllr Peter Bowden	EDDC Councillor
	Ray Davison	Independent Member
	Cllr Peter Halse	EDDC Councillor
	Cllr Simon Pollentine	Parish Council representative
	Cllr Courtney Richards	Parish Council representative
	Alison Willan	Independent Member
	Cllr Tim Wood	EDDC Councillor
Also present:	<u>Substitute Members:</u>	
	Cllr Douglas Hull	EDDC Councillor
	Cllr Frances Newth	EDDC Councillor
	Cllr Claire Wright	EDDC Councillor
	Martin Gammell	EDDC Councillor
	Roger Giles	EDDC Councillor
Officers:	Denise Lyon	Monitoring Officer
	Rachel Pocock	Corporate Manager Legal and Democratic Services
	Diana Vernon	Democratic Services Manager
	Hannah Whitfield	Democratic Services Officer
Apologies:	Cllr Geoff Chamberlain	EDDC Councillor
	Cllr Derek Button	EDDC Councillor
	Cllr David Mason	Parish Council Representative

The meeting started at 10.00 am and ended at 11.53 am

*1. Election of Chairman

The Committee noted that both Ted Butt and Councillor Simon Pollentine had now served on the Committee for the maximum two 4-year terms. However in anticipation of the imminent change in arrangements under the Localism Act, Council agreed at its Annual meeting in May 2012 to approve their continued service until the new Standards arrangements were in place, and agreed the variation of Article 9 of the Constitution to permit their continued appointment.

Councillor Peter Halse took the opportunity to thank both Ted Butt and Councillor Simon Pollentine for their hard work and valued contributions during the time they had served on the Committee. In reply both Ted Butt and Councillor Simon Pollentine thanked the Committee and wished Members well with the new Standards arrangements.

RESOLVED: that Ted Butt be elected as Chairman of the Standards Committee for the meeting.

*2. Minutes

The minutes of the meeting of the Standards Committee held on 24 January 2012 were confirmed and signed as a true record.

*3 Draft Code of Conduct and complaints process

The Standards Committee, at its meeting in January 2012, had considered a report outlining the requirements of the Localism Act in relation to new standards arrangements for local authorities. Since that meeting, the awaited regulations had been received; new standards arrangements would become effective from 1 July 2012. A special Council meeting to agree the new Code of Conduct and associated arrangements, including membership of the Standards Committee and arrangements for handling complaints, was to be held on 27 June 2012.

Members considered a report containing the latest version of the draft Code of Conduct and the proposed complaints handling process involving the newly designated role of the Independent Person.

Draft Members' Code of Conduct

The Monitoring Officer advised the Committee that Monitoring Officers and their Deputies across Devon had agreed a draft Code of Conduct for recommending to all the Councils in the County (including Unitaries, Towns and Parishes). It was felt that one Code of all Councils within Devon would be helpful for Members, particularly those elected to both a Parish and District Council for example.

The Deputy Monitoring Officer guided the Committee through the proposed new draft Code, explaining similarities and key differences from the existing Code. Where possible, terminology used in the existing Code was used in the new draft Code, however definitions of terms had been included.

Under the new standards regime Members were required to declare 'disclosable pecuniary interests' (DPIs) – failure to declare a DPI would be a criminal offence. Regulations stated that DPIs needed only to be included on Members' Register of Interest forms, however there had been agreement across Devon that if a Member had a DPI in the council business being discussed they should state their interest and withdraw from the meeting. This would be reflected within the individual Council constitutions.

The Committee noted that parts of the Code, such as personal interests may need to be revisited at a later stage or be dealt with through supplementary protocols for example in relation to planning.

During discussion about the proposed new Code the following was clarified:

- The term 'meetings' has been broadened to include less formal Committee meetings including Task and Finish Forums, Working Parties and Forums;
- A 'relevant person' included the Member, spouse or civil partner and a person with whom you are living as husband and wife or as if there were civil partners. Other family members were not included within this term, however 7.2(j) was felt to cover this issue;
- Personal interests – this had been modelled on what Members declared to comply with the existing Code;
- Common law still applied with issues such as predisposition and predetermination;

*3 Draft Code of Conduct and complaints process continued...

