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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, 25 July 2012

Present:

**Councillors:**

Peter Halse (Chairman)  
Frances Newth (Vice Chairman)

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

**Hon Aldermen:**

Ann and Graham Liverton  
Ron Mudge  
Tony Reed

**Officers:**

Richard Cohen, Deputy Chief Executive  
Denise Lyon, Deputy Chief Executive  
Matt Dickins, Planning Policy Manager  
Stephanie Lewis, Assistant Democratic Services Officer  
Diana Vernon, Democratic Services Manager

**Apologies**

**Councillors:**

Roger Boote  
Peter Bowden  
Geoff Pook  
Philip Skinner  
Brenda Taylor  
Steve Wragg

**Honorary Aldermen:**

Vivienne Ash  
John Glanvill  
Bernard Hughes  
Bob Peachey  
Margaret Rogers  
Dr Waterworth

**Officers:**

Mark Williams  
Rachel Pocock

The Chairman introduced the Reverend Dennis Gurney from the Sidmouth Church of England Ministry and invited him to say a prayer.

The meeting then started at 6.30 pm and ended at 9.46 pm.

\*21 Public question time

The Chairman welcomed members of the public to the meeting and invited their questions.

Richard Thurlow, Chairman of Save Our Sidmouth raised concerns about the proposed allocation of employment land north of Sidford within the draft Local Plan and the proposed relocation of the Council offices from Knowle. He asked Members to take into account the 2400 signature petition submitted to the Special Development Management Committee on 17 July 2012 and to consider whether the proposed increase in employment land was realistic; he believed the allocation was based on flawed assumptions. He reminded Councillors that development in Areas of Outstanding Natural Beauty could only be agreed in exceptional circumstances. He asked Council to look to extend the Alexandria Industrial Estate as a possible alternative to the Sidford proposal.

Barry Curwen of Sidmouth also spoke of strong opposition to the Sidford employment land proposal in the draft Local Plan and said that the petition signed by all sectors of the community reflected the extent of local objection. He referred to the Special Development Management Committee when local Ward Members not on the Committee had not been allowed to contribute to the debate. He questioned the inclusion of the development land at Sidford which he felt was based on lack of local knowledge of the site.

The Chairman invited Councillor Mark Williamson, Chairman of Development Management to respond to the issues raised. Councillor Williamson reminded the speakers that the Plan was still in the consultation stage. Consultation and preparation had commenced in June 2008 and a further 6 week consultation period would encourage further public response. This would be followed by a robust assessment of policies and proposals. The inclusion of the Sidford site complied with the Council's strategy of one house: one job. Any proposed development within an Area of Outstanding Natural Beauty would be subjected to a rigorous environmental impact assessment.

\*21 Public question time (continued)

Lindsay Smallman, (representing M.J. Gleeson), made reference to the Heathfield Manor site in Honiton which the Development Management Committee at its Special Meeting on 17 July 2012 had recommended not to be allocated for housing allocation due to its poor access and siting within the Area of Outstanding Natural Beauty. She advised that this was the Town Council's preferred site and asked for any decision against the site to be delayed for consultation. She believed that the planning issues could be addressed through a master-plan.

Councillor David Foster, Mayor of Honiton added that Honiton had not been properly represented at the Special Meeting; he felt that the decision had been made with insufficient local input. He asked the Council to take into account local feeling and knowledge and to give the Town Council the opportunity to consider the proposed changes to the Plan.

The Chairman invited the Chairman of Development Management to respond. Councillor Williamson recognised the particular topographical problems in Honiton which constrained development. He advised that Natural England opposed the development of the Heathfield Manor site and thought it unlikely that an exception to development within the AONB would be approved by Government. Although development to the east would be preferable to avoid elongating Honiton further, the Council could only consider land for development that was deliverable.

Sandra Semple, Seaton resident referred to the motion at Agenda item 10 in respect of the East Devon Business Forum. She accused members of the Forum of 'fettering their discretion' and said that they should not be allowed to take part in decisions on planning applications, plan making or site allocation. She referred to the Forum as a lobby group who should not be allowed to influence Council policy.

The Chairman responded by advising that the Business Forum would be debated later on the agenda and that she should refer concerns to the Council's Monitoring Officer.

Emily Mclvor, Member of the Green Party, said that economic activity could be environmentally benign and even beneficial; the Local Plan should reflect this. She felt that support should be given to small and micro business in the area. She saw untapped potential for Green Tourism. She referred to the unpredictability of the future including food provision, climate change and economic problems and said that the Local Plan should reflect and help address this uncertainty.

Henry Gent, Member of the Green Party, said that the Local Plan needed to recognise the implications of climate change and to take steps to reduce its impact. Concerns expressed by Devon County Council and the Environment Agency needed to be fully considered, particularly in respect of further development on flood plains.

In response, Councillor Andrew Moulding, Portfolio Holder – Strategic Development and Partnerships confirmed that climate change had been properly considered with the Local Plan process. He advised that planning took into account changing circumstance and gave the example of the Exmouth Master Plan. This would be considered in detail throughout its delivery together with Environment Agency advice in respect of the flood plain.

\*21 Public question time (continued)

The Leader added that the Local Plan was an important document as it would help protect the district and Council from any unplanned development. He spoke positively about the development of the Growth Point where infrastructure was being put in place to sustain planned growth.

Bill Murray, member of the Business Forum asked if guidance existed for EDDC Councillors on internet blogs. He said that a Councillor's blog had implied malpractice by the East Devon Business Forum. He said that he was neither a land owner nor a developer and that the blog had misrepresented the Forum's membership.

In response the Portfolio Holder – Corporate Services advised that guidelines on blogging had been issued to all Councillors.

\*22 Minutes

The minutes of the Annual Meeting of the Council held on 23 May 2012 and of the Extraordinary Meeting of 27 June 2012 were confirmed and signed as a true record subject to the addition of the Culture Champion as a representative (with Councillor Frances Newth) on the Manor Pavilion Management Steering Committee (Annual Council Appendix D – Panels and Forum – 5).

(The minutes of the Ordinary Meeting of the Council held on 11 April 2012 had been signed at the Annual Meeting but had been included in the minute book for ease of reference.)

\*23 Chairman/Leader notices/announcements

a) Flooding – 7/8 July

The Chairman extended the Council's appreciation to staff for their response to the severe flooding over 7/8 July. He referred to the significant and timely efforts of Streetscene and Housing staff. He advised of two flood fairs being held – Axminster (27 July) and Sidmouth (1 August) – to gather evidence from the worst affected areas.

b) Standards Committee

The Chairman asked Members to formally approve the appointment of Tim Swarbrick as co-opted, independent, non-voting member of the Standards Committee for a 4 year term. This was to fill the vacancy created by Alison Willan's appointment as Independent Person in accordance with the new complaints procedure under the Localism Act 2011. Both Alison and Tim were present at the meeting and were introduced to Members by the Chairman.

**RESOLVED** that Tim Swarbrick be appointed as independent co-opted non-voting member of the Standards Committee for a four year term.

**\*23 Chairman/Leader notices/announcements**

## c) Citizens' Advice Service East Devon

The Chairman advised that he had received a request from Councillor John Humphreys who wished to resign as Council appointed representative on the Citizens' Advice Service East Devon due to commitments this year as Mayor of Exmouth. This issue would be taken at Agenda 14.

## d) Electronic Document Management

The Chairman announced that there would be a presentation on electronic document management at the next ordinary meeting of the Council in October.

**\*24 Long Service Awards**

The Chairman expressed the Council's appreciation of the loyalty of long-serving staff.

The Vice Chairman spoke of the career and valued contribution made by Jonathon Street, Senior Systems Analyst within the ICT Service. Jon had worked for the Council for 10 years. Councillor Newth presented the Long Service Award and extended her thanks and congratulations.

**\*25 Questions (Procedure Rules 9.2 and 9.5)**

No questions had been submitted.

**\*26 Minutes of Cabinet and Committees**

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

Cabinet	Minutes	230-252, 1-18, 19-40
Development Management	Minutes	66-71, 72-78, 79-83, 1-6, 7-11
Planning Inspections	Minutes	15-16, 17-18
Audit and Governance	Minutes	1-8
Standards Committee	Minutes	1-5, 6-8
Licensing Committee	Minutes	1-4
Licensing & Enforcement Sub	Minutes	44-46, 47-49, 1-5

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

The Cabinet (minutes 237, 7, 8, 26 and 27) had noted or accepted the following Overview/Scrutiny Committees' recommendations with or without amendment.

Overview and Scrutiny Committee	Minutes	87-93, 94-104, 1-7
Housing Review Board	Minutes	66-83, 1-18

Arising from consideration of the above minutes:-

a) **Localisation of Council Tax Benefit for working age customers (Cabinet Minute 29)**

Correction in text to read Portfolio Holder – Corporate Business instead of Corporate Services.

b) **Seaton – Windsor Gardens access (Cabinet Minute 40)**

Councillor Peter Burrows who had specially attended the Cabinet meeting to raise concerns about the potential problems of allowing developers access across Windsor Gardens for a year said that these concerns should have been more clearly set out in the minutes. He said that traffic movements were a real issue. The Leader advised that the Council had ensured that the conditions attached to the permission would minimise disruption and that the Portfolio Holder – Environment and his Deputy would monitor the works.

c) **Cabinet – 11 July 2012**

Councillor Pauline Stott had not been present and asked for her apologies to be recorded.

d) **Planning Policy – New East Devon Local Plan 2006 – 2026  
Special Meeting of Development Management Committee (Minute 11)**

**Proposed amendments:**

1. Councillor Roger Giles proposed an amendment to the minute to reduce the allocation of 2 hectares of employment land at Ottery St Mary to 0.67 hectares. He said that this would reflect the advice in the Roger Tym and Partners' report which had been commissioned by the Council.

The amendment was seconded by Councillor Claire Wright.

Councillor Mark Williamson asked the Planning Policy Manager to respond. Matt Dickins advised that Roger Tym's report referred to Class B Land Use but the 2 hectares included in the draft Local Plan had wider implications and included educational, retail and residential care use.

The amendment was put to the vote and lost.

2. Councillor Mike Allen proposed that an Extraordinary meeting of the Council be held to enable all Councillors to be presented with a full version of the Local Plan and to contribute to the debate. This would include further consideration of the proposal in respect of the Sidford development land and advice from the Environment Agency and Highways. He said that the meeting could be timetabled without causing disruption to the Local Plan process and its timelines.

\*26 Minutes of Cabinet and Committees

Arising from consideration of the minutes:-

**Planning Policy – New East Devon Local Plan 2006 – 2026  
Special Meeting of Development Management Committee (Minute 11)  
Proposed amendments (continued)**

The amendment was seconded by Councillor Graham Troman who emphasised the need for an audit trail of decision making in respect of the Plan. He was concerned about some misinterpretation of what the towns had said in consultation.

Sidmouth Ward Members, Councillors Christine Drew and Stuart Hughes would welcome an opportunity to raise their concerns about the proposed allocation of employment land at Sidford and its potential impact.

Discussion included concern over the Local Plan process. Members were again reminded that there would be a further period of 6 weeks for consultation.

The proposal to hold an Extraordinary Council meeting to discuss the full Local Plan without delaying the Local Plan process was put to the vote and lost.

3. Councillor Hughes proposed that the capacity for expansion of the Alexandria Industrial Estate should be explored.

This amendment was seconded by Councillor Wale.

The proposal was put to the vote and carried.

**RESOLVED** that the capacity for expansion of the Alexandria Industrial Estate be explored.

4. Councillor Allen proposed that the process in respect of producing the Local Plan should be considered in detail by the Overview and Scrutiny Committee so that lessons could be learned for the future.

This proposal was seconded by Claire Wright.

Councillor Williamson questioned the timing of the review and suggested that this should be undertaken when the Inspector's comments had been made; the Committee would then be able to fully assess the processes in the light of feedback from the Inspector. He agreed that it would be helpful to be prepared for the next review – the Plan would be reviewed with consultation every 5 years throughout its life.

As Chairman of the Overview and Scrutiny Committee, Councillor Stuart Hughes suggested that such a process review could be included in his Committee's Forward Plan with the aim of receiving a report for the meeting in March 2013.

- \*26 Minutes of Cabinet and Committees  
Arising from consideration of the minutes:-

**Planning Policy – New East Devon Local Plan 2006 – 2026  
Special Meeting of Development Management Committee (Minute 11)  
Proposed amendments (continued)**

Councillor Allen amended his proposal in line with the suggestion from Councillor Hughes. This was then put to the vote and carried.

**RESOLVED** that a report on the process involved in producing the Local Plan and associated consultation be included on the Forward Plan of the Overview and Scrutiny Committee for consideration at its March 2013 meeting.

(Councillor Stuart Hughes declared a personal interest in this item as Chairman of the Devon Flood Risk Management Partnership, DCC Cabinet Member for Highways and Transportation and Member of the SW Regional Flood Committee).

- \*27 Motion 1 – Housing and strategic planning

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

“This Council believes that it should have the ability to decide the number of houses to be provided within its boundaries as part of the strategic planning process.

Key factors to be considered in arriving at the appropriate level of housing provision include local need, the views of residents of East Devon, and the environmental, infrastructure and other constraints.

This Council is concerned that windfall developments can distort the agreed housing allocation. This Council therefore calls on Government to change the guidance to Councils producing Local Plans so that windfall developments are included in the overall housing allocations, rather than additional to the housing allocations.”

In proposing the motion, Councillor Roger Giles said that the allocation of housing had been imposed by Central Government rather than in response to local conditions and need. He said that some development was essential for the local community but he questioned where this should be and the numbers involved. He said that disregarding windfall developments was damaging and gave the example of regular windfall development within West Hill.

In seconding the motion, Councillor Claire Wright said that windfall development in West Hill was a significant trend which should be taken into account.

**\*27 Motion 1 – Housing and strategic planning (continued)**

Councillor Mark Williamson thanked the proposer and seconder and said that the issue raised was appropriate and timely. He said that future windfalls could not be predicted. He proposed an amendment to the wording of the first paragraph:

“This Council believes that it should have the ability, subject to qualified independent assessment, to decide the number of homes to be provided within its boundaries as part of the strategic planning process”.

The amendment was seconded by Councillor Alan Dent who emphasised the need for new homes in the district to meet local need. He said that growth figures were an estimate which would be reviewed and up-dated over time. The Portfolio Holder for Sustainable Homes and Communities referred to the housing shortfall and the need for affordable homes to achieve balanced communities.

- RESOLVED**
- (1) that this Council believes that it should have the ability, subject to qualified independent assessment to decide the number of homes to be provided within its boundaries as part of the strategic planning process;
  - (2) that key factors to be considered in arriving at the appropriate level of housing provision include local need, the views of residents of East Devon, and the environmental, infrastructure and other constraints;
  - (3) that due to this Council’s concern that windfall developments can distort the agreed housing allocation, this Council calls on Government to change the guidance to Councils producing Local Plans so that windfall developments can be included in the overall housing allocations, rather than additional to the housing allocations.

**\*28 Motion 2 – East Devon Business Forum**

The following motion (in the names of Councillors Derek Button, Geoff Chamberlain, Roger Giles, Ben Ingham and Claire Wright), was proposed by Councillor Claire Wright and Seconded by Councillor Ben Ingham:

“This Council recognises the need for fair and independent representation from businesses in the district.

It also recognises that East Devon Business Forum has among its members, a high proportion of major landowners and developers. This has prompted concern among members of the public and business community, that the Forum is neither independent nor representative of business in East Devon.

In addition, Council budgets have been slashed by 30 per cent and we are in a time of financial austerity.

For these reasons this Council will now withdraw financial, officer and administrative support from East Devon Business Forum, with the aim of encouraging the evolution of an independent, representative, self-financing body, managed by a chairman, independent of this Council.”

\*28 Motion 2 – East Devon Business Forum (continued)

In proposing the motion, Councillor Claire Wright referred to the current shrinking economy; it was vital for businesses to retain their viability. She said that the Business Forum was dominated by landowners and developers who had undue influence on development within the district. She did not feel that the Forum was sufficiently representative of the local business community. The Council made a financial contribution to the Forum and provided administrative support. Councillor Wright said that this was inappropriate and should cease.

In seconding the motion, Councillor Ben Ingham said that it was an important role for the Council to support local business and had a long record of doing so. He said that East Devon was a district of small businesses and the Forum was not sufficiently representative.

Further comments from Councillors in support of the motion included the importance of public perception and that the public might believe the Forum to be dominated by major developers. It was suggested that the Forum should be separate from the Council and managed independently.