- Individual Members had a responsibility to declare an interest as soon as it became clear that they had an interest in the business being discussed.

The Committee discussed the Devonwide proposal of increasing the value of gifts or hospitality received to £50 (in the existing Code it was £25) and concluded that £25 was a more acceptable minimum value.

Dispensations

The new Standards regime enabled decisions on the granting of dispensations (which enabled a member with a DPI to participate) to be delegated to the Monitoring Officer or referred to Committee. The Committee noted the circumstances when the Monitoring Officer or when a Committee should grant dispensations.

Membership of the Standards Committee

The Monitoring Officer explained the recommended Standards Committee make up. This was the Chairman of the Council, four District Councillors (politically balanced), two non-voting co-opted independent representatives and two non-voting parish council representatives. The make up for the Standards hearings sub committee was proposed as three councillors, plus one co-opted parish councillor and one co-opted independent (under the Localism Act co-opted members would not be able to vote).

Independent Person

An advert for the role of Independent Person (the Monitoring Officer would consult with the Independent Person on complaints received) had been placed in local newspapers and on the Council's website in preparation for introduction of the new Standards arrangements on 1 July 2012. The Committee noted that Council was now able to appoint an Independent Person from amongst its existing independent members provided that person had resigned from the Standards Committee prior to 1 July 2012.

Arrangements for handling complaints

The Committee considered the proposed arrangements for handling complaints, including the role of the Independent Person in the process. Members discussed the proposal which would effectively simplify the Hearings process.

District, Town and Parish Councils would receive training on the new Code of Conduct and Standards arrangements. It was noted that Parish and Town Councils did not have to adopt the proposed new Devon Code of Conduct and could adopt their own. A copy of the Committee report and draft Code of Conduct had been circulated electronically to Parish and Town Clerks for information. Members of the Committee commented on the value of all tiers of local government within Devon having a uniform Code of Conduct.

- RECOMMENDED:**
1. that the Council's new Code of Conduct be in the form set out in the Committee's papers - Appendix A, subject to the minimum value for registering any gifts and hospitality being reduced to £25, (with the Corporate Legal and Democratic Services Manager being given delegated authority, in consultation with the Chairman, to make any necessary further amendments prior to final consideration by Council) and will:
 - a) incorporate provisions in respect of the registration and disclosure of pecuniary interests (as defined by regulations).
 - b) require registration and disclosure of personal interests.
 2. that the Council's Constitution be amended to include provisions for a Member to be excluded from meetings when a matter is being considered in which they have a disclosable pecuniary interest unless the Member has been granted a dispensation; the Corporate Legal and Democratic Services Manager be given delegated authority to effect the Constitutional changes and other consequential amendments arising out of the Localism Act and Code of Conduct changes.
 3. that granting a dispensation on the following grounds be delegated to the Monitoring Officer:
 - a) that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
 - b) that without the dispensation the representation of different political groups would be so upset as to alter the likely outcome of any vote.
 4. that the making of dispensations on the following grounds be delegated to the Standards Committee:
 - a) that the authority considers that a dispensation is in the interests of the persons living in the Council's area; and
 - b) that the Committee considers that it is otherwise appropriate to grant a dispensation.
 5. that the proposed composition of the Standards Committee be as set out at paragraph 3 of the Committee's report.
 6. that the arrangements for dealing with complaints be as set out in paragraph 5 of the Committee's report subject to an amendment that if the Investigating Officer on investigating a complaint found there was a breach of the Code that there would be a simplified public Hearing process where both the subject member and complainant would have the opportunity to make representation to the Sub Committee. (Where there was no breach the complaint would remain confidential.)

*3 Draft Code of Conduct and complaints process

7. a) that the Council appoints one Independent Person and one reserve Independent Person;
b) that the Monitoring Officer determines the process for the selection of the Independent Person(s) for endorsement of the Independent Person(s) by full Council.
8. a) that the Monitoring Officer prepares and maintains a new register of Members' interests to comply with the requirements of the Localism Act and the new Code of Conduct and ensures that all Members are informed of their duty to register interests;
b) the Monitoring Officer advises parish and town clerks on the new registration arrangements.