The Leader outlined the history of the Council's support for business within the district with the aim of achieving a thriving economy. He said that the East Devon Business Forum was an invaluable conduit for information exchange at very moderate cost and invited the Portfolio Holder – Economy to address the Council.

Councillor Godbeer emphasised the importance of establishing a healthy dialogue with the business community and to help support a thriving economy. A strong business base within the district helped to attract further growth to the area.

Councillor Graham Brown, Chairman of the Business Forum added that he was proud of the achievements of the Forum which was open to all businesses.

Councillor Ray Bloxham, Portfolio Holder – Corporate Business said that there were no grounds for questioning the integrity of the Forum and if there were any concerns, then these should properly be referred to the Monitoring Officer.

In summing up, Councillor Claire Wright said that her concerns had been an on-going issue for some time and referred to employment land proposals accepted by the Council in 2008.

The motion was put to the vote and lost.

\*29 Changes to Membership - Office Relocation Working Party

- RESOLVED**
- (1) that Councillors Vivien Duval Steer, Ben Ingham, Helen Parr and Steve Wragg's resignation from the Office Relocation Working Party be formally acknowledged as there was now potential for a conflict of interest due to their membership of the Development Management Committee;
  - (2) that Councillors Jill Elson, Frances Newth and Pauline Stott (Conservative Group) and Douglas Hull (Liberal Democrat Group) be appointed to the Office Relocation Working Party.

(Note – although invited to nominate a representative, the Independents Group declined to do so – Councillor Jill Elson was then nominated to fill the vacancy.)

\*30 Changes to Member Champion appointment

- RESOLVED**
- (1) that Councillor Philip Skinner's request to resign as Rural Broadband Champion due to work commitments be formally acknowledged;
  - (2) that the Leader's appointment of Mike Howe as Rural Broadband Champion be noted.

\*31 Up-date to Outside Bodies representation

- 1. Lower Exe Mooring Authority Management Committee
- 2. Citizens' Advice Service East Devon (CASED)

- RESOLVED**
- (1) that Honorary Alderman Bernard Hughes be appointed as substitute EDDC representative on the Lower Exe Mooring Authority Management Committee.
  - (2) that Councillor Alan Dent be appointed as the Council's representative on the Citizens' Advice Service East Devon (CASED) to fill the vacancy left by the resignation of Councillor John Humphreys from this position due to commitments as Mayor of Exmouth.

Chairman .....

Date .....

EAST DEVON DISTRICT COUNCIL  
Minutes of a Meeting of the Cabinet  
held in the Council Chamber, Knowle, Sidmouth  
on Wednesday, 5 September 2012

Present:

**Councillors:**

Paul Diviani (Leader/Chairman)  
Andrew Moulding  
David Cox  
Jill Elson  
Graham Godbeer  
Stephanie Jones  
Ian Thomas  
Phil Twiss

Also  
Present:

**Councillors:**

Geoff Chamberlain  
Deborah Custance Baker  
Alan Dent  
Christine Drew  
Steve Gazzard  
Steve Hall  
Tony Howard  
Stuart Hughes  
Douglas Hull

John Humphreys  
Ben Ingham  
Sheila Kerridge  
Frances Newth  
John O'Leary  
Geoff Pook  
Pauline Stott  
Tim Wood  
Eileen Wragg

Also  
present:

**Officers:**

Mark Williams, Chief Executive  
Denise Lyon, Deputy Chief Executive  
Richard Cohen, Deputy Chief Executive  
Simon Davey, Head of Finance  
John Golding, Head of Housing  
Karen Jenkins, Corporate Organisational Development Manager  
Charlie Plowden, Countryside and Leisure Manager  
Steve Pratten, Relocation Project Manager  
Paul Lowe, Housing Development and Enabling Officer  
Diana Vernon, Democratic Services Manager

Apologies

**Councillors:**

Ray Bloxham  
Iain Chubb

**Non-Cabinet Members:**

Peter Bowden  
Graham Brown  
Derek Button  
Bob Buxton  
Vivien Duval-Steer  
Jim Knight  
Ken Potter  
Mark Williamson  
Tom Wright

The meeting started at 5.30 pm and ended at 7.26 pm.

\*41 Petition – Elizabeth Hall for the Community, Exmouth

**Subject of Petition**

“We, the undersigned, understand that the Council aims to sell this community facility. We want Elizabeth Hall to remain for the community and not to be sold off to a developer for housing or commercial as outlined in the Journal of 8 March 2012”.

The Leader invited the petition organiser to address the Cabinet for 5 minutes on the subject of the petition – as required by the Council’s Petition Scheme.

In presenting the petition, Nichola King advised that there were 12429 signatures on the Petition. This was made up of 7856 Exmouth residents (EX8 Postcode) which represented 70% of the petition names. Other signatures were of residents from the surrounding area and frequent visitors from further afield. Nichola advised that most of the people consulted agreed that Exmouth would benefit from regeneration and wanted the Elizabeth Hall refurbished for the benefit of the Exmouth community and its visitors. The Hall was central to the community and was a prime fund-raising venue for charities. She said that the Hall was not surplus to requirements and the petition represented genuine local feeling and support for the facility.

The Leader thanked the petition organiser for her representation and the facts provided. He said that the issues raised would be taken into account during the decision-making process.

\*42 Public Questions

The Leader invited questions from the public present.

Dorothy Bruce of Exmouth referred to the town’s character and said that the Elizabeth Hall was its jewel. She said that the Hall had been neglected but remained beautiful and would benefit from restoration rather than destruction. She asked the Cabinet to listen to local opinion.

Goff Harris of Exmouth said that he had spoken with hundreds of people about the future of the Elizabeth Hall and that most wanted the facility refurbished as part of the regeneration of the seafront. He said it was a loved and treasured building. Its loss would impact on local fundraising. He said that the destruction of the Hall could not be justified and would be contrary to local feeling.

Tim Todd of Exmouth said that the Council had not provided all of the information to the local people which left the Masterplan and consultation flawed. He said that the consultees had been misled – he would make correspondence available to evidence this.

Geoff Morris, Chairman of the Exmouth Residents and Traders Association advised that the majority of people questioned favoured appropriate development that would enhance the town for the benefit of local residents and visitors. Disposal of publicly owned land was not supported. He asked to be involved with a SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis which would highlight issues and help provide a clear basis for decision-making.

**\*42** Public Questions (continued)

Mike Fowler of the National Coastwatch Institution in Exmouth gave a brief outline of this organisation. Throughout the summer months members of the NCI are on duty every day and provide weekend cover over the winter. All members are trained and are volunteers. The Station is checked annually by the Maritime Coastal Agency and works alongside the Lifeboat and Coastguard services as a recognised facility. The Station is located in the tower of the Harbour View Cafe which provides a good view of the area. The Exmouth Service 'watches' the beach as well as the sea and has provided a valued service for many years. He advised that as part of the redevelopment of the Seafront, the future of the existing NCI facility was in doubt. He asked the Cabinet to help to make sure that the NCI would be able to continue its operations in Exmouth and to be included within the proposed redevelopment.

The Leader thanked the speakers and confirmed that the points raised would be taken into account during decision-making.

**\*43** Minutes

The minutes of the meeting of the Cabinet held on 11 July 2012 were confirmed and signed as a true record subject to Councillor Pauline Stott being included in the list of apologies and the text at Minute 29 being corrected to read 'Portfolio Holder – Business' instead of 'Corporate Services'.

**\*44** Declarations of interest

<b>Councillor/ Officer</b>	<b>Minute number</b>	<b>Type of interest</b>	<b>Nature of interest</b>
Jill Elson	41	Personal	Hospice Care Volunteer.
Frances Newth	49	Personal	EDDC appointed representative on the Manor Pavilion Theatre Management Steering Committee
John O'Leary	49	Personal	EDDC appointed representative on the Thelma Hulbert Gallery Advisory Forum
Phil Twiss	49	Personal	EDDC appointed representative on the Thelma Hulbert Gallery Advisory Forum
Graham Godbeer	60	Personal	Director of Exeter Science Park
David Cox	60	Personal	Shareholder of Exeter Science Park

**\*45** 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.

\*46 Forward Plan

Members noted the contents of the Forward Plan for the period 1 September to 31 December 2012.

\*47 Matters referred to the Cabinet

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

\*48 Minutes of the meeting of the Overview and Scrutiny Committee held on 26 July 2012

The minutes of the meeting of the Overview and Scrutiny Committee of 26 July 2012 were received.

Councillor John Humphreys confirmed that he had attended the meeting and that his name should have been included in the list of those present.

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

**Minute 11** The update on the office relocation project – further updates would be referred to the Committee as the project progressed.

**RESOLVED 2: that the following decision be agreed:**

**Minute 13** that the Council record the aspirations of the Blackdown Hills as set out in their Community Plan and assist in meeting the stated priorities where these are consistent with the District Council's remit and adopted plans.

**RESOLVED 3: that the following recommendations be taken into account when the issue is raised later on the agenda:**

**Minute 11** (1) that the recommendations in respect of the Office Relocation Project be taken into account during consideration of this issue at agenda item 20 – EDDC Office Relocation up-date;

**Minute 15** (2) that the recommendations in respect of the Arts and Culture Task and Finish Forum be taken into account during consideration of this issue at agenda item 11.

\*49 Arts and Culture Task and Finish Forum – Key Decision

The Countryside and Leisure Manager presented the recommendations of the Arts and Culture Task and Finish Forum which had been endorsed by the Overview and Scrutiny Committee subject to minor amendment. He advised that one of the key outcomes had been the need for the Thelma Hulbert Gallery to be more involved with the local and wider community and to generate more income streams.

## \*49 Arts and Culture Task and Finish Forum – Key Decision (continued)

He advised that the Forum had recognised the opportunity to progress local work being carried out within East Devon Communities. The Forum had acknowledged the significant contribution made by arts and culture to the community and local economy and regarded the Manor Pavilion, Sidmouth as a positive example.

Councillor John O’Leary, Culture Champion and Chairman of the Task and Finish Forum spoke positively about the value of art and culture within East Devon and the need for the Thelma Hulbert Gallery to be run as a commercial business.

Councillor Phil Twiss, appointed representative on the Gallery’s Advisory Forum, believed that a more robust Forum was needed to drive forward a nationally recognised arts facility.

Councillor David Cox, Finance Portfolio Holder thanked the Task and Finish Forum for its work and the comprehensive and timely report. He believed that the lack of an effective reporting link between the Gallery and Council had meant that the Cabinet had not been kept fully informed. He emphasised that it was now vital to develop an income stream, establish a realistic business plan for a 2 to 3 year period with a tightly controlled and monitored budget. He doubted that the Gallery could achieve a revenue neutral position within 3 years but this should be the target.

Councillor Graham Godbeer, Economy Portfolio Holder fully appreciated the funding issues. He was very supportive of arts and culture and its value to the wellbeing of the community but recognised that the management of the Gallery needed to be more robust.

Councillor Douglas Hull, Member of the Task and Finish Forum said that the Forum had been very effective and that the officer reports had been clear and well presented. He spoke positively about the outreach programme and its benefit to the community.

Councillor Andrew Moulding, Strategic Development and Partnerships Portfolio Holder, had been proactive in supporting arts development over the years. He said that since the Council had taken over the Gallery, it had concentrated its efforts and budget on that facility to the detriment of district wide arts development.

The Cabinet accepted that urgent positive action was needed to address the Gallery’s on-going deficit position. The Cabinet wanted to see a turn-around in the financial position and that this should be evidenced within a year.

- RESOLVED:**
- (1) that the recommendations of the Arts and Culture Task and Finish Forum as supported (with minor amendments) by the Overview and Scrutiny Committee be referred to the Environment Think Tank with the Think Tank being asked to determine the membership and remit of an Arts and Culture Forum with immediate effect to focus on how to significantly improve the viability of the Thelma Hulbert Gallery, with an early report back to the Cabinet in November 2012;
  - (2) that the Environment Think Tank also consider the remit of the currently vacant Arts Development Officer post;

\*49 Arts and Culture Task and Finish Forum – Key Decision (continued)

- (3) that recommendations 1(a), 1(b), 2(a), 2(b), 3(a), 3(b), 4(a), 4(c), and 9 be approved as printed in the report.

**REASON** To urgently address the budget deficit of the Thelma Hulbert Gallery.

\*50 Financial monitoring report 2012/13 – Month 4 July

Members considered the financial monitoring report which gave a summary of the Council's overall financial position for 2012/13 at the end of month 4 (31 July 2012). Current monitoring indicated that:

- The General Fund Balance was being maintained at or above the adopted level.
- The Housing Revenue Account Balance will be maintained at or above the adopted level.
- There was sufficient Capital Reserve to balance this year's Capital Programme. However it was estimated that there would only be £1.866M available in the Reserve to support the programme from 2013/14 onwards.

**RESOLVED:** that the variances identified as part of the Revenue and Capital Monitoring process up to month four be acknowledged;

**REASON** To monitor the overall financial position of the authority at the end of month four – the decision reflected the inclusion of any recommended corrective action required for the remainder of the financial year.

\*51 Changes to the provision of Disabled Facilities Grant

Councillor Jill Elson, Sustainable Homes and Communities Portfolio Holder presented the report of the Private Sector Housing Manager which set out the changes to the provision of the Disabled Facilities Grant. Councillor Elson advised that an improved service would be provided in-house.

This mandatory grant work had been provided externally through the Home Improvement Agency as a cost effective option since 2001. This contract ceased in April 2011. New service delivery arrangements have been negotiated through the Council working with the County Council and Devon Care and Repair.

However the changes have put additional strain on the Private Sector Housing Team with the result of other mandatory housing work being delayed. Members were asked to consider the appointment of an additional Technical Officer, financed through the grant scheme. This appointment would help address the impact of bringing the disabled Facilities Grant administration in-house and open up opportunities for providing a better, more cost effective, customer focused service.

\*51 Changes to the provision of Disabled Facilities Grant (continued)

**RESOLVED:** that an additional Technical Officer to work on the new Disabled Facilities Grant (DFG) process funded from the grant budget be agreed.

**REASON** The present new arrangements for providing Disabled Facilities Grants were causing strain on the existing Private Sector Housing team such that a lot of other mandatory housing work was being delayed and/or not carried out.

Provision of DFGs is a mandatory function of the Local Housing Authority.

\*52 Shared ownership properties lease extensions

Councillor Jill Elson, Sustainable Homes and Communities Portfolio Holder presented the report of the Head of Housing in respect of a request from shared property owners (of properties where the Council has retained an equity share) for lease extensions.

**RESOLVED:** that Council shared ownership leases be extended when requested to do so – using the methodology set out in the report.

**REASON** In response to a request from the Council's shared property owners. The Council would apply a standard methodology that could be applied to all leaseholders in a consistent and fair way.

\*53 Affordable Housing – Local Authority Affordable Housing Grants

Councillor Jill Elson, Sustainable Homes and Communities Portfolio Holder presented the report of the Housing Development and Enabling Officer seeking approval to identify funding to 'pump prime' potentially affordable housing schemes in East Devon that were stalled or otherwise not financially viable. There had been significant reduction in funding through the Homes and Communities Agency and most had already been allocated until 2015.

Members were advised that relatively small amounts of funding could ensure that an affordable housing project was delivered. An annual budget of around £100,000 could help to facilitate the formation of twenty Community Land Trusts or help to start a number of stalled schemes with Registered Providers.

**RESOLVED:** that Officers be authorised to seek to identify suitable funding sources, including newly emerging funding streams, and create a Local Authority Housing Grant budget.

**REASON** To help unlock affordable housing schemes in areas of need within East Devon.

## \*54 Mamhead Slipway closure and future options

Councillor Phil Twiss, Deputy Environment Portfolio Holder presented the joint report of the Streetscene Manager, Senior Engineer, Principal Estates Surveyor and Beach Safety Officer. The report set out the reasons for the closure of the Mamhead slipway and the temporary and longer term options available. Councillor Twiss said that the Council now had an opportunity to provide a fit-for-purpose slipway.

Councillor Eileen Wragg had discussed Exmouth slipway needs with LEP experts who determined that a temporary slipway was essential. She outlined advantages and disadvantages of various sites with a view to a permanent solution.

Councillor Cox, Finance Portfolio Holder, advised that a fully costed business plan would help achieve the best solution.

Councillor Ian Thomas, Corporate Services Portfolio Holder said that the slipway provision should be considered holistically and that consideration should be given to a charging tariff similar to that used in other areas – use of the Exmouth slipways was currently free of charge.

Councillor Tim Wood, Exmouth Town Member Champion, said that a solution needed to be investigated as quickly as possible.