*4 Letter to local MPs about proposed changes to Standards arrangements

The Committee noted copies of letters sent by the Monitoring Officer, on behalf of the Committee, to MPs Neil Parish and Hugo Swire raising concerns about the proposed changes to current Standards arrangements and a letter in response from Hugo Swire MP.

*5 Member Development – Refresher Programme 2012 (January – May)

The Democratic Services Manager advised that at a Member Development Working Party meeting in December 2011 Members had discussed Councillor feedback from the Welcome and Refresher Programme (June – August 2011) following the 2011 District Council elections. Feedback over-all was positive and attendance had been good. At the meeting of the Working Party it was suggested that a further refresher programme would be helpful. May 2011 elected Members now had more experience and understanding of Council business and could put the training into context. The programme (January – May) was member-led and based on the suggestions of the Working Party. It had been very successful and well attended.

The Monitoring Officer, echoed by the Committee, thanked the Democratic Services Manager for all the work she had done in relation to Member Development and the successful welcome and refresher programmes.

RESOLVED that the report be noted.

*6 Complaints update and statistics

The Committee considered the report of the Monitoring Officer, which detailed the level and types of complaints received by the Monitoring Officer for the Standards Committee from January 2012 to date. The Monitoring Officer advised that although there had been an increase in the number of complaints received this was largely due to a couple of complaints against a whole town council – specific work was being done with the town council concerned as a result of these complaints. There were no trends identified from the complaints received.

RESOLVED that the report be noted.

*7 Forward Plan

The Monitoring Officer advised that under the new Standards arrangements a new Standards Committee would be appointed which would agree its own Forward Plan.

Chairman Date.....

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Licensing & Enforcement Committee
Held at Knowle, Sidmouth on Tuesday, 12 June 2012

Present: Councillors:

Jim Knight (Vice Chairman in the Chair)	
David Atkins	Steve Gazzard
Roger Boote	Ken Potter
Peter Burrows	Pauline Stott
Bob Buxton	Mark Williamson
Madeleine Chapman	Tom Wright
Christine Drew	

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

Apologies: Councillors:
Pat Graham
Steve Hall
John Jeffery

The meeting started at 9.30 am and ended at 10.55 am.

***1 Minutes**

The minutes of the meeting of the Licensing & Enforcement Committee held on 28 February 2012, were confirmed and signed as a true record.

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

Consideration was given to the report of the Licensing Manager, which provided Members with an update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005 and Taxi Legislation together with other general licensing matters. Members noted that Officers had completed all the visits to premises listed as high risk under the risk rating system. A review of the risk rating criteria for all licenced premises in East Devon would now be undertaken to compile a current list of high risk rated premises for targeted visits for the year 2012/13.

During the quarter, officers had chaired five pre-review meetings for premises across the area involving the Police and Environmental Health. Late night multi agency visits continued to be carried out with the Police Licensing Section. These visits were targeted at problem premises or premises that had been the subject of complaint. It was reported that there had been 56 TENs served between 1 June and 5 June 2012 (Queen's Diamond Jubilee Celebrations).

The Licensing Team had continued the education-based enforcement and monitoring approach to the Hackney Carriage and Private Hire Drivers and Vehicles

*2 **Committee update – Licensing Act 2003, Gambling Act 2005 and General Licensing (Cont)**

as used with the Licensing Act. Close liaison was maintained with partner agencies and the taxi trade to ensure that the principles of consistency, transparency and proportionality were maintained. Discussions continued with Devon County Highways Engineers over possible improvements to the Exmouth Taxi Rank.

Members noted that two consents had been issued for street trading permits in Bath Road, Exmouth. The majority of Street Trading consents for Sidmouth Folk Festival had now been granted. In answer to a question about increasing the number of Street Trading sites. John Tippin, Licensing Manager replied that Councillors and Town Councils should in the first instance approach the Licensing Service to request streets be made Consent Streets for Street Trading. Members noted that other local authorities had made the whole of their area as a Consent area for Street Trading. This allowed greater control of Street Trading activities.