Councillor Andrew Moulding, Strategic Development and Partnerships Portfolio Holder advised that provision of adequate slipway arrangements had been included in the Exmouth Masterplan. The closure of the Mamhead Slipway had brought forward the need to address slipway provision. Temporary arrangements were not ideal and supported the need to achieve holistic short and long term solutions.

- RESOLVED:**
- (1) that, based on the advice from engineering experts, Royal Haskoning, the Mamhead slipway remains closed;
  - (2) that the immediate and necessary actions taken by officers to mitigate the adverse impact of the Mamhead Slipway closure be endorsed;
  - (3) that Richard Cohen, Deputy Chief Executive set up a small local consultation group to investigate the best option for temporary alternative slipway provisions with a costed long term solution based on necessary studies and consultations and funding strategy being referred to a future meeting of the Cabinet.

**REASON**

To minimise the negative impact of the closure of Mamhead slipway. Longer term consideration and detailed work is needed to investigate the design, cost and potential funding sources for an enhanced slipway scheme at Mamhead in keeping with the vision for the Pierhead and Mamhead areas as set out in the Exmouth Town Centre and Seafront Masterplan.

## \*55 Personal Water Craft (PWC) use in Exmouth – up-date report

This report of the Beach Safety Officer and Streetscene Manager was considered in conjunction with the Mamhead Slipway report (Minute 54 above). It gave an up-date on tests performed on launching and recovering craft from the Harbour View Slipway. The outcome of the testing showed that in its current state Harbour View Slipway was unsuitable for launching certain craft. Various options to address identified issues were explored. The report also provided an up-date on the progress of other actions from the report considered by Cabinet at its meeting on 7 March 2012. It also made recommendations for further investigation on how enforcement could be improved on the Exe Estuary.

Councillor Phil Twiss, Deputy Environment Portfolio Holder advised that a Civil Enforcement Officer had been installed on the seafront and had effectively defused local conflict between water users and local residents.

**RESOLVED**

- (1) that the results of the Slipway tests, which show that in its current state Harbour View is unsuitable for launching Personal Water Craft (PWC) at most tide states be noted;
- (2) that the Council thanks local PSW owners for their assistance and continues to work with them to educate other PWC users, noting the work done so far to help improve responsible PWC use;
- (3) that the use of semi-permanent track-way matting at Harbour View be not supported due to the costs and uncertainty over its suitability and other risks associated with the site but with Officers being asked to continue to look into other solutions;
- (4) that signage on Belshers (and Mamhead) Slipways be used to highlight safe use of the Estuary, including the Code of Conduct for PWC users in an attempt to positively influence behaviour;
- (5) that the Civil Enforcement Officer stationed at Belshers Slipway works with the Harbour Patrol to do a series of patrols to raise awareness of the Code of Conduct and safe use of the estuary;
- (6) that a multi-agency working group be convened to further investigate enforcement options for the Exe Estuary regarding speeding PSWs and antisocial behaviour;
- (7) that, subject to further planning and investigation, a Mamhead Slipway redevelopment scheme be supported as the preferred long term solution with Officers continuing to investigate improving launch facilities at other slipways to encourage PWC users away from Belchers.

**REASON**

The launch testing at Harbour View slipway showed that the site was unsuitable for use by PWCs but efforts needed to continue to try to find a solution to encourage users away from Belshers and reduce anti-social behaviour of some PWC users.

\*56 Exemption from Contract Standing Orders – purchase of mechanical sweeper

Members considered the report of the Streetscene Manager seeking exemption from Standing Orders to purchase a Scarab Merlin XP Hydrostatic Mechanical Sweeper for reasons included within the report.

**RESOLVED** that exemption from Contract Standing Orders be granted to allow the purchase of a specified Mechanical Sweeper from the Scarab Fayat Group for the reasons set out in the report.

**REASON** The Streetscene service has used this machine for a number of years and found it satisfactory. There is only one supplier able to supply the particular sweeper and provide service locally.

\*57 Performance Management report June/July 2012

Members considered the report of the Chief Executive setting out performance information for the 2012/13 financial year for June/July 2012. The only measure raising particular concern was in respect of working days lost due to medium and long term sickness absence. The report set out actions being taken to address this increase and Members were advised that the measure would be kept under close review.

**RESOLVED** that the progress and proposed improvement action for performance measures for the 2012/13 financial year for June/July 2012 be noted.

**REASON** The monthly monitoring was to highlight performance and help identify any trends. Additional information to support this monitoring was provided on line – a monthly snapshot report and SPAR performance indicators and systems thinking measures in key service areas – Streetscene, Housing, Development Management and Revenues and Benefits.

\*58 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).

\*59 Office relocation – revision of budget to financial viability gateway

Members considered the report of Richard Cohen, Deputy Chief Executive and the Relocation Manager. Work undertaken to date included a refined task list with costings for the relocation project. Members were asked to approve the refined budget for the work needed to determine the viability of the possible office relocation.

Councillor Moulding, Strategic Development and Partnerships Portfolio Holder confirmed that the budget included a contingency fund and also the in-house client costs so that Councillors had a clear overall picture of budget expenditure.

Budgets now refined and realistic would be closely monitored.

\*59 Office relocation – revision of budget to financial viability gateway (continued)

- RESOLVED**
- (1) that the details of project spend to date be noted;
  - (2) that approval be given to an extension to the Office Relocation Budget to the Financial Viability Gateway up to the total set out in the confidential report to Cabinet.

**REASON** To satisfactorily continue the project through to the Financial Viability Gateway. The increased budget cost would be factored into the Council's overall commitment to a cost neutral outcome.

\*60 Office relocation project – planning advice – exemption from Standing Orders

Members considered the report of Richard Cohen, Deputy Chief Executive and the Relocation Manager seeking approval to engage an expert planning advisor to provide a range of advice in respect of the Outline Planning Application process relating to the office relocation project. The cost to be met from within the Transformation Fund allocated to the relocation project budget.

**RESOLVED** that the appointment of Bell Cornwell, Chartered Town Planners, up to the sum specified in the confidential report to Cabinet, to provide advice to the Council in its role as applicant for outline planning permission for development on the Knowle be approved together with approval (for the reasons set out in the report) of an exception to Standing Orders in respect of their appointment.

**REASON** The Council must have a clear separation between its role as planning authority and as applicant and landowner. To this end the Council needs to bring in its own planning adviser to assist through the process and provide reassurance that applicant planning issues, Planning Authority engagement, external challenges, and so on, can be addressed.

Exemption to Standing Orders was required to appoint the recommended advisors who had already been used on a short term basis.

\*61 Science Park – Shareholder Underwriting

The Head of Finance presented the report which set out details of the progress of the Science Park and sought Member approval as shareholder in the Exeter Science Park Company to commit to underwriting a proportion of the loan application, a share of any cost over-run on the construction of the Science Park Centre to a predetermined sum and to enter into a further agreement with the Exeter Science Park Company and other stakeholders to oversee the future long-term development and operation of the site.

\*61 Science Park – Shareholder Underwriting (continued)

**RESOLVED**

that the Council commits to:

- (a) Providing a guarantee to the Exeter Science Park Company to underwrite the loan sought from the Growing Places Fund up to the amount specified in the confidential report to Cabinet in proportion with its shareholding, on the understanding that all other partners commit funds on the same basis, and that should the monies be called upon, then reimbursement is expected to eventually be made through the development fund;
- (b) Underwriting a share of a contingency sum on constructing the Science Park Centre up to the amount specified in the confidential report be met, if required, from the Council's Capital Programme;
- (c) Entering into a further agreement substantially in the form set out in confidential Appendix B to the report with the Exeter Science Park Company and other stakeholders to oversee the future long-term development and operation of the site.

**REASON**

To meet the stated priorities of the Council. This is a critical stage of development of the Science Park which cannot go forward on the basis of private sector investment alone. Construction of the first phase of the Science Park Centre is seen as a vital catalyst to private sector investment and end use. To facilitate this development an application has been submitted to the Government's Growing Places Fund and a Stage 2 detailed bid has been invited. Growing Places Fund is being made available on an interest paying loan basis to the Science Park Company over a 14 year period. Guarantees are required from the partner organisations to underwrite this arrangement.

Chairman .....

Date .....



**\*62** Public Questions

The Leader welcomed the public present. No questions were raised at this part of the meeting.

**\*63** Minutes

The minutes of the meeting of the Cabinet held on 5 September 2012 were confirmed and signed as a true record subject to clarification of resolution (1) of Minute 49 (Arts and Culture Task and Finish Forum). The remit of the Arts and Culture Forum was wider than addressing the viability of the Thelma Hulbert Gallery and would encompass arts and culture provision across the district.

**\*64** Declarations of interest

<b>Councillor/ Officer</b>	<b>Minute number</b>	<b>Type of interest</b>	<b>Nature of interest</b>
Phil Twiss	77	Personal	User of private water supply
Bob Buxton	77	Personal	User of private water supply
Phil Twiss	81	Personal	Personal association with Grainge Architects
Graham Godbeer	81	Personal	Personal association with Grainge Architects

**\*65** 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.

**\*66** Forward Plan

Members noted the contents of the Forward Plan for Decisions for the period 1 October 2012 to 31 January 2013.

**\*67** Matters referred to the Cabinet

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

**\*68** Minutes of the meeting of the Housing Review Board held on 6 September 2012

The minutes of the meeting of the Housing Review Board of 6 September 2012 were received.

Councillor Pauline Stott, Chairman of the Housing Review extended thanks and appreciation to the effective work of the housing teams.

In response to a question from the Chairman of the Council about a grant allocation to Mid Devon District Council, the Head of Housing advised that he would look into this possible opportunity and see if there were any potential benefits to this district.

\*68 Minutes of the meeting of the Housing Review Board held on 6 September 2012 (continued)

Councillor Cox, Portfolio Holder – Finance referred to the recommendation at Minute 29 (Development Statement for increasing Council housing stock) and the need to progress opportunities to secure more Council housing stock. The Chief Executive assured the Cabinet that in exceptional circumstances decisions would be made by the ‘virtual housing team’ working within a clearly defined procedural framework and within borrowing limits. Any such decisions would then be reported to Cabinet.

Councillor Moulding, Portfolio Holder – Strategic Development and Partnerships agreed that the Council needed flexibility to progress affordable housing schemes subject to careful monitoring. He suggested that it would be helpful for a report to be referred to a future Cabinet meeting setting out an overview of housing stock including new acquisitions, funding and business plan issues.

The Head of Finance assured Members that the Housing Revenue Budget was monitored at each of the Housing Review Board meetings and the Cabinet was kept informed through the monthly financial monitoring report; this gave an overview of budget but any concerns or exceptions would be highlighted.

Councillor Ian Thomas, Portfolio Holder, Corporate Services reminded all Portfolio Holders to keep the rest of the Cabinet informed through electronic up-dates about decisions made and actions being taken within services in their remit.

The Chairman of the Housing Review Board encouraged all Councillors to attend meetings of the Board. The Leader of the Council thanked the Housing Review Board for the excellent work it carried out and its achievements.

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

**Minute 19** Councillor Christine Drew and tenant Sally Lancaster’s appointment to the Sheltered Housing Task and Finish Forum

**Minute 24** The forward plan.

**Minute 26** The variances identified as part of the Housing Revenue Account revenue and capital monitoring process up to month 4.

**RESOLVED 2: that the following recommendations be agreed:**

**Minute 25** that the results of the Standardised Tenants and Residents (STAR) survey results be acknowledged; that where high satisfaction was achieved, results would be celebrated, but where results were not so good, measures would be taken to improve satisfaction.

**Minute 31**

- (1) that the recommendations of the Garage Management Review Task and Finish Forum (contained in the report to the Housing Review Board) be approved;
- (2) that management issues raised including monitoring and enforcing garage tenancies and possible actions in response to garages being used for storage be addressed.

\*68 Minutes of the meeting of the Housing Review Board held on 6 September 2012 (continued)

**Minute 33** that a small parcel of EDDC housing land be transferred at nil consideration to the Corry Valley Community Land Trust on a freehold basis for the provision of affordable housing, with the understanding that the Council would expect its legal fees to be paid by the purchasers of the scheme.

**RESOLVED 3:** that the following recommendations be referred to Council for consideration

**Minute 27** that the Council recognises the risks to future income and implements proposals to limit the adverse impact of welfare reforms on future income streams.

**Minute 28** that the following Devon Home Choice Board decisions be approved:

1. All downsizers are placed in band B.
2. Applicants who formerly served in the regular forces who would normally be placed in band D "no permanent home" are now to be placed in band C.
3. Applicants who need to move to larger accommodation to become foster carers or adopt should have their application placed in band B.
4. The policy on refusals contained in the current published policy document at paragraph 4.12 of the report remains unchanged.

**Minute 29** that the Development Statement for increasing Council housing stock be adopted and used as a basis for securing more Council homes through acquisitions and new build.

**Minute 30** that the content of the Equalities and Diversity Charter for housing be approved and the Council signs up to formally adopt the Charter.

**RESOLVED 4:** that a report be referred to the next meeting of the Cabinet setting out the full process for acquiring additional housing stock including funding issues and associated processes.

\*69 Minutes of the meeting of the Recycling and Refuse Partnership Board held on 19 September 2012

The minutes of the meeting of the Recycling and Refuse Partnership Board held on 19 September 2012 were received.

Councillor Iain Chub, Environment Portfolio Holder and Chairman of the Partnership Board, highlighted the key issues addressed at the meeting including the SITA contract audit, side waste, assisted collections and potential extension of the recycling scheme - subject to budget.

\*69 Minutes of the meeting of the Recycling and Refuse Partnership Board held on 19 September 2012 (continued)

**RESOLVED**

- (1) that the Recycling and Refuse Partnership's responses to the RSM Tenon Audit of SITA Waste Management Contract be agreed and submitted to RSM Tenon,
- (2) that SITA provide the Board with information on how fuel costs were accounted,
- (3) that an interim meeting be held between the Waste and Recycling Manager, Paul Shipman, SITA Fleet Manager and Rick Aldridge, SITA Senior Contract Manager in respect of costs and the tyre contract prior to these 2013 figures being presented to the Board in November 2012,
- (4) that an Assistant Waste Manager be not appointed at the present time,
- (5) that the Performance Framework proposed by the South West Audit Partnership (SWAP) be adopted subject to approval by SITA and EDDC's legal departments, with the Board seeing the agreement before being signed off,
- (6) that the Waste Management Team be awarded with a staff bouquet in the next Team Brief to thank them for all their hard work in relation to tackling the issue of side waste,
- (7) that Ward Members be involved in disputed cases of assisted collections,
- (8) that, in exceptional circumstances, Waste Management Officers be given authority to require more supporting evidence from residents in cases of disputed assisted collections,
- (9) that the provision of small WEE (waste electronic and electrical) banks be provided through WEECare at the following sites:
  - a) Axminster Coombe Lane Car Park
  - b) Budleigh Salterton Lime Kiln Car Park
  - c) Exmouth Imperial Road Car Park
  - d) Honiton Lace Walk Car Park
  - e) Ottery St Mary Land of Caanan Car Park
  - f) Seaton Harbour Road Car Park
  - g) Sidmouth Ham Car Park
- (10) that compact fluorescent bulb banks be provided at the same locations as (9) above;
- (11) that the sites identified at (9) above be agreed with Car Park Services as additional banks would involve a loss of parking spaces and income,

\*69 Minutes of the meeting of the Recycling and Refuse Partnership Board held on 19 September 2012 (continued)

- (12) that the Communications Officer produce a good news story using the WRAP benchmarking results and at the same time encourage recycling of plastic bottles,
- (13) that the Otter Rotters be invited to a future Board meeting to provide an update on their activities,
- (14) that, an extended range of materials be collected kerbside for recycling, with the Waste and Recycling Manager producing a report outlining the proposals and costs involved, for inclusion in the forthcoming budget process.

\*71 Parking Services Operational Review – Key Decision

The Leader advised that the Overview and Scrutiny Committee at its meeting on 27 September had asked to be given the opportunity to consider and comment on the Strategic Car Park Regulations reports before being determined by Cabinet. It was appropriate for this operational review report to be considered at the same time as the strategic report and both would now be referred to the next meeting of the Overview and Scrutiny Committee subject to the exception of the Woodbury car park issue.

**RESOLVED:** that this report be referred to the next meeting of the Overview and Scrutiny Committee for consideration with the Strategic Car Park Regulations report; with the Committee's recommendations then being referred back to Cabinet.

\*72 Asset Management Plan delivery - Key Decision

- a) Strategic Car Parks Review (A-B – Axminster, Beer, Budleigh Salterton and Broadclyst)
- b) Strategic Car Parks Review (C-E)
- c) Strategic Car Parks Review (F-O)
- d) Strategic Car Parks Review (P-Z)

The Cabinet agreed with the request from the Overview and Scrutiny Committee for that Committee to be given the opportunity to consider this strategic Car Park report before determination by the Cabinet. However due to successful but long negotiations in respect of the Flower Street Car Park, Woodbury, the Overview and Scrutiny Committee had recommended that this issue be progressed without further delay.

- RESOLVED:**
- (1) that this series of reports (excluding the recommendations in respect of the Woodbury Flower Street Car Park) be referred to the next meeting of the Overview and Scrutiny Committee for consideration with the Parking Services Operational Review report, with the Committee's recommendations then being referred back to Cabinet;
  - (2) that the freehold interest of Woodbury car park, including the public toilets, be offered to Woodbury Parish Council.

## 73 Procurement Strategy 2012-2016 – Key Decision

The proposed Procurement Strategy included within the agenda papers would replace the Procurement Strategy 2007-2010. The report of the Council's Procurement Officer was introduced by Councillor Mark Williamson, the Council's Procurement Champion. The aim of the Strategy was to promote efficient, effective and socially responsible procurement which was particularly necessary during difficult financial times. Councillor Williamson advised that the Strategy reflected smarter purchasing and on-going changes in procurement. He referred to the Strategy's 4 key elements:

- It embodied the Government's recommended 'quick wins' based on current best national practice;
- Reflected and encouraged collaboration in purchasing to achieve economies of scale;
- Endorsed commitment to e-procurement;
- Its format was clear and accessible.

Councillor Williamson thanked the Corporate Procurement Officer for the valued work he carries out and reminded the Cabinet of the importance of corporate procurement principles.

The Cabinet supported the use of local providers whenever possible subject to European regulations and the ability of local businesses to meet the tender specifications. Members noted that the Strategy included encouraging national and international tenderers to work with local enterprises and suppliers where possible and employ and train local people when delivering their contracts.

The Portfolio Holder – Finance praised the Council's Procurement Champion and Corporate Procurement Officer for progress made to date and their positive efforts to support local providers.

**RECOMMENDED:** that the proposed 2012-16 Procurement Strategy be adopted.

**RESOLVED** that the Council's Member Procurement Champion be invited to give a presentation to the East Devon Business Forum on the Council's Procurement Strategy.

**REASON** To comprehensively deliver and embed modern principles for effective and efficient, socially responsible procurement, ensuring overall value for money in all goods, services and works procured.

To inform the East Devon Business Forum on procurement issues and efforts made by the Council to support local business.

## \*74 Financial monitoring report 2012/13 – Month 5 August

Members considered the financial monitoring report which gave a summary of the Council's overall financial position for 2012/13 at the end of month 5 (31 August 2012). Current monitoring indicated that:

- The General Fund Balance was being maintained at or above the adopted level.
- The Housing Revenue Account Balance will be maintained at or above the adopted level.
- There was sufficient Capital Reserve to balance this year's Capital Programme. However it was estimated that there would only be £1.865M available in the Reserve to support the programme from 2013/14 onwards.

**RESOLVED:** that the variances identified as part of the Revenue and Capital Monitoring process up to month 5 be acknowledged;

**REASON** To monitor the overall financial position of the authority at the end of month 5 – the decision reflected the inclusion of any recommended corrective action required for the remainder of the financial year.

## \*75 Request for Exemption to Standing Orders – Cranbrook consultants to inform design codes and provide urban advice

The Director of the Exeter and East Devon Growth Point Team presented his report, seeking Cabinet approval for an exemption to Standing Orders to appoint consultants to provide specialist urban design advice to the Council and facilitate a series of urban design workshops. These workshops would positively influence the design of the Cranbrook town centre. The Leader emphasised the importance of achieving the best design possible and believed that lessons learned through the process could help influence the development of other town centres in the district.

**RESOLVED:** that exemption under Contract Standing Order 1.11 be granted to enable the appointment of Design Action Devon and Cornwall to complete the work set out in the report, with the work being managed by the New Community Officer for Cranbrook and the Projects Director of the Exeter and East Devon Growth Point Team to a maximum cost of £25,000.

**REASON** To ensure that

- the best qualified consultancy support is appointed expeditiously,
- the Town Centre Design Codes for Cranbrook are prepared in collaboration with those organisations that have a long term interest in the success of Cranbrook town centre, and
- the best possible urban design guidance is established in advance of the submission of detailed planning applications.

## 76 Revised Contaminated Land Strategy

Members considered the report of the Environmental Health and Contaminated Land Officer which set out the reasons for the revision of the Contaminated Land Strategy and the changes proposed. In presenting the report, the Environmental Health and Parking Services Manager advised that the Council was required to investigate and identify contaminated sites within the district and take any remedial action.

**RECOMMENDED:** that the revised Contaminated Land Strategy be adopted by the Council.

**REASON** The Council is required under the Environmental Protection Act 1990 to adopt a Contaminated Land Strategy and review this periodically.

## \*77 Private Water Supplies regulations – risk assessments, sampling and enforcement

The Leader of the Council invited Luppitt Parish Councillor David Barlow to speak on this item. He said that Luppitt Parish had a high number of property owners with private water supplies because no mains water was available. He advised that it was in residents' own interest to keep the private water supplies to a high standard and that this came at a cost. He felt that East Devon District Council's proposed increase in the cost of risk assessment put private water users in rural areas at a disadvantage. He made a list of suggestions to achieve efficiencies, cost savings and a variable tariff of charges.

Luppitt Parish Council Chairman, Gavin Brake, asked the Council to make more use of modern technology and give people with private water supplies the opportunity to complete part of the risk assessments on-line.

In presenting the report, the Head of Housing explained the Council's statutory duties and its requirement to risk assess private water supplies. Regulations allowed the local authority to set reasonable fee levels but the present officer resource and current fees were insufficient to enable the Council to comply with the timescales set by the Drinking Water Inspectorate to complete the risk assessments of private water supplies and private distribution systems by 2014.

The report set out a proposed increase in fees for risk assessments to generate sufficient income to meet the cost of additional resources to undertake this statutory work. Although part of the work could be undertaken on-line, the Council was required to undertake a full risk assessment which would involve field work at the sites.

He advised that the fee did not apply to single dwellings with a single supply. The Regulations set a maximum fee of £500 per risk assessment but most other Devon authorities had set their fees at around £200. Regulations required private water supplies to be risk assessed every 5 years. Future assessments would be easier as information would already have been captured and would only need to be up-dated.

During the debate the following issues and suggestions were made:

- owners of private water supplies already had to meet costs associated with maintaining a good water quality;
- the Council had no option but to comply with the requirements of the Drinking Water Inspectorate;

**\*77** Private Water Supplies regulations – risk assessments, sampling and enforcement (continued)

- this was a public health issue and as a responsible authority, the Council could not take any risks which could impact on the health of the community;
- More information should be provided through desk-top research to make the risk assessment process more efficient – modern technology should be embraced to increase efficiency and reduce costs;
- The possibility of a tariff of charges was considered based on number of dwellings served by each supply;
- the proposed increase from £75 per risk assessment to £200 seemed too great – a break-down of actual costs would have been helpful;
- Costs should be monitored and kept under review.

- RESOLVED:**
- (1) that a Full Time Equivalent Technical Officer be appointed to assist the Council to comply with the private water supply requirements for risk assessments, sampling and investigatory work;
  - (2) that the cost of the post be met by increasing the charge for a risk assessment from £75 to £200 per assessment, with costs being kept under review;
  - (3) that best use be made of modern technology to achieve efficiencies in the processes with consideration also being given to use of mobile technology as a matter of priority; the costs to be met by the increase in the charge for risk assessments.

**REASON** To address the need to comply with the Council's statutory private water supply duties.

**\*78** Performance Management report August 2012

Members considered the report of the Chief Executive setting out performance information for the 2012/13 financial year for August 2012. There was continued concern in respect of working days lost due to medium and long term sickness absence. Members noted the action being taken which included monthly meetings with managers to review absence triggers and to ensure that all sickness absence cases were actively managed. The performance measure would continue to be kept under close review, with particular attention being given to the back to work interviews.

**RESOLVED** that the progress and proposed improvement action for performance measures for the 2012/13 financial year for August 2012 be noted.

**REASON** The monthly monitoring was to highlight performance and help identify any trends. Additional information to support this monitoring was provided on line – a monthly snapshot report and SPAR performance indicators and systems thinking measures in key service areas – Streetscene, Housing, Development Management and Revenues and Benefits.

## \*79 Exclusion of the Public

**RESOLVED** that under Section 100(A) (4) of the Local Government Act 1972 and in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public (including the press) be excluded from the meeting as exempt and private information (as set out against each Part B agenda item), is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

## 80 Elizabeth Hall Site - award

Members considered the joint report of the Deputy Chief Executive and the Development Surveyor which Richard Cohen up-dated at the meeting following a meeting of the Elizabeth Hall Selection Panel on 26 September and subsequent discussion and negotiation with the preferred provider.

Councillors Andrew Moulding and Tim Wood, members of the selection Panel explained the processes. The informal tenders had first been assessed based on the selection criteria approved by Cabinet in July 2012. The three short listed organisations (Friends of the Elizabeth Hall, Whitbread Premier Inn and Churchill Retirement Living) had then been interviewed by the Panel and scored against objective criteria. The decision of the Panel following the interviews had been unanimous and the conclusion reached was that the proposal from Whitbread Premier Inn was the most attractive. The key elements of their submission were:

- A 60 bed hotel
- Ground floor cafe/bar/restaurant
- Meeting rooms/conference space
- 40-50 local jobs with a focus on local recruitment
- High sustainable build standards including purchase of local goods and services.

The other two bidders considered were a community bid to retain and develop the existing Elizabeth Hall and a mix of cafe, retail and retirement apartments.

The petition presented at Cabinet was also noted as part of the overall community interest in the future of the site.

The Panel was concerned about the viability of the Friends of Elizabeth Hall proposal but recognised the genuine drive to secure a community facility for Exmouth.

Richard Cohen advised that following an extraordinary meeting of the Exmouth Town Council on 1 October 2012, the Town Council had proposed a pause in the process to allow them to discuss a proposal to adopt the Elizabeth Hall. Cabinet considered that this proposition was inappropriate on the basis that no financial provision had been made and that such action could be subject to challenge by the preferred developer selected.

Comments made by the Cabinet, Ward Members and Councillors present were largely very positive and there was general appreciation of the rigorous selection process, the potential benefits to Exmouth, the importance of good design, the opportunities for other venues.

## 80 Elizabeth Hall Site – award (continued)

The Cabinet was asked to approve the instruction of lawyers to progress with the disposal of the site.

**RECOMMENDED** that the selection of Whitbread Premier Inn for the Elizabeth Hall site be endorsed, with the Principal Estates Surveyor being given authority to instruct lawyers to proceed with a ‘conditional upon planning’ disposal of the site at the tendered value.

**REASON** To enhance the area and support the Exmouth Regeneration agenda in general and realise the ambitions of the Exmouth Town Centre and Seafront Masterplan.

## \*81 Council owned workshop provision - Seaton

Members considered the joint report of the Principal Estates Surveyor and Economic Development Manager in respect of a request for the Council to enter into negotiations to dispose of its interest in the Riverside Workshops. The Economic Development Manager who presented the report advised the Cabinet on the opportunity to re-site and increase the workshop provision.

The Seaton Champion welcomed the proposed re-location subject to full consultation with the existing workshop tenants. The existing workshops were in need of refurbishment and the re-location to purpose built new workshops with improved access would benefit local business.

The Portfolio Holder – Finance supported the recommendations saying that the proposals stacked up financially.

- RESOLVED**
- (1) that authority be granted to the Principal Estates Surveyor to agree terms for the acquisition of 0.3035 hectares of land located to the rear of the Auction Gallery, Harepath Road, Seaton, as detailed in the report and in accordance valuation advice received from the District Valuer’s Office, in consultation with the Strategic Development and Partnerships Portfolio Holder.
  - (2) that an Exemption to Standing Orders be agreed to allow the appointment of Grainge Architects to prepare and submit a planning application for workshop development on land to the rear of the Auction Gallery, Harepath Road, Seaton and as identified in paragraph 3.2 of the report.
  - (3) that the Principal Estates Surveyor be authorised to instruct Grainge Architects, to prepare and submit a planning application for the creation of new workshop space at the Colyford Road Depot,
  - (4) that the Principal Estates Surveyor be authorised to enter into negotiations with Tesco Stores Ltd on the possible future disposal of the Council’s Riverside Workshops site, only on completion of the Underfleet Land Agreement.

\*81 Council owned workshop provision – Seaton (continued)

**REASON** To facilitate the further progress of developments within the Seaton Regeneration Area.

\*82 Seaton Regeneration Programme Board – meeting

Members noted the action points from a meeting of the Seaton Regeneration Programme Board held on 17 September 2012.

In presenting the action points, Councillor Godbeer, Portfolio Holder - Economy, corrected an inaccuracy at item 4 in respect of the Stop Line Way between Seaton and Colyford. The notes should have read that a possible obstacle was how the cycleway would cross the highway, and not tramway as printed. Councillor Godbeer referred to the positive engagement with the Seaton Tramway Company in discussions on the Colyford section of the cycle route.

\*83 Members Office Relocation Working Party – meeting

Councillor Andrew Moulding, Portfolio Holder – Strategic Development and Partnerships who had Chaired the meeting, presented the action points from the meeting of the Office Accommodation Working Party held on 12 September 2012.

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

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

Present:	<b>Councillors:</b> Stuart Hughes (Chairman) John Humphreys (Vice Chairman) Mike Allen Peter Burrows David Chapman Vivien Duval Steer Roger Giles Tony Howard Sheila Kerridge	David Key John O'Leary Brenda Taylor Graham Troman Tim Wood Eileen Wragg Claire Wright Tom Wright
	<b>Officers:</b> Richard Cohen – Deputy Chief Executive John Golding – Head of Housing Steve Pratten – Senior Project Manager Debbie Meakin – Democratic Services Officer	
Also Present	<b>Councillors:</b> Ray Bloxham Paul Diviani Jill Elson Steve Gazzard Graham Godbeer	Peter Halse Stephanie Jones Andrew Moulding Frances Newth Ken Potter
	<b>Committee Members:</b> Deborah Custance Baker Peter Bowden Graham Brown Derek Button	<b>Councillors:</b> Alan Dent Phil Twiss

The meeting started at 6.31pm and ended at 9.45pm.

\*8 Public Question Time  
There were no questions from the public at this point in the meeting.

\*9 Minutes

The minutes of the meetings of the Overview and Scrutiny Committee held on 7 June 2012 were signed and confirmed as a true record. A further report on recording of meetings would be presented to the Committee towards the end of the year.

## \*10 Declarations of Interest

<b>Councillor/ Officer</b>	<b>Minute number</b>	<b>Type of interest</b>	<b>Nature of interest</b>
Stuart Hughes	11	Personal	Devon County Council Cabinet Member responsible for Highways and Transportation
Vivien Duval Steer	11	Personal	Member of Development Management Committee
John O'Leary	14	Personal	Member of Thelma Hulbert Gallery Advisory Forum
Tom Wright	14	Personal	Member of Budleigh Literary Festival Organisation Committee; Friend of local museum
Peter Burrows	12	Personal	Recently received training for a post office counter
Frances Newth	15	Personal	EDDC representative on Manor Pavilion Theatre Management Steering Committee

## \*11 Office relocation project update

In light of the public interest in this item, the Chairman brought the item forward with the agreement of the Committee.

He reminded the Committee that the report presented was an update on the relocation project, and therefore debate on the outline planning application that was yet to be submitted, was not appropriate. Members and the public were reminded that there was the opportunity to comment on that application once submitted in August.

Michael Temple, a Sidmouth resident, outlined the geographical layout of the Knowle site in detail to the Committee. He highlighted the south facing gardens and told the committee that the outline proposal for the Knowle site would take up 70% of the gardens, stating that the proposal plans were misleading as they suggested that the arena field is on the same level as the south facing gardens. He asked why the Council had voted to destroy a beautiful park and public open space; was ready to endanger wildlife and remove trees, impacting on the recreational grounds and weekend car park for the town. He also asked why the Council was ignoring its own draft strategies to permit development on the Knowle site; why no energy audit had been carried out since 2009 and not retained levels of maintenance; and why Honiton was claimed as a central point for the District.