With regard to Street Collections, Members were reminded that street collectors should not approach the public for donations.

RESOLVED that the report be noted;

*3 **Gambling Act 2005 – Tri-annual Review of the Council’s Licensing Policy**

Consideration was given to the report of the Licensing Manager on the tri-annual review of the Council’s Licensing Policy for the Gambling Act 2005. Members noted that under the Gambling Act 2005, it was the responsibility of the Council to develop and publish a Statement of Licensing Policy. The published policy provided the framework for all decisions on applications relating to the Gambling Act 2005 and the way the Local Authority carried out its functions in relation to the legislation.

Licensing authorities were also required to review their policy at least every three years. The Council’s first Policy was adopted by the Council on 6 December 2006. The policy was then reviewed three years later in 2009 and expires on the 31 January 2013. The Council therefore needed to start the review/consultation process to enable a new policy to be in place by January 2013. Members noted that no problems had been experienced with the policy for the Gambling Act 2005 and that there was no reason to make major changes to its contents. The proposed minor changes to the Policy were contained in Appendix B to the report.

RESOLVED that the report be noted.

*4 **An update on the implementation of the Police Reform and Social Responsibility Act 2011**

Consideration was given to the report of the Licensing Manager on an update on the implementation of the Police Reform and Social Responsibility Act 2011. Members noted that the Act would have fairly considerable changes to the Licensing Act 2003.

*4 **An update on the implementation of the Police Reform and Social Responsibility Act 2011** (Cont)

The first set of regulations from the Act had been implemented on 25 April 2012 and the remaining provisions would be commencing either in the autumn of 2012 or early 2013. In view of the considerable changes proposed to the Licensing Act 2003, John Tippin, Licensing Manager agreed to consider a further refresher training course to be arranged for Councillors on the Licensing & Enforcement Committee.

RESOLVED that the report be noted.

Chairman Date

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

- Present:** Councillors:
Steve Hall (Chairman)
Jim Knight
Pat Graham
- Officers:** Chris Lane – Democratic Services Officer
Neil McDonald – Licensing Officer
- Also Present:** Councillors:
Maddy Chapman
Steve Gazzard
Pauline Stott
Tom Wright

The meeting started at 9.30 am and ended at 9.40am.

***44 Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 28 February 2012, were confirmed and signed as a true record.

***45 Declarations of interest**

Councillor/ Officer	Agenda Item	Type of interest	Nature of interest
Councillor Tom Wright	*46 – Schedule of applications for Sub Committee approval where an agreed position has been reached and all Parties have agreed a hearing is unnecessary	Personal	Applicant for the Licence at The Venture Hall, Moor Lane, Budleigh Salterton, Devon, EX9 6PT.
Councillor Steve Hall	*46 – Schedule of applications for Sub Committee approval where an agreed position has been reached and all Parties have agreed a hearing is unnecessary	Personal	Ward Member for the area.

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

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

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

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

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for a premises licence to be granted	The Venture Hall, Moor Lane, Budleigh Salterton, Devon, EX9 6PT.	<p>Following mediation the applicant and the Council's Environmental Health service have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the addition of the following conditions</p> <ol style="list-style-type: none"> 1. The premises shall not be used for the playing of amplified live music. 2. 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 audible beyond the premises boundary. 3. Patrons will be asked not to stand around talking outside the premises or any car park and asked to leave the vicinity quickly and quietly.
	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003.	

Application for a premises licence to be granted.	Pebble bed Vineyards, Marianne Pool Farm, Cyst St George, Exeter, Devon, EX3 0NZ	<p>Following mediation the applicant, the Devon & Cornwall Constabulary and the Council's Environmental Health service have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the below listed amendments and the addition of the following conditions.</p> <ol style="list-style-type: none"> 1. An incident book will be kept detailing incidents, challenges and refusals. 2. The licensed area will be protected by way of a burglar alarm. 3. A Challenge 21 policy will be enforced with the only acceptable forms of ID being Photo Driving Licence, Passport or Government approved 'PASS' card. 4. Notices will be displayed reminding customers of the dangers and penalties of drunk driving. 5. Samples of wines will not be supplied to persons under the age of 18 years. 6. The licence holder must control the volume of regulated entertainment taking place at the premises, by the installation of a noise limiter which shall be set by and to the satisfaction of an Environmental Health Officer of East Devon District Council.
	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003.	
Application for a premises licence to be granted.	Subway, 4 The Strand, Exmouth	<p>Following mediation the applicant, the Devon & Cornwall Constabulary and the Council's Environmental Health service have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the below listed amendments and the addition of the following conditions.</p> <ol style="list-style-type: none"> 1. All outside furniture will be removed and