Helen Crackston, a Sidmouth resident, outlined the definition of consultation to the Committee and recounted her recent visit to the public consultation held in the town. She asked for the publication of the cost of the refurbishment of the Knowle building to bring it to a standard suitable for current office use to aid transparency. She also requested more information on the feasibility of both the Knowle and Honiton site for the location of the council offices.

\*11 Office relocation project update (continued)  
 Robin Fuller, a Sidmouth resident, asked if the Council was aware of the current energy rating of the Council offices being at a good rating of “C” despite the age of the building; and what actions had been taken following an advisory report for energy conservation. He also asked that the Council consider moving core activities into the newer section of the building, employing hot desking. This would allow the vacated older section of the building to be let out, and bring in further income to pay for energy efficiency work required. He asked if the Display Energy Certificate had been updated as he informed the Committee that the current certificate had expired on 30 September 2009. He also advised the Committee that it takes 50 years before the carbon used in constructing a new building is repaid by subsequent carbon saving in its use; and asked if the Council was aware of the review dated 2008 entitled “Does demolition or refurbishment of old and inefficient homes help to increase our environment, social and economic viability” and quoted a section from that review that referred to refurbishment as a better value option.

Barry Curwen, a Sidmouth resident, informed the Committee that he still awaited a reply to an e-mail sent on the 17 July that had received no acknowledgement and contained a number of questions. He asked for a detailed breakdown of the cost of refurbishment of the existing Council offices to be published. He also referred to risk assessment in the update report before Members and felt that it was unusual not to have a risk review carried out at the outset of the project. He felt that risk reviews should be regularly carried out over the term of the project.

Richard Eley, a proprietor in the town, asked the Committee to exercise their scrutiny function in reviewing the relocation project. He suggested that an initial figure he had previously been told for building a new office in Honiton at £3.5m had now changed to £6m or £7m and asked if the project was now out of control. He felt that there was no clear definition of the cost neutral element of the project and asked for more detailed costs to be published, including the value of the capital assets. He told the Committee that Sidmouth would lose their valued parkland because the Council would have to sell assets in Sidmouth to fund the increase in costs. He asked the Council to look at other options and preserve the current parkland.

Kelvin Dent, a member of the public, quoted from a report on the agenda in reference to Councils actively listening to their local communities. He informed the Committee about an independent survey about the relocation proposal and quoted several statistics from it, stating that 95% asked were opposed to the proposal and 75% asked felt they were not properly informed about it. He asked if the Council was aware of this independent survey; if they were aware of the strength of feeling of local residents; and asked if they would reconsider the proposal. He also commented that there was no direct reference to the public open space in the update report before Members.

Richard Cohen, Deputy Chief Executive, informed the Committee that the Council was in regular correspondence with many of the public speakers. He advised Members of a Frequently Asked Questions webpage on the relocation project. This is regularly updated with answers to the common questions received.

\*11 Office relocation project update (continued)

Richard Cohen responded to the issues and questions raised by the public speakers:

- The 70% loss of gardens in the site proposals is not accurate. The suggested development proposal is slightly larger than the current building footprint of the site;
- Cabinet made the decision to explore the possible relocation of the main offices to Honiton and as a result the focus has been to take forward that ambition. In relation to the various proposals to keep the council on its present site, the current estimate is £13m to redevelop and refurbish the existing offices into a modern working environment that would meet the Council's and District's present and future needs;
- To date there have not been any formal Risk Workshops, but it is anticipated that the first one will take place following receipt of the Commercial Land Agent's report during September. Project Risk has been continually reviewed and analysed since Davis Langdon commenced their role, and taken into consideration as the Project has proceeded;
- Currently the projected cost for the viability phase of the project is £300k. This is factored as an element of the cost neutral commitment of the project; the Cabinet are aware and agree that there are front end costs to the project that will not be recovered if the relocation is not viable;
- The Council has an asset management strategy to review all assets across the District and is progressively developing and/or disposing of some in a strategic manner ;
- In relation to the question of a 1973 decision of the council regarding preserving the Knowle as public open space and permitted public usage, the council's legal advice is that this is not a barrier to development, especially since the council maintains the commitment to retain a significant public open space as part of any future development.

The Committee discussed some elements of the project, including:

- Keeping the Committee informed of replies to correspondence. Due to the volume, Members may prefer to keep updated by viewing the FAQ webpage which will be updated with answers to questions raised at this committee;
- Concern that Sidmouth Town Council have not had adequate consultation prior to the outline application being submitted;
- Need for an independent review of both the relocation and retaining the offices in the current location, covering costs and viability;
- Viability exercise will be complete by 30 November 2012;
- Consulting with the wider electorate to establish their views on the relocation;
- Acceptance that Sidmouth has a parking issue and look at solutions to provide parking, particularly if the weekend "park and walk" facility is lost. A traffic and transport assessment is underway as part of the outline planning process;
- Commitment to a significant presence in Exmouth for the District Council; and consideration needed on how best to service the District in making services as accessible as possible; such as mobile working and shared service locations;
- Questionnaires are still being received and a report will be prepared to outline the responses as part of the outline application process; the process also includes the production of an economic impact assessment which completes on 10 August;
- Members wanted a more accurate quote for a new office building.

\*11 Office relocation project update (continued)

The Committee also discussed how the timing of the submission of the outline application impacted on the overall project. Some Members were concerned that a great deal of information needed studying first, and that a deferral of the outline application to September would be preferred.

The Leader reminded Members that the outline application is needed to establish the value of the site, in order to assess if the relocation project is viable. Delay on the outline application being submitted would adversely impact on the viability decision. Richard Cohen reminded the Committee of the length of time for an application to be considered – 18 August to 16 November was a reasonable period to consider all the elements of the outline application. The related assessments could not be carried out too early, or they may be challenged at the application stage for being out of date.

The Committee was reminded that no decision had been taken on relocation yet. The Chairman of the Council advised Members that the decision was not about Sidmouth, but about the Council, and advised Members not to delay the process.

**RESOLVED**

- 1 that the update on the office relocation project is noted and further updates be received by the Committee as the project progresses.

**RECOMMENDED**

- 1 that the DCEO, Richard Cohen attend a meeting of Sidmouth Town Council to discuss the relocation project at the earliest, appropriate time;
- 2 that Cabinet is asked to consider consulting the electorate of the District on the proposed relocation of the main office to Honiton and significant presence in Exmouth;
- 3 that an independent assessment be carried out as soon as possible on the costs and viability of retaining the Council Offices at the Knowle site; simultaneously with an independent assessment of the costs and viability of relocating the offices to Honiton.

\*12 Update on Post Office pilot scheme

Councillor Ken Potter updated the Committee on the Post Office pilot scheme for introducing Post Office “Locals”. The pilot scheme ended in June.

Councillor Potter had attended a Pathfinder Councils meeting in Birmingham on the 27 June. He voiced his disgust to the Committee about that meeting, which he felt had been biased towards the Post Office plans. As a result, he had written to the LGA outlining his concerns.

\*12 Update on Post Office pilot scheme (continued)

He had received what he described as a “chink of light” in the response, in that the District Council is invited to set the agenda for the next Pathfinder Councils meeting. His next step is to get involvement of the local MPs. He continues to have the support of the County Council.

The Leader informed the Committee that he had received a reply from the LGA on the request for a conference and would get a copy to Councillor Potter. He also highlighted the outreach service at Payhembury.

The Chairman, on behalf of the Committee, thanked Councillor Potter for his continued work, especially for rural post offices. The Committee expressed their thanks with a round of applause.

\*13 Blackdown Hills Community Plan

The Committee received a report outlining the Blackdown Hills Community Plan. The plan covered:

- The social and economic profile of the area
- What makes the area distinctive and valued
- What issues face local people in that area
- Locally agreed action and projects to address those issues.

John Golding, Head of Housing, highlighted particular aspects of the Plan that related to the East Devon parishes within the Blackdown Hills. The plan is distinctive due to the collection of parishes working together across District boundaries. The plan seeks the following from the District Council:

- Endorsement and support of the plan recommendations
- Take the plan into account for planning purposes at the relevant committees
- Assistance to access financial support where possible.

Many priorities set out in the plan are consistent with the District Council’s Plan. The request for the plan to be taken into account for planning purposes will be put to Development Management Committee.

The Committee discussed some elements of the Plan and received helpful illustrations from the Leader.

**RECOMMENDATION** to record the aspirations of the Blackdown Hills as set out in their Community Plan and assist in meeting the stated priorities where these are consistent with the District Council’s remit and adopted plans.

\*14 Portfolio Holder Update – Corporate Business

Councillor Ray Bloxham, Portfolio Holder for Corporate Business, reminded the Committee of his remit. He also outlined his current work since his last report to them, including:

- Production of the Council Plan, linked with the supporting plans that had been reduced to short, focussed versions;
- Equalities in light of new legislation, being a member of the Corporate Equalities Group and representative on the Equality South West Board;

\*14 Portfolio Holder Update – Corporate Business (continued)

- Revised performance indicators to match the new Council Plan, including a new “snapshot” report published on the Cabinet agenda for 11 July;
- Work of the Think Tank in refining the committee report structure to provide clear, brief information to help Members make informed decisions;
- Portfolio Holders “blog” concept, awaiting input from the newly appointed Communications post;
- Revision of section 106 agreement format currently with the Legal Team;
- Change to licensing application notification to Members to provide an e-mail alert to the submission of a licensing application in their Ward;
- Continuing towards a “paper light” approach;
- Review of hard copy production of the Year Book and Minute Book.

Councillor Bloxham thanked his Think Tank Members for their work in finding solutions.

The Committee welcomed the update and debated specific issues, including:

- Public perception of the Council being poor and in some cases justified; more work was needed to promote the valuable work carried out by the Council which was rarely reported in the press;
- The review of the minute book would lead to a way to handle the minutes more effectively at Council, and reduce print costs;
- Detailed demographic information of the district was needed to help inform all areas of service delivery; the Council is aspiring to produce a “who we are” document that would cover a clear profile of the District;
- Employees should be given more public credit for the work they have accomplished. An example quoted was a recent press article on one incident during the flooding in July with no reference to the hard work by officers in dealing with residents in urgent need of accommodation.

The Chairman thanked the Portfolio Holder for his useful update.

\*15 Arts and Culture Task and Finish Forum

Councillor John O’Leary, Chairman of the Arts and Culture Task and Finish Forum, presented to the Committee the final report. It includes a number of recommendations relating to the delivery of arts and culture for the benefit of both residents and visitors.

The Forum operated under a very short timescale in order to inform the draft budget process, which begins in September 2012. The Forum received presentations from each element currently receiving subsidy from the Council. The Forum also heard from the World Heritage Site team on their options for helping facilitate art and culture within the theme of the Jurassic Coast.

Councillor O’Leary thanked the Forum Members and officers for their hard work during a very tight schedule.

\*15 Arts and Culture Task and Finish Forum (continued)

The Vice Chairman of the Council, Councillor Frances Newth, recounted her experience on the Manor Pavilion Theatre Management Steering Committee. She spoke of the dramatic improvement to the Theatre and thanked Graham Whitlock, Theatre Manager, for his hard work in turning the fortunes of the Theatre around.

The Chairman of the Council, Councillor Peter Halse, spoke of the valued work of Angela Blackwell as the Thelma Hulbert Gallery Curator. He felt that promotion of the Gallery to improve footfall was key to help increase income and drive down the current deficit.

The Committee debated the recommendations set out in the report, including:

- More detailed financial breakdown of running costs and capital costs to be included for the report presentation to Cabinet;
- Merits of employing an Arts Development Officer in light of cost, and concern at the overall staffing costs for the Gallery element of the service. It was suggested that, if agreed, the newly formed Arts and Culture Forum could discuss in detail staffing costs and effective use of staffing resources;
- The high esteem that the Arts Council held for the Thelma Hulbert Gallery;
- The need to assess work on a project basis to help attract further funding from the Arts Council;
- Looking at other successful galleries and sourcing local artist work to help boost income from the Gallery;
- The recommended increase to the Villages in Action budget is offset by the recommendation for a year on year reduction in the Gallery subsidy.

**RECOMMENDED**

- 1a that the Manor Pavilion Theatre Manager be congratulated for his drive and enthusiasm in turning around the financial performance of the venue so that it has now become a highly successful Theatre that the Council is proud to support;
- 1b that the Council recognises that management support for the Manor Pavilion Theatre may be better met by a trust mechanism in the future and that this option be explored;
- 2a that the Council strengthens its association with the Jurassic Coast through targeted support of its arts based programme that could provide significant benefits for local communities along the East Devon coastline;
- 2b that the Council, through the relevant Ward Members, help promote the work of the World Heritage Site Team in attracting people to become Jurassic Coast Ambassadors in each coastal parish;
- 3a that Villages in Action be congratulated for its excellent work within the District's rural communities by bringing a diverse range of performance art into these communities, in many cases ensuring the continued viability of village halls;

\*15 Arts and Culture Task and Finish Forum (continued)

- 3b the continued support of the Council for Villages in Action is crucial and that an increase in Council support from £10,000 to £15,000 for 2013/14 be agreed to meet the growing demand for the work that the organisation delivers in East Devon;
- 4a that the Thelma Hulbert Gallery Curator be congratulated on the high quality of exhibitions that enable residents and visitors to East Devon to have the opportunity to experience contemporary art from regionally and nationally acclaimed artists ;
- 4b that the Gallery be retained in the current location for the present time, with a priority to review and change the current internal layout, and reduce outside plant screening and improve visibility, to maximise income opportunities;
- 4c that the Council is made aware of the report of the South West Audit Partnership (SWAP) and the difficulties facing the Gallery in meeting the income targets set by its Feasibility Study 2009 and the current financial costs of supporting the Gallery;
- 4d that the Gallery implements the SWAP recommendations and be given a three year timeline to improve its business, marketing and income performance reducing the amount of Council subsidy by 10% each year;
- 5 that the governance roles of the Thelma Hulbert Gallery Advisory Group and Manor Pavilion Theatre Advisory Group be reviewed as recommended by the SWAP report to become Management Groups, with changes made to the membership of each to obtain the necessary skill sets of business, funding and marketing to drive both Council assets forward; to be operational by February 2013; and for THG Management Group to examine the best use of staff resource;
- 6 that the Council encourages greater engagement of Honiton Town Council with the Thelma Hulbert Gallery, and allocates representation of Honiton Town Council on the reformed THG Management Group;
- 7 that the Council sets up an Arts & Culture Forum that meets quarterly and reports regularly to Overview and Scrutiny and Cabinet on all arts based activities supported by East Devon DC, its membership being made up of District Councillors, Funding Partners and two independents sought by advertisement; to be set up by February 2013 to plan for the next financial year;

\*15 Arts and Culture Task and Finish Forum (continued)

- 8 that the currently vacant Arts Development Officer post be advertised, extending the role to include partnership working with the World Heritage Site and its arts programme; and assist in implementing operational changes outlined by the SWAP report for the THG; and reports directly to the Arts and Culture Forum;
- 9 that an Arts Directory be reinstated in an online format, populated from information on the District's arts, sports and culture scene through existing channels, local Ward Member knowledge, and from contacting Town and Parish Councils.

\*16 Forward Plan

The Committee received an update on the plan. Cabinet had requested a review of fees and charges to be placed on the forward plan of the Committee. Advice will be sought from officers on the best means of accomplishing the review, looking to provide a report to the Committee initially, but likely to be best handled by a Task and Finish Forum because of the wide spectrum of fees and charges.

Council had also agreed for the review of the Local Plan production method to start in March 2013. Councillor Jill Elson suggested that discussion on the Health and Wellbeing Board could be added to the forward plan.

Councillor Graham Troman updated the Committee on progress of the Community Infrastructure Levy TaFF. He raised concern over non-attendance by two Councillors to the meetings so far. The Chairman agreed that contact would be made with those individuals to determine their role on the Forum and if alternative Members need to be sought. The Committee recognised the complexities of the CIL TaFF and debate took place on linking in discussion on other funding streams for the Forum.

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

## EAST DEVON DISTRICT COUNCIL

### Minutes of a meeting of the Housing Review Board held at Knowle, Sidmouth on 6 September 2012

Present:

Councillors:

Pauline Stott (Chairman)  
Christine Drew  
Douglas Hull  
Jim Knight

Co-opted Tenant Members:

Victor Kemp  
Pat Rous  
Sally Lancaster  
Sue Saunders

Co-opted Independent Community Representative:

Rob Finch

Officers:

Sue Bewes, Landlord Services Manager  
Dennis Boobier, Housing Needs and Strategy Manager  
Amy Gilbert, Support Services Manager  
John Golding, Head of Housing  
Paul Lowe, Housing Enabling Officer  
Natasha Redfern, Information and Analysis Officer  
Giles Salter, Solicitor  
Alethea Thompson, Democratic Services Officer  
Mandy White, Housing Accountant

Also Present:

Councillors:

Jill Elson - Portfolio Holder for Sustainable Homes and  
Communities  
Stephanie Jones – Deputy Portfolio Holder for Sustainable Homes  
and Communities  
Geoff Pook  
Phil Twiss

Apologies

Co-opted Tenant Member:

Christine Morrison

Co-opted Independent Community Representative:

Julie Adkin

Councillors:

Steve Gazzard  
Chris Wale

The meeting started at 6.00pm and ended at 8.25pm.

\*19 Chairman's announcements

The Chairman welcomed all those present to the meeting. The Chairman informed the Board that Independent Community Representative member, Julie Adkin had given her apologies until at least January 2013 as she was awaiting major heart surgery. She wished to remain on the Board and to be kept informed of the Board's activities. Tenant member, Christine Morrison's husband was ill and had also given her apologies. The Chairman circulated cards to Christine Morrison and Julie Adkin for members to sign and to be sent with best wishes on behalf of the Board.

**Sheltered Housing Task and Finish Forum**

The Chairman asked those present whether they would like to join the Sheltered Housing Task and Finish Forum, as there were currently two vacancies on the TaFF. Councillor Christine Drew and tenant member Sally Lancaster put their names forward.

**RESOLVED:** that the Councillor Christine Drew and tenant Sally Lancaster be appointed to the Sheltered Housing Task and Finish Forum.

\*20 Public question time

There were no questions raised by members of the public.

\*21 Minutes

The minutes of the meeting of the Housing Review Board held on 21 June 2012, were confirmed and signed as a true record.

\*22 Declarations of interest

<b>Board Member</b>	<b>Minute number</b>	<b>Type of interest</b>	<b>Nature of interest</b>
Jim Knight		Personal	His daughter lived in a Council owned property.
Jim Knight		Personal	Devon County Council Councillor
Rob Finch	29 & 33	Disclosable pecuniary	Employed by Devon & Cornwall Housing, which could potentially be in competition with EDDC.
Geoff Pook	31	Personal	Member of a Parish Council that was considering the possibility of setting up a Community Land Trust.

\*23 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.

\*24 Housing Review Board forward plan

The Head of Housing presented the forward plan. He had added a report from the South West Audit Partnership (SWAP) on the Housing Revenue Account Business Plan to be considered at the next meeting.

The Portfolio Holder for Sustainable Homes and Communities reported that she had written to Devon County Council (DCC) on behalf of the Halsdon Ward, Exmouth to try to arrange a meeting. Following the closure of Danby House and Exe Bank, adjacent properties (residential care homes owned by DCC) were experiencing significant antisocial behaviour and problems with vermin.

**RESOLVED:** that the forward plan be noted.

\*25 Standardised Tenants and Residents (STAR) survey results

The Chairman welcomed Peter Davies of BMG Research to the meeting. Mr Davies presented the results of the 2012 STAR survey. During the presentation he explained the methodology, some key findings and conclusions.

The presentation concluded that:

- Sheltered tenants were more satisfied than general needs tenants.
- Repairs & maintenance / quality of the home were the main priorities for both.
- Car parking was considered the biggest problem, followed by rubbish and litter.
- General needs tenants had more contact with the Housing Service than sheltered tenants,
  - but were less satisfied with the ease of getting hold of the right person and the helpfulness of staff,
  - activities for young people were most important to the general needs tenants.
- Activities for elderly people were most important to the sheltered tenants.

Compared with performance in 2008, for general needs, the following statistics were reported;

- Satisfaction with the overall service had increased by 2% (87% - 89%).
- Satisfaction with repairs and maintenance had increased by 3% (85% - 88%).
- Satisfaction with the neighbourhood had increased from 81% to 89%.
- Satisfaction with value for money had increased by 2%, up to 91%.
- The proportion of tenants contacting the Housing Service was lower, but the percentage finding it easy to contact the right person and the helpfulness of staff members had decreased. Satisfaction with the final outcome was up by 4% on 2008 to 80%.

To improve the satisfaction scores further the service needed to target those aged under 35, as this group was the most likely to express dissatisfaction. It was thought that this was due to the higher expectations of this group.

\*25 Standardised Tenants and Residents (STAR) survey results (cont'd)

The Information and Analysis Officer's report provided a summary of the STAR survey methodology and an overview of the satisfaction results that the survey provided the Housing Service. Overall the results were pleasing and showed an improvement (of two percentage points) on earlier STATUS survey results. The survey results would be used to improve services in areas where there was room for improvement and to learn from the messages being provided. The Head of Housing would report to the Board on service improvements as well as bringing some benchmark results to the Board.

The Board thanked the staff and tenant panels for working towards such high levels of tenant satisfaction with the Housing Service. The Head of Housing thanked the Information and Analysis Officer for her work on the survey results and gave his best wishes for her forthcoming maternity leave.

**RESOLVED:** that the results be acknowledged; that where high satisfaction was achieved, results would be celebrated, but where results were not so good, measures would be taken to improve satisfaction.

\*26 HRA financial monitoring report 2012/13 – month 4, July

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 four (July 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.

It was reported that the Council hoped to complete the purchase of 11 homes in Morton Way, Axminster within the next few weeks.

The Board conveyed its thanks to all the staff concerned for such a remarkable achievement in such a short time.

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

## \*27 Threats to future income

Consideration was given to the report of the Head of Housing which considered the threats to the Council's rent collection performance and tenants' ability to pay their rent as a result of the Welfare Reforms being implemented nationally. A risk assessment was set out in the report, together with a series of mitigation measures proposed to maintain high levels of rent collection.

Efficient rent collection was a core housing management activity and enabled the housing service to manage and maintain Council homes to a good standard. If rent collection faltered, the service's ability to do all the things it had planned would fail. Preparation was critical to being able to manage this process and limit the adverse impact on the Housing Business Plan and low income tenants.

Performance on rent management had improved over recent years, increasing to 99.65% in 2011/12. The rent arrears of current tenants was £146,728. The Systems Thinking purpose for rent management was 'for tenants to pay the right amount at the right time'. It was noted that approximately 60% of the Council's tenants were in receipt of full or partial Housing Benefit. The Welfare Reforms would have the most impact on working age households. Many claimants could experience a significant reduction in income. This would have a variety of impacts, including tenants' ability to pay their rent. Rent arrears that might increase would mean that tenants' homes were at risk, which in turn could lead to homelessness.

The threats to the Council's income stream from national policy changes included:

- Universal Credit (a combined benefit payment)
- Online applications
- Payment direct to tenants
- Bedroom tax for under occupation
- Single room rate for under 35's
- Local Housing Allowance set at 30<sup>th</sup> percentile rather than 50<sup>th</sup> percentile
- Affordable rents
- Localisation of Council Tax Benefit
- Supporting People budget pressures

Welfare Reform could have a major impact on the Housing Service's ability to realise its Business Plan ambitions, so it was important to prepare for the changes to support tenants through this period of economic difficulty. The Chartered Institute of Housing (CIH) had just launched a campaign to encourage social landlords to prepare for Welfare Reform prior to April 2013 when many of the changes would come into effect. The CIH had produced a checklist of things to do including:

- Use of tenant profiling information to assess the risks and impacts of welfare reform on tenants;
- Develop a strategy to mitigate potential risks to income streams;
- Communicate the impacts to affected tenants and prospective tenants. Reassure tenants that would not be affected. Communicate in plain jargon free language;
- Ensure that rent account and IT systems were fit for purpose and could deal with the changes;

\*27 Threats to future income (cont'd)

- Consider how frontline staff would be equipped with the skills and knowledge needed to support tenants;
- Review relevant policies and procedures specifically in relation to lettings, arrears, and financial inclusion;
- Plan how the Service will provide support, including any additional resources it might need;
- Liaise with other Registered Providers in the area and work together to improve mobility for tenants affected;
- Map out points in the area where tenants could access the internet for online claims.

A number of measures to maintain income were considered and discussed. Members were particularly concerned about the 'bedroom tax' for under occupation, which would affect over 400 EDDC tenants. The remedy would be for tenants to downsize, however the Council did not have enough of these properties available to meet demand.

Members then went on to discuss the practicalities of Job Centres Plus administering benefits in the future. The Board (and the Tenant Representative Group) expressed great concern over how this would work and the Portfolio Holder for Sustainable Homes and Communities updated Members on her discussions with Ministers.

It was reported that the Tenant Representative Group (TRG) had grave concerns about the effects the proposed Welfare Reforms would have on a great many tenants. They requested that the TRG and tenants as a whole be kept fully informed about the coming changes.

The Chairman thanked the rent collection team for achieving such significant rent collection figures. The Board thanked the Portfolio Holder for Sustainable Homes and Communities for all the work that she had done regarding changes to the benefits system and appreciated her huge amount of knowledge and dedication. In response the Portfolio Holder for Sustainable Homes and Communities thanked the Board and expressed her concerns over the rents in the private sector (due to high levels of demand) increasing faster than housing benefit. This in turn could lead to the Council having to move tenants already in suitable accommodation and the Portfolio Holder for Sustainable Homes and Communities gave an example of where this had already happened.

**RECOMMENDED:** that the Council recognises the risks to future income and implements the proposals to limit the adverse impact of welfare reforms on future income streams.

\*28 Devon Home Choice – changes to allocation policy

The Housing Needs Manager's report set out the outcome of the recent review of the Devon Home Choice Policy approved by the Devon Home Choice Board (DHC Board). It also took into account the recently published revised guidance for local housing authorities on the allocation of accommodation. In March 2012 Members approved a draft response to the consultation on the draft statutory guidance on the allocation of accommodation. The key changes to the allocation of social housing were set out in the report for Members' consideration. The report recommended that Members approved the changes to the Devon Home Choice Policy, already approved by the Devon Home Choice Board. A further review of the policy would be conducted by the Devon Home Choice Board in 12 months time.

The DHC policy clearly set out which applicants did and did not qualify for allocation of social housing. The DHC Board had recommended no change to the eligibility criteria.

The decisions of the DHC Board that needed to be reconsidered by the HRB were;

- Under occupation – all downsizers to be placed in Band B.
- Additional preference groups and priority – Armed Forces – removal of the need to meet the local connection criteria, and those that would normally be placed in Band D to be placed in Band C.
- Additional preference groups and priority – other groups – applicants who become foster carers or adopt to receive additional priority if they need to move to a bigger property to enable this to happen (to be placed in Band B).
- Policy on refusals – the Council could not review an applicant who refused a number of homes that they had bid for and been offered. If they continued to refuse suitable homes they would have their priority reduced to the No housing need band (Band E). The key issue was the 'number' of homes, although the wording allowed EDDC some flexibility.

**RECOMMENDED:** that the following Devon Home Choice Board decisions be approved:

1. All downsizers are placed in band B.
2. Applicants who formerly served in the regular forces who would normally be placed in band D "no permanent home" are now to be placed in band C.
3. Applicants who need to move to larger accommodation to become foster carers or adopt should have their application placed in band B.
4. The policy on refusals contained in the current published policy document at paragraph 4.12 of the report remains unchanged.

\*29 Development Statement for increasing Council housing stock

The report of the Housing Development and Enabling Officer advised the HRB of how the Council continued to increase its housing stock through new build and acquisition of homes, and sought Board support for the proposed approach. It was anticipated that the Development Statement would evolve over time as the Council's experience as a developer of affordable housing expanded.

As a result of the Housing Revenue Account reform earlier in the year it was hoped that a funding surplus would be identified so that a budget could be set, ensuring the continued delivery of new Council homes. If the Development Statement was adopted it would enable the Development Team to establish itself as a serious operator within the affordable housing sector in East Devon. This would help to increase the overall numbers of affordable housing delivered in East Devon.

Members discussed the formation of a virtual housing team, to review the development of Council own build projects and have the autonomy to make decisions quickly, as and when needed. The composition of the team was debated, with all in agreement that non-officer members of the team should come from the HRB. An amendment for an opposition Member of the Board to be included on a virtual housing team was put to the vote and lost.

**RECOMMENDED:** that the Development Statement be adopted and used as a basis of securing more Council homes through acquisitions and new build.

Councillor Douglas Hull asked for his vote against the recommendation to be recorded (a virtual housing team without a member of the opposition).

\*30 Equalities and Diversity Charter for housing

The Head of Housing's report reminded the Board of the importance of equalities and diversity in the Council's housing activities and outlined the contents of a new Charter published by the Chartered Institute of Housing. The Council was working towards many of the principles contained in the Charter which represented good practice in the housing sector. It was proposed that the Council 'sign up' and embrace the core commitments, building them into operational arrangements for service delivery.

**RECOMMENDED:** that the content of the Equalities and Diversity Charter for housing be approved and the Council sign up to formally adopt the Charter.

## \*31 Garage Management Review – Task and Finish Forum

Consideration was given to the report of the Housing Needs and Strategy Manager which set out the outcome of the work of the Task and Finish Forum (TaFF) on garages. The Council owned 751 garages that provided a rental income of £430,000. There were more than 126 garages empty at a loss of £72,000 – 16% of total debit. Members of the HRB and officers undertook site visits to most garage sites in East Devon and considered whether the garages should be retained or an alternative use be made of the site.

Options for consideration included:

- The problems of monitoring and enforcing garage tenancies.
- The option of increasing the garage rent on an ad hoc basis when the garage was being used for storage purposes.
- Charging a small amount for spaces used for parking next to garages.
- To consider the opportunities on Council garage sites, as well as other Council owned land to mark out parking spaces and charge for permits to park in these.
- Whether garages should be sold immediately when their value was higher, or whether the Council should wait until repairs were required before selling them off (retaining an income stream in the meantime).

There were 83 blocks of garages, with a total of 751. The recommendations of the TaFF could be grouped into three main categories:

- Garages to be retained – usually in a satisfactory or good condition, or that had no development potential when major repairs were required.
- Garage sites that should be developed now or in the foreseeable future.

These were;

- Elizabeth Way, Seaton
- Summersby Close, Seaton
- Courtnay Drive, Colyton
- Plymtree
- Payhembury
- Prestor, Axminster
- Millwey, Axminster (A, B and C blocks)
- George Street, Honiton
- Garages site that should be sold on the open market. These were;
  - Peazen Flats, Beer
  - Eyewell Green, Seaton
  - Coombe Orchard, Axmouth
  - Higher Doatshayne, Musbury
  - Lashbrook, Talaton
  - Fairview, Honiton (large block)
  - Charles Road, Honiton
  - Turner Close, Newton Poppleford (2 x small blocks)
  - Moorhaven, Budleigh Salterton
  - Churchill Road, Exmouth
  - Salters Meadow, Sidmouth (2 x small blocks)
  - Farway

\*31 Garage Management Review – Task and Finish Forum (cont'd)

It was noted that the TRG supported the work of the TAFF, provided that the recommendations did not exacerbate the already problematic parking situation.

The Portfolio Holder for Sustainable Homes and Communities commended the TaFF for its excellent work, but felt that Ward Members should be asked for their comments, in addition to the TaFF recommendations. The Board felt that Councillors would be aware of the recommendations from reading the HRB report. However, Ward Members would automatically be consulted before any action was taken, with the HRB making final recommendations. The Portfolio Holder for Sustainable Homes and Communities reported that she would email all district councillors, highlighting the TaFF report and urging them to read it and take note of the recommendations.

It was suggested that an annual review of the recommendations in Annex A should be reported to members of the HRB.

- RECOMMENDED:**
- 1 that the recommendations contained in Annex A to the report be approved.
  - 2 that consideration be given to the issues at paragraph 2.2 of the report.

\*32 Exclusion of the Public

**RESOLVED** that under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

\*33 Affordable housing – land adjoining the Knapp, Dalwood

The Housing Development and Enabling Officer's report set out a proposal to deliver a development of five new affordable homes on land that adjoined the Knapp, Dalwood. The Board's support was sought to dispose of a small parcel of housing land to a Community Land Trust, who would work in partnership with Yarlinton Housing Association to provide five affordable homes. Concern was expressed that the Council should not have to pay any of the conveyancing fees for this scheme.

**RECOMMENDED:** that the Council transfer a small parcel of EDDC housing land at nil consideration to the Corry Valley Community Land Trust on a freehold basis for the provision of affordable housing, with the understanding that the Council would expect its legal fees to be paid for by the purchasers of the scheme.

Chairman .....