		<p>securely stored by 10pm each day.</p> <ol style="list-style-type: none"> 2. CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police in accordance with the requirements set out in the EDDC Licensing Policy. 3. CCTV images must be retained for a minimum of 14 days and to be produced on the request of the Police or a Licensing Officer of East Devon District Council. Recording media must be set to 25 frames per second. 4. The CCTV system must be operational at all times the premises are trading. If the system is faulty or not working then the Police and East Devon District Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book. 5. A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors. All signs must comply with the requirements of the Data Protection Act 2002.
	<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, 8 May 2012

- Present:** Councillors:
Steve Hall (Chairman)
Jim Knight
Tom Wright
- Officers:** Chris Lane – Democratic Services Officer
Giles Salter –Solicitor
Neil McDonald – Licensing Officer
- Apologies:** Councillors:
Peter Burrows
Steve Gazzard
Christine Drew

The meeting started at 9.30 am and ended at 10.20am.

***47 Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 24 April 2012, were confirmed and signed as a true record.

***48 Application for a variation of a premises licence to be granted under the Licensing Act 2003 at the Co-op, 2 – 4 Yonder Street, Ottery St Mary**

The Sub Committee gave consideration to an application for a Premises Licence under the Licensing Act 2003, to extend the permitted hours for the sale of alcohol for consumption off the premises at the Co-op, 2 – 4 Yonder Street, Ottery St Mary.

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

The Sub Committee carefully considered the relevant representations that all parties had made and the written representations and other documentation put before the Sub Committee. They considered the particular locality of the premises in a town centre and its physical relationship with other residential and commercial properties in the vicinity. It was considered relevant that no representations had been received from the Police in relation to the Licensing Act objectives that had been the subject of representations, which were, public safety, public nuisance, crime and disorder and protection of children from harm. From this the Sub-Committee concluded that the police did not consider that there was currently any significant problem associated with the current operation of the premises, or that there was likely to be if the amended application was granted provided the conditions they had requested were imposed.

*48 **Application for a variation of a premises licence to be granted under the Licensing Act 2003 at the Co-op, 2 – 4 Yonder Street, Ottery St Mary** (Cont)

The applicant stated that the application was part of a standardisation of premises licences for all Co-op stores nationally. At the hearing the applicant dealt with the four licensing objectives which were:-

Prevention of children from harm- Co-op was at the forefront of the Challenge 21 and Challenge 25 initiatives. However there was no evidence to demonstrate that an increasing of hours of sale of alcohol would lead to more under age-drinking. There was no specific evidence at the store of children purchasing alcohol and it was significant the police had not raised an objection.

Public safety- There was acknowledgment that there might be some incidents of anti-social behaviour locally; however the lack of police objection or substantive evidence before the Sub-Committee demonstrated that the threshold for objections on public safety grounds was not met. The applicant stressed the ethical background of the Co-op as a business.

Prevention of Crime/ Public nuisance- The applicant pointed the Sub-Committee to paragraph 5.8 of its own licensing policy. The impact of the application on the surrounding area and the evidence that any decision should consider whether the necessary conditioning was proportionate. The applicant suggested that if there was evidence to condition the premises then this should be exceptional and sufficient. The applicant concluded that in this matter the evidence was not there to draw these conclusions. Occasional ASB was not sufficient and no submission from the police should lead the Sub-Committee to conclude that the ASB was infrequent: increased hours did not lead to increased ASB and that the link must be proportional. A lack of evidence meant the Sub-Committee could not object to the application.