Date .....

## EAST DEVON DISTRICT COUNCIL

### Minutes of a Meeting of the Development Management Committee held at the Council Chamber, Knowle, Sidmouth, on Tuesday 17 July 2012

Present:

Councillors:  
Mark Williamson (Chairman)

David Atkins  
Geoff Chamberlain  
Alan Dent  
Vivien Duval Steer  
Martin Gammell  
Mike Howe  
Ben Ingham  
Stephanie Jones  
David Key  
Helen Parr  
Geoff Pook  
Peter Sullivan  
Steve Wragg

Ward  
Members:

Councillors:  
Roger Boote  
Graham Brown  
Steve Gazzard

Douglas Hull  
Andrew Moulding  
Tim Wood  
Claire Wright

Officers:

Paul Barclay, Legal Locum  
Ed Freeman, Development Manager  
Paul Lowe, Housing Enabling Officer  
Claire Rodway, Senior Planning Officer (Planning Policy)  
Hannah Whitfield, Democratic Services Officer

Apologies:

Committee Members

Councillors:  
Ken Potter  
Phil Twiss

Non-Committee Members

Councillors:  
Derek Button  
Brenda Taylor  
Eileen Wragg

The meeting commenced at 2.00 pm and ended at 4:16 pm.

\*12 Minutes

The minutes of the meeting of the Development Management Committee held on Tuesday 12 June 2012 were agreed and signed as a true record.

\*13 Planning Appeal Statistics

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

\*14 Village Boundaries Document and proposed housing allocation in Feniton

The Committee considered a report by the Senior Planning Officer which was set out in two parts. The first part outlined the present position regarding the Village Boundary Document which was currently being prepared in consultation with the Parish Councils in the District. This process included an initial consultation where Parish Councils in rural settlements with Built-Up Area Boundaries were being asked to identify possible development sites, followed by a detailed assessment of sites in September/October 2012.

The second part of the report specifically referred to the position in Feniton where the preferred allocations process had been being undertaken earlier than timetabled to ensure it was completed ahead of an impending appeal. This would enable the Parish Council and local community to identify the site/s they felt were most appropriate for development until 2026; this information would be reported to the appeals Inspector.

Feniton and Buckerell Ward Member, Councillor Graham Brown thanked Officers for carrying out the preferred allocations process for the village ahead of the proposed timetable and endorsed the recommendations to the Committee.

The Committee discussed the differences between Neighbourhood Plans and the Village Boundaries Document and 'weight' given to each document during stages of production. In response to a question, the Senior Planning Officer advised the Committee that the Village Boundaries Document would be subject to examination by the Planning Inspectorate.

- RESOLVED:**
1. that Development Management Committee notes the ongoing consultation on the Village Boundaries Document;
  2. that future consultation documents for Feniton show proposed Built-up Area Boundary amendments to include land at Ackland Park (32 dwellings) and land between Fircroft and the Railway (3 dwellings).

\*15 Design Review Panel: Affordable Housing Schemes

The Committee considered the Design Review Panel's Affordable Housing Schemes report. The Development Manager advised that the three projects studied as part of the review process had all been considered good examples of the issues of providing affordable housing within East Devon. Each site had been very different but had all highlighted the importance of all parties involved working together to push towards better quality of design.

Member Champions for Affordable Housing and Planning Design and Heritage commented that the review had been an interesting and valuable learning experience – helping to understand the constraints to providing affordable housing and highlighting the successful and unsuccessful aspects of the schemes studied.

\*15 Design Review Panel: Affordable Housing Schemes continued...

The Chairman welcomed the report which would aid the Committee when considering future affordable housing schemes and thanked the officers and Members involved in the Review.

**RESOLVED:** that the Design Review Panel's Affordable Housing Schemes report be noted.

\*16 Applications for Planning Permission and matters for determination

**RESOLVED:** that the applications before the Committee be determined as set out in Schedule 2 – 2012/2013 (attached).

(Councillor Roger Boote left the Chamber whilst application 12/1213/ADV (Oaklands Farm, Monkton) was considered.)

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

## EAST DEVON DISTRICT COUNCIL

### Minutes of a Meeting of the Development Management Committee held at the Council Chamber, Knowle, Sidmouth, on Tuesday 21 August 2012

Present:

Councillors:  
Mark Williamson (Chairman)

David Atkins  
Geoff Chamberlain  
Alan Dent  
Vivien Duval Steer  
Martin Gammell  
Ben Ingham  
Stephanie Jones  
David Key  
Helen Parr  
Geoff Pook  
Ken Potter  
Phil Twiss  
Steve Wragg

Ward  
Members:

Councillors:  
Mike Allen  
Roger Boote  
Bob Buxton  
Iain Chubb  
Paul Diviani  
Roger Giles

Tony Howard  
Shelia Kerridge  
Frances Newth  
Eileen Wragg  
Claire Wright

Officers:

Paul Barclay, Legal Locum  
Ed Freeman, Development Manager  
Kelly Mills, Principal Planning Officer  
Hannah Whitfield, Democratic Services Officer

Apologies:

Committee Members  
Councillors:  
Mike Howe  
Peter Sullivan

Non-Committee Members  
Councillors:  
Derek Button  
Steve Gazzard  
Graham Godbeer  
Jim Knight  
Andrew Moulding  
Ian Thomas

The meeting commenced at 2.00 pm and ended at 8:08 pm.

#### \*17 Minutes

The minutes of the meetings of the Special Development Management Committee and Development Management Committee held on Tuesday 17 July 2012 were agreed and signed as a true record.

#### \*18 Planning Appeal Statistics

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

## 19 Footpath Diversion Orders

The Committee considered a report by the Development Manager on Footpath Diversion Orders. This was a procedure under the Town and County Planning Act 1990 whereby a developer could apply to stop or divert a public footpath or bridleway where it was necessary to enable a development for which planning permission had been granted to take place. The Development Manager advised that historically Devon County Council had dealt with these matters, however had recently indicated that they were not willing to proceed with the applications. Future applications would need to be processed by the District Council.

The processing of Footpath Diversion Order applications was advised to be largely administrative and was illustrated to the Committee by a current case at Parsons Yard, Sidmouth, which Members discussed and determined in the absence of delegated powers. The Committee was advised that a consultation had been carried out on the proposal and concerns raised about the plans still showing the alternative route would be resolved through the requirement of the planning permission for a landscaping scheme. Sidmouth Town Council and Sidmouth Town Ward Members spoke in support of the application. The Development Manager advised that the developer would need to apply for a temporary diversion order from Devon County Council during construction.

In order to prevent unnecessary delay for customers and to prevent excessive numbers of reports to Committee on such relatively minor issues delegated authority was sought to allow the Chief Executive to make future Footpath Diversion Orders, in consultation with the relevant Ward Members. In the case that Ward Members took a contrary view to Officers the matter would be considered by the Development Management Committee.

**RESOLVED:**

1. that a Footpath Diversion Order be made to vary the route of footpath number 169 as shown on the submitted plans and that delegated authority be given to confirm this Order for the reasons detailed in the Committee report if after consultation no substantive objections have been received or send to the Secretary of State for confirmation should objections be received that cannot be resolved;
2. that the Development Manager contact the developer of Parsons Yard, Sidmouth to advise of the need to apply for a temporary diversion order from Devon County Council during construction on the site.

**RECOMMENDED:**

that delegated authority be given to the Chief Executive to make any future Footpath Diversion Orders and confirm them as appropriate unless the relevant Ward members take a contrary view to officers. In this case the matter would be reported to the Development Management Committee.

**\*20 Annual Update on Section 106 Planning Obligations**

The Committee considered a report by the Section 106 Officer which set out a summary of all new signed planning obligations and unilateral undertakings registered in the last financial year, an overall summary of receipts and details of where and how contributions had been spent.

During discussion about the report Members commented that they would like to receive a training session on Section 106 Planning Obligations. Members also wished to see a database showing Section 106 agreements by community on the Council's website.

- RESOLVED:**
1. that the annual update report on Section 106 Planning Obligations be noted;
  2. that a session on the subject of Section 106 Planning Obligations be added to the Development Management Committee's ongoing training sessions;
  3. that the feasibility of having a database showing Section 106 agreements by community on the Council's website be investigated by the Section 106 Officer.

**\*21 Charging for Monitoring Legal Agreements**

The Committee considered a report by the Section 106 Officer which outlined to Members a proposed new feature of Section 106 Agreements negotiated by the Council requiring a modest developer contribution on major applications towards the cost of the monitoring of principal clauses.

- RESOLVED:**
1. that the Charging for Monitoring Legal Agreements be noted and the Development Management Committee endorse the requirement of a developer contribution towards the cost of monitoring such agreements;
  2. that an update report on charging for monitoring legal agreements be brought back to a future Committee meeting.

**\*22 Government Consultations**

The Development Manger reported that the Department of Communities and Local Government had recently published a series of consultations on changes to the planning system and sought the views of Local Planning Authorities on these proposals. The consultations were on:

1. Streamlining information requirements for planning applications;
2. New opportunities for sustainable development and growth through the reuse of existing buildings; and
3. Statutory consultee performance and award costs.

The Committee discussed the report setting out a summary of the proposed changes in each consultation and recommended responses from the Council to each of the key questions posed by the consultation. Members noted that some of the proposals would help to streamline and make the planning system more efficient for both the Council and developers. However some of the proposals raised concern due to reductions in levels of control the council would have over potentially harmful and

\*22 Government Consultations cont...

unsustainable uses in the countryside and also control over the change of use of hotels in holiday resorts.

The Chairman thanked the Development Manager and his team for their work in preparing the responses to the consultation documents.

**RESOLVED:** that the comments detailed in the Government Consultation report be noted and the Development Management Committee endorse the comments to be sent to Department of Communities and Local Government as the Council's response to the consultations.

\*23 Applications for Planning Permission and matters for determination

**RESOLVED:** that the applications before the Committee be determined as set out in Schedule 3 – 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 Geoff Pook	Minute *21 – Charging for Monitoring Legal Agreements & Minute *22 – Government Consultations	Personal Interest (remained in Chamber to speak and vote)	Involvement in the construction industry.
Councillor Phil Twiss	Minute * 20 – Annual update of Section 106 Planning Obligations	Personal Interest (remained in the Chamber to speak and vote)	Member of Beehive Steering Group (Honiton Community Complex)

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

**EAST DEVON DISTRICT COUNCIL**  
**Minutes of a Meeting of the Development Management**  
**Committee held at the Council Chamber, Knowle, Sidmouth,**  
**on Tuesday 18 September 2012**

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

<b>Ward Members:</b>	Councillors:	Graham Godbeer
	Peter Bowden	Jim Knight
	Derek Button	John O'Leary
	Paul Diviani	Andrew Moulding
	Jill Elson	

**Officers:** Paul Barclay, Legal Locum  
Matt Dickins, Planning Policy Manager  
Ed Freeman, Development Manager  
Paul Lowe, Housing Enabling Officer  
Hannah Whitfield, Democratic Services Officer

<b>Apologies:</b>	<u>Committee Members</u>	<u>Non-Committee Members</u>
	Councillor David Atkins	Councillors: Ray Bloxham Steve Gazzard Tony Howard

The meeting commenced at 2.00 pm and ended at 5:07 pm.

**\*24 Minutes**

The minutes of the meeting of the Development Management Committee held on Tuesday 21 August 2012 were agreed and signed as a true record.

**\*25 Planning Appeal Statistics**

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

**\*26 Devon County Council (DCC): The Devon Waste Plan – Preferred Strategy, Site Options and Draft Policies**

The Committee considered a report by the Planning Policy Manager setting out details and options for the County in respect of fulfilling their waste planning responsibilities (superseding early DCC waste core strategy documents). Views were sought by DCC on their 'Devon Waste Plan – Preferred Strategy, Site Options and Draft Policies' document. The Planning Policy Manager explained that Environmental Health had been consulted prior to writing the responses contained within the report regarding the proposals and had flagged a number of issues.

Members noted that a key element of the Waste Plan (relevant to East Devon) was the provision of a new/additional waste recovery facility in the District, with site options at Hill Barton and Greendale Barton. A waste recovery plant essentially involved extracting energy from waste that would otherwise go straight to landfill – following 'recovery' there may be waste (and potentially some reusable material) that needed to be disposed of, however volumes were greatly reduced.

The Chairman invited relevant Ward Members to speak on the site options at Hill Barton and Greendale Barton. The Planning Policy Manager read out a detailed representation on behalf of Councillor Ray Bloxham, Raleigh Ward Member who had been unable to attend the meeting – this representation was supported by relevant Ward Members present.

Ward member comments included:

- Plan does not give details of the type of proposed facility – type of technology would affect comment on the proposals. Would be a stronger objection to any proposal that increased noise, smell and dust pollution. Differing technologies dictated the level and type of materials imported and stored. There should be a commitment in the Plan to take advantage of technologies available that represent the best choice in green operation and minimal amenity impact.
- Nothing in the proposals that link loss of amenity to local benefit.
- Site appraisals should place greater weight on residential amenity – there was no specific focus on proximity of settlements and individual residential properties in relation to each site option.
- DCC had set up liaison committees for officers and residents which had proved to be helpful in the past allowing residents to express their concerns.

Greendale Barton

- The Business Park had extended considerably in recent times with consequent impact on local residents who accepted the need for sustainable waste management facilities. However these facilities had to be weighed against potential impact on local residential amenity and sited to minimise their impact.
- Businesses at Greendale Barton generate a large number of heavy vehicle movements along country lanes off the A3052 which has consequential impact on rural environment and local residents.
- Waste facilities which already existed on the site also created dust, noise and smell affecting the amenity of local residents.
- Existing stored materials were a major concern – there had already been a number of fires on the site due to the stored materials. The proposals in the Plan would increase the level of stored materials.

\*26 **Devon County Council (DCC): The Devon Waste Plan – Preferred Strategy, Site Options and Draft Policies continued...**

Hill Barton

- Many of the comments made regarding Greendale Barton also applied to the Hill Barton site.
- Noise, smell and additional traffic movement concerns needed to be addressed.
- Farringdon residents were greatly affected by the existing site, including smell from the compost site. The nearest property was 300m from the proposed site.
- The proposed site included a hedge put in by DCC to mitigate dust pollution – this should be retained.
- The proposed site should be reduced from 6 hectares to 3 hectares.

The Committee discussed the proposals, supporting the comments of the Ward Members. The need for a waste recovery facility within the District was generally accepted in principle; however the impact on local residential amenity needed to be carefully considered when allocating a site and measures put in place to mitigate potential adverse impacts.

**RESOLVED:** that East Devon District Council welcome the objective and positive work of Devon County Council in producing the Devon Waste Plan.

The District Council recognises the need for waste recovery and accepts in principle, the provision of a waste recovery plant in East Devon, and that proximity to the trunk road network is of key importance. There is however a need to carry out further detailed and careful assessment of potential adverse impacts that could arise and relevant and appropriate mitigation measures.

The District Council wish the County Council to take into account improvements in technical methods of disposal; mitigation measures; the need to reduce traffic movements; and proximity of nearby settlements and impact waste disposal and recovery has on their residential amenity.

On the basis of need for further work to inform decision making the District Council reserve judgement in respect to a referred site choice.

\*27 **Applications for Planning Permission and matters for determination**

**RESOLVED:** that the applications before the Committee be determined as set out in Schedule 4 – 2012/2013 (attached).

**\*27 Applications for Planning Permission and matters for determination continued...**

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

<b>Councillor/ Officer</b>	<b>Minute / Site</b>	<b>Type of interest</b>	<b>Nature of interest</b>
Cllr Phil Twiss	Minute * 26 – Devon Waste Plan	Personal Interest	Councillor was Vice Chairman of EDDC's Recycling and Refuse Partnership Board
Cllr Phil Twiss	12/0592/FUL	Personal Interest	Applicant was known to the Councillor in a personal capacity
Cllr Stephanie Jones	08/2627/MOUT	Personal Interest	Councillor lived near the site
Cllr Geoff Pook	12/1409/FUL	Disclosable Pecuniary Interest	Councillor was the applicant
Cllr Jim Knight	12/1409/FUL	Personal Interest	Councillor was a Devon County Councillor
Cllr Derek Button	12/0860/FUL	Personal Interest	Councillor was a member of Broadclyst Parish Council (the applicant)

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

## EAST DEVON DISTRICT COUNCIL

### Minutes of a Meeting of the Planning Inspections Committee held at the Knowle, Sidmouth on Friday 27 July 2012

Present:

Councillors:

Mark Williamson (Chairman)

Helen Parr (Vice Chairman)

David Atkins

Geoff Chamberlain

Peter Sullivan

Phil Twiss

Officers:

Nigel Barrett, Senior Planning Officer

Andy Carmichael, Major Projects Team Leader

Alethea Thompson, Democratic Services Officer

Apologies:

Councillors:

Alan Dent

John Humphreys

Ben Ingham

David Key

Geoff Pook

Ken Potter

Tim Wood

The meeting started at 11.45 am and ended at 12.24 pm.