The issues of disturbance were linked to the business operation and not the specific sale of alcohol. The applicant stated that there would not be any deliveries before 7.00 am. Members noted that Vehicle obstruction was outside of the Co-op's control.

The interested parties case was on paper, that firstly, in relation to the prevention of crime and disorder, Allowing the application would increase the availability of alcohol and would probably lead to an increase of anti-social behaviour and criminal damage. He reported that there were issues of anti-social behaviour at The Land of Canaan and Hind Street Car Park.

Regarding public safety, increased alcohol availability would be likely to increase anti-social behaviour and criminal damage, and also increase the public perception of certain areas being no-go areas in the evenings/at night.

Regarding the prevention of public nuisance, (see above).

Regarding the prevention of children from harm, the application was likely to increase the incidents of under-age alcohol consumption. This would run completely counter to recent Government alcohol initiatives.

At the hearing Cllr Roger Giles referred the Sub-Committee to the plan set out in the papers.

48 **Application for a variation of a premises licence to be granted under the Licensing Act 2003 at the Co-op, 2 – 4 Yonder Street, Ottery St Mary** (Cont)

He stated that the location of the store was in a residential area and that increased opening times would lead to issues of nuisance and disruption for residents, he referred to the individuals who had made written representations, Mr & Mrs Craven.

There was a low wall located close to the premises where individuals met to drink alcohol, although there was no link drawn to the premises and no blame on the employees of Co-op.

Cllr Giles concluded that the application should be refused because it was inappropriate and detrimental. He referred to recent national publicity on the under-age sale of alcohol to children, the issues of health where alcohol was consumed beyond guidelines and the incidents of ASB linked to over consumption of alcohol.

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 well managed and controlled with good policies in place and adequate supervision from line management.

The Sub Committee 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 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 current operation of the premises. This was because of a lack of evidence of a history of complaints to the statutory authorities. They did however take into account the concern of local residents about future operation by ensuring that suitable conditions were imposed and that the operating hours were not excessive.

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.

*48 **Application for a variation of a premises licence to be granted under the Licensing Act 2003 at the Co-op, 2 – 4 Yonder 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 in the operating schedule as set out in Appendices F point 1, G 1 – 4 and H 1 – 11, will also apply.
- (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 Louisa Jane Furneaux-Harris.

*49 **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

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for the variation of a premises licence.	Co-op, 78 High Street, Sidmouth, Devon, EX10 8EQ.	<p>Following mediation the applicant and the Devon & Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the addition of the following conditions</p> <ol style="list-style-type: none"> 1. CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police in accordance with the requirements set out in the EDDC Licensing Policy. 2. CCTV images must be retained for a minimum of 14 days and to be produced on the request of the Police or a Licensing Officer of East Devon District Council. Recording media must be set to 25 frames per second. 3. The CCTV system must be operational at all times whilst the premises are trading. If the system is faulty or not working then the Police and East Devon Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book. 4. A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors. All signs must comply with the requirements of the Data Protection Act 2002.
Recommendation	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003.	

<p>Application for a premises licence to be granted.</p>	<p>Stowford Community Centre Chambers Close Sidmouth, Devon, EX10 9YL.</p>	<p>Following mediation the applicant, the Devon & Cornwall Constabulary and the Council's Environmental Health service have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the below listed amendments and the addition of the following conditions.</p> <ol style="list-style-type: none"> 1. Reduce all licensable activities to midnight on Friday and Saturday with the exception of the seasonal variations as listed. 2. Reduce terminal hour to 00.30 on Friday and Saturday with the exception of the seasonal variations. 3. All bottles must be decanted with the exception of wine and soft drinks. 4. Plastic or toughened glasses will be used. 5. Records of training must be kept. 6. All events where the premises are hired by third parties must be subject of a risk assessment to assess its impact on the four licensing objectives. 7. The premises must adopt a challenge 21 policy. The only forms of ID that will be accepted are, passport, photo driving licence or government approved pass card. 8. The license holder must control the volume of regulated entertainment taking place at the premises, by the installation of a noise limiter which shall be set by and to the satisfaction of an Environmental Health Officer of East Devon District Council. 9. All live and recorded music must cease at 2300hrs on Sundays to Thursday and midnight on Friday and Saturdays. 10. All doors and windows must be kept closed at all times during regulated entertainment and ventilation to be obtained by alternative means.
<p>Recommendation</p>	<p>Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003</p>	

Application for a premises licence to be granted.	Fernside Hotel 1 Dagmar Road Exmouth, Devon, EX8 2AN	<p>Following mediation the applicant and the Devon & Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</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 alcohol on display for sale or supply will be kept in a secure cabinet. 2. The premises must adopt a challenge 21 policy. The only forms of ID that will be accepted are, passport, photo driving licence or government approved pass card. 3. A new plan to be submitted to the Licensing Authority outlining the agreed redefined licensed area.
Recommendation	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003	
Application for the variation of a premises licence.	Westpoint, Clyst St Mary, Exeter, Devon, EX5 1DJ	<p>Following mediation the applicant and the Devon & Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the addition of the following conditions</p> <ol style="list-style-type: none"> 1. Plans to be submitted to the Licensing Authority showing amended areas and bar locations. 2. Whenever areas J and K (as marked in blue on the plans submitted to the Licensing Authority) are to be used for a licensable event notification must be given at least 14 days prior to the commencement of the event to include the bars that will be in use.
Recommendation	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003	

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Tuesday, 12 June 2012

- Present: Councillors:
Jim Knight (Vice Chairman in the Chair)
Bob Buxton
Thomas Wright
- Also present: Councillors:
Maddy Chapman
Christine Drew
Steve Gazzard
Ken Potter
- Officers: Douglas Jackson – Licensing Officer
Chris Lane – Democratic Services Officer
Giles Salter – Assistant Solicitor
Neil McDonald – Licensing Officer
John Tippin – Licensing Manager
- Apologies: Councillors:
Steve Hall (Chairman)

The meeting started at 11.00 am and ended at 12.20 pm.

*1 Minutes

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 8 May 2012, were confirmed and signed as a true record.

*2 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.

*3 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.

- *3 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.	The Famous Ship, High Street, Exmouth, EX8 1NP.	<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. CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police in accordance with the requirements set out in the EDDC Licensing Policy. 2. CCTV images must be retained for a minimum of 14 days and to be produced on the request of the Police or a Licensing Officer of East Devon District Council. Recording media must be set to 25 frames per second. 3. The CCTV system must be operational at all times whilst the premises are trading. If the system is faulty or not working then the Police and East Devon Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book.

		<p>4. A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors. All signs must comply with the requirements of the Data Protection Act 2002.</p> <p>5. No person carrying open or sealed bottles or glasses will be admitted to the premises at any time.</p> <p>6. No customers will be permitted to take open containers of alcoholic or soft drinks from the premises.</p> <p>7. A challenge 21 policy must be employed where those individuals who appear to be under the age of 21 attempting to purchase alcohol must be asked for identification. The only type of identification that will be accepted is PASS accredited ID, passport or photo driving licence.</p>
	<p>Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003</p>	

*4 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.

*5 Hackney Carriage Driver's Licence Application

Consideration was given to whether two applicants were fit and proper persons to be licensed as Hackney Carriage drivers. 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 overriding duty of the Sub Committee was protection of the public.

*5 Hackney Carriage Driver's Licence Application

- RESOLVED**
1. that in the interests of public safety, the Sub Committee was minded to suspend Mr AS's Hackney Carriage Drivers licence with immediate effect until 21 June, but after this date his Hackney Carriage Drivers licence be reinstated;
 2. that, in consideration of the serious circumstances of having a Hackney Carriage Vehicle on the road and holding a Hackney Carriage Drivers Licence without appropriate insurance documentation, failing to make it available on request to the Licensing Authority and further attempting to deceive the authority that insurance was in place when in fact it wasn't and in the interest of public safety, Mrs BH's Hackney Carriage Drivers licence be suspended with immediate effect and until such time as she has attended a Sub Committee hearing;
 3. that Mrs BH's Hackney Carriage Vehicle Licence continue to be in place.

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

Chairman Date