\*1 Minutes

The minutes of the meeting of the Planning Inspections Committee held on 18 May 2012 were confirmed and signed as a true record.

\*2

Applications referred to the Planning Inspections Committee

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

- a) Exmouth Littleham: Application No: 12/0557/FUL – Construction of detached building in rear garden to provide 4 x 1 bedroom holiday units at 12 Hartley Road, Exmouth.

**RESOLVED:** that the application be REFUSED for the following reason:

- \*2 Applications referred to the Planning Inspections Committee  
(cont'd)

Reason for Refusal

The proposal represents an over developed and inappropriate form of backland development that would, by reason of its site coverage and proximity to existing boundaries be out of character with the well established layout and pattern of development and urban grain of Hartley Road. The development would therefore be contrary to policies CO6 (Quality of New Development) of the Devon Structure Plan 2001-2016 and policies S4 (Development Within Built-up Area Boundaries), D1 (Design and Local Distinctiveness) and TO1 (Proposals for Holiday or Overnight Accommodation and Associated Facilities) of the Adopted East Devon Local Plan 1995-2011 and the design guidance contained within the National Planning Policy Framework.

- b) Beer: Application No: 12/0158/FUL – Construction of a single storey pool house at White Cliff, New Road, Beer.

**RESOLVED:** that the application be APPROVED subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

\*2 Applications referred to the Planning Inspections Committee  
(cont'd)

4. The development hereby approved shall be carried out in accordance with the recommendations of the submitted Ecological Impact Assessment, prepared by Richard Green Ecology Ltd. and dated November 2011.  
(Reason - In the interest of the continued protection of protected species and in accordance with policy EN6 (Wildlife habitats and Features) of the East Devon Local Plan and policy CO10 (Protection of Nature Conservation) of the Devon Structure Plan.)
5. Notwithstanding submitted details and prior to commencement of any works on site (including demolition), revised tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

In any event, the following restrictions shall be strictly observed:

- (a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.
- (b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.
- (c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(Reason - To ensure retention and protection of trees on the site in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with policies D1 (Design and Local Distinctiveness), D4 (Landscape Requirements) and D5 (Trees on Development Sites) of the East Devon Local Plan.)

\*2 Applications referred to the Planning Inspections Committee  
(cont'd)

6. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the provision of additional tree planting and to provide details of the following:

- Size, number and species of additional tree planting to the northeast and southwest of the site

The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with policies CO4 (Areas of Great Landscape Value), CO6 (Quality of New Development) and CO7 (Historic Settlements and Buildings) of the Devon Structure Plan and policies D4 (Landscape Requirements), EN2 (Areas of Great Landscape Value) and EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan.)

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

EAST DEVON DISTRICT COUNCIL  
 Minutes of a Meeting of the Planning Inspections  
 Committee held at the Knowle, Sidmouth  
 on Friday 31 August 2012

Present: Councillors:  
 Mark Williamson (Chairman)  
 Helen Parr (Vice Chairman)  
 David Atkins  
 Alan Dent  
 Geoff Chamberlain  
 Geoff Pook  
 Phil Twiss

Ward Members: Roger Boote  
 Stephanie Jones  
 Jim Knight

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

Apologies: Councillors:  
 David Key  
 Ken Potter  
 Peter Sullivan

The meeting started at 1.45 pm and ended at 3.52 pm.

\*3 Minutes

The minutes of the meeting of the Planning Inspections Committee held on 18 May 2012 were confirmed and signed as a true record.

\*4 Declaration of Interests

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

Councillor/ Officer	Ref. / Site	Type of interest (action taken)	Nature of interest
Phil Twiss	12/1115/RES	Personal Interest (remained in Chamber to speak and vote)	Applicant was known to the Councillor
Phil Twiss	12/1121/FUL	Personal Interest (remained in Chamber to speak and vote)	Applicant was known to the Councillor

- \*5 Applications referred to the Planning Inspections Committee  
The Committee considered the applications referred to it by the Development Management Committee.

- a) Woodbury and Lympstone: Application No: 11/2104/FUL – Construction of raised patio and replacement single garage and utility room extension at 2 Grange Close, Lympstone

**RESOLVED:** that the application, based on amended plans submitted on 30 August 2012, be APPROVED subject to following conditions:

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

NOTE FOR APPLICANT

1. IN GRANTING PLANNING PERMISSION FOR THIS DEVELOPMENT, THE FOLLOWING IS A SUMMARY OF THE REASONS FOR THE DECISION:  
The proposal complies with the following Devon Structure Plan 2001-2016 Policies and the adopted East Devon Local Plan 1995-2011 Policies:  
Devon Structure Plan Policies  
CO6 (Quality of New Development)  
East Devon Local Plan Policies  
S4 (Development Within Built-up Area Boundaries)  
D1 (Design and Local Distinctiveness)
2. The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.

3. The proposal does not adversely affect the privacy or amenity of neighbouring properties.
- b) Honiton St Pauls: Application No: 12/0622/FUL – Redevelopment of site (including conversion of existing building) to create 8 no dwellings with associated garaging and parking at land north of Field View (rear 46/52), High Street, Honiton.

**RESOLVED:** that the application be APPROVED subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
  2. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.  
The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.  
(Reason - To ensure that an appropriate record is made of archaeological evidence that may be affected by the development in accordance with policy EN8 (Proposal Affecting Sites Which May Potentially be of Archaeological Importance) of the East Devon Local Plan.)
- b) Honiton St Pauls: Application No: 12/0622/FUL – Redevelopment of site (including conversion of existing building) to create 8 no dwellings with associated garaging and parking at land north of Field View (rear 46/52), High Street, Honiton continued...

3. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
4. No development shall take place until samples of the external materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
(Reason - In the interests of visual amenity and to ensure that the materials are sympathetic to the character and appearance of the Conservation Area in accordance with Policies CO6 (Quality of New Development) and CO7 (Historic Settlements and Buildings) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan.)

b) Honiton St Pauls: Application No: 12/0622/FUL – Redevelopment of site (including conversion of existing building) to create 8 no dwellings with associated garaging and parking at land north of Field View (rear 46/52), High Street, Honiton continued...

5. No development shall commence until detailed drawings of the new joinery at 1:2 or 1:5 scale including sections, mouldings, profiles and paint colour have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.  
(Reason - In the interests of visual amenity and to ensure that the joinery details are sympathetic to the character and appearance of the Conservation Area in accordance with Policies CO6 (Quality of New Development) and CO7 (Historic Settlements and Buildings) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan.)
6. No development shall commence until a sample panel of a minimum 1 sq.m. of stonework for use in proposed walling has been constructed for inspection by, and a detailed mortar specification has been submitted to, the Local Planning Authority and these details have been approved in writing. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.  
(Reason - In the interests of visual amenity and to ensure that the stonework is sympathetic to the character and appearance of the Conservation Area in accordance with Policies CO6 (Quality of New Development) and CO7 (Historic Settlements and Buildings) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan.)
7. No part of the development hereby approved shall be brought into its intended use until the Honiton Footpath 4 surfacing and route and definition, parking facilities and turning area have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.  
(Reason - To ensure that adequate facilities are available for the pedestrian thoroughfare and traffic attracted to the site in accordance with policies TA4 (Footpaths, Bridleways and Cycleways), TA7 (Adequacy of Road Network and Site Access) and TA9 (Parking Provision in New Development) of the East Devon Local Plan.)
8. All new windows and doors indicated on the approved plans shall be made of timber only and notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no other materials shall be used without the written approval of the Local Planning Authority.

- b) Honiton St Pauls: Application No: 12/0622/FUL – Redevelopment of site (including conversion of existing building) to create 8 no dwellings with associated garaging and parking at land north of Field View (rear 46/52), High Street, Honiton continued...

(Reason - In the interests of visual amenity and to ensure that the materials are sympathetic to the character and appearance of the Conservation Area in accordance with Policies CO6 (Quality of New Development) and CO7 (Historic Settlements and Buildings) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan.)

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse other than any previously approved as part of the landscaping scheme for the site.

(Reason - In the interests of visual amenity and to ensure that the materials are sympathetic to the character and appearance of the Conservation Area in accordance with Policies CO6 (Quality of New Development) and CO7 (Historic Settlements and Buildings) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan.)

10. No development shall commence until details of the new rainwater goods including profiles, materials and finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

(Reason - In the interests of visual amenity and to ensure that the materials are sympathetic to the character and appearance of the Conservation Area in accordance with Policies CO6 (Quality of New Development) and CO7 (Historic Settlements and Buildings) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan.)

11. No development shall take place until details of all boundary treatment including where requested typical elevation/cross-section details of all new walls/fencing/gates has been submitted to and approved in writing by the Local Planning Authority. All boundary treatment shall be constructed prior to the initial occupation of any of the dwellings hereby approved and shall be maintained for a period of 5 years.

(Reason - In the interests of visual amenity and the character and appearance of the Conservation Area in accordance with Policies CO6 (Quality of New Development) and CO7 (Historic Settlements and Buildings) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness), D4 (Landscape Requirements) and EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan.)

b) Honiton St Pauls: Application No: 12/0622/FUL – Redevelopment of site (including conversion of existing building) to create 8 no dwellings with associated garaging and parking at land north of Field View (rear 46/52), High Street, Honiton continued...

12. The development hereby approved shall adhere to the following restrictions during the construction phase:
  - a. There shall be no burning of any kind on site during construction, demolition or site preparation works.
  - b. No construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, and not at all on Sundays or Public Holidays.
  - c. Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance .  
(Reason: To protect the amenities of local residents from noise and dust and to accord with Policy CO16 (Noise Pollution) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan.)
  
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no works within the Schedule Part 1 Classes A, B, or D for the enlargement, improvement or other alterations to the dwellings hereby permitted , other than works that do not materially affect the external appearance of the buildings, or for the provision within the curtilage of any building, enclosure, shall be undertaken.  
(Reason - The space available would not permit such additions with detriment to the character and appearance of the area or to the amenities of adjoining occupiers.)
  
14. No development shall commence until a Construction Management Plan for the development and incorporating the following:
  - (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials
  - (d) programme of workshas been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless the written approval of the Local Planning Authority is given to any variation.  
(Reason – To ensure the proper development of the site in the interests of the amenity and character of the area, the amenity of adjoining residents and in accordance with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

- c) Seaton: Application No: 12/0966/OUT – Construction of dwelling with all matters reserved at land at rear of Chestnut House, Bunts Lane, Seaton.

**RESOLVED:** that the application be APPROVED subject to the following conditions:

Conditions

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved. (Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.).

2. 'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

(Reason 'To ensure that an appropriate record is made of archaeological evidence that may be affected by the development in accordance with Policy CO8 (Archaeology) of the Devon Structure Plan and Policy EN8 (Proposals Affecting Sites Which May be of Archaeological Importance) of the adopted East Devon Local Plan)

3. Prior to the commencement of works, a construction management plan shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be carried out in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

(Reason – In the interests of the amenity of neighbouring occupiers and in accordance with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and S4 (Development Within Built-up Area Boundaries) of the adopted East Devon Local Plan

4. Notwithstanding the plan details submitted, No development shall take place until details of the surface water drainage from the access drive shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the agreed details before the dwelling on the site is occupied unless otherwise agreed in writing by the Local Planning Authority.

(Reason – To ensure sustainable drainage and to avoid pollution of the environment and in accordance with the requirements of Policy CO13 (Protection of Water Resources and Flood Defence) of the Devon Structure Plan and Policy EN15 (Control of Pollution) of the East Devon Local Plan.)

c) Seaton: Application No: 12/0966/OUT – Construction of dwelling with all matters reserved at land at rear of Chestnut House, Bunts Lane, Seaton.

5. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
6. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.  
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan.)
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within the Schedule 2 Part 1 Classes A, B, or E and Part 2 Class A for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than works that do not materially affect the external appearance of the buildings, or for the provision within the curtilage of any building or enclosure, swimming or other pool.  
(Reason - The space available would not permit such additions without detriment to the character and appearance of the area or to the amenities of adjoining occupiers in accordance with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and S4 (Development Within Built-up Area Boundaries) of the adopted East Devon Local Plan

- d) Seaton: Application No: 12/1115/RES – Construction of 3 no dwellings (reserved matters for plots 1-3 pursuant to outline approval 11/1967/OUT) at land south of Bramble Hill, Seaton Down Hill, Seaton.

**RESOLVED:** that East Devon District Council as Local Planning Authority  
HEREBY APPROVE THE FOLLOWING RESERVED MATTERS of  
the above described development proposed in the application  
numbered as shown above and in the plans and drawings listed at  
the end of this decision notice, relating to:-:

- a) Scale
- b) External appearance
- c) Landscaping (subject to full compliance and implementation of the outline condition)

This Reserved Matters application numbered as shown above is made pursuant to the Outline Planning Permission (ref. no. 11/1967/OUT) granted on 10 February 2009 and relates to units 1- 3 only.

The following Conditions attached to the Outline Planning Permission referred to above are discharged, insofar as they relate to units 1-3:-

1 (part of condition 1 relates to compliance and implementation), 2, 3

The following conditions attached to the Outline Planning Permission referred to above remain to be complied with and discharged:-

4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14

The following additional condition is imposed:

- 2. The existing hedge(s) that mark the southern and western boundaries of the sites, as indicated on drawing no. 10-2499-06b, form part of the landscaping scheme hereby approved and shall be permanently maintained.  
(Reason - For the avoidance of doubt in the interests of amenity and to preserve and enhance the character and appearance of the area and to accord with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies S4 (Development Within Built-up Area Boundaries), D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan.)

#### NOTE FOR APPLICANT

- 1. IN GRANTING PLANNING PERMISSION FOR THIS DEVELOPMENT, THE FOLLOWING IS A SUMMARY OF THE REASONS FOR THE DECISION:  
The proposal complies with the following Devon Structure Plan 2001-2016 Policies and the adopted East Devon Local Plan 1995-2011 Policies:  
Devon Structure Plan Policies  
CO6 (Quality of New Development)  
TR10 (Strategic Road Network)  
CO13 (Protecting Water Resources and Flood Defence)

East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

S4 (Development Within Built-up Area Boundaries)

TA7 (Adequacy of Road Network and Site Access)

D4 (Landscape Requirements)

D5 (Trees on Development Sites)

RE3 (Open Space Provision in New Housing Developments)

TA9 (Parking Provision in New Development)

2. The proposal does not adversely affect the privacy or amenity of neighbouring properties.
3. The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.
4. The proposal does not harm the unspoilt character and appearance of the Coastal Preservation Area.
5. The proposal does not harm the unspoilt character and appearance of the Coastal Preservation Area.
6. The proposal does not harm an identified archaeological site or deposit.
7. The proposal does not harm or give rise to a perceived threat from important trees on or adjacent to the site.
8. The proposal is contained within the defined built-up area boundary of the settlement.
9. The density of the development is at the highest level possible compatible with the area.

e) Seaton: Application No: 12/1121/FUL – Construction of 2 no chalet bungalows with integral garages at Bramble Hill, Seaton Down Hill, Seaton.

**RESOLVED:** that the application be APPROVED subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area and to accord with Policies CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) of the East Devon Local Plan

e) Seaton: Application No: 12/1121/FUL – Construction of 2 no chalet bungalows with integral garages at Bramble Hill, Seaton Down Hill, Seaton.

4. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include details of:
  - Trees and hedges to be retained as part of the development
  - Details of any additional tree, hedge or shrub planting and areas to be grassed.
  - Details of all walls, fences and other boundary treatment
  - Details of all areas of hardsurfacingThe landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.  
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan.)
5. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, visibility splays, turning area, parking spaces and garage/hardstanding access drive and access drainage have been provided and maintained in accordance with the application drawings and retained for that purpose at all times.  
(Reason - To ensure that adequate facilities are available for the traffic attracted to the site and to accord with Policies CO6 (Quality of New Development) and TR10 (Strategic Road Network) of the Devon Structure Plan and Policies D1 (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.)
6. The existing access shall be effectively and permanently closed in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority as soon as the new access is capable of use  
(Reason - To prevent the use of a substandard access and to minimise the number of accesses on to the public highway and to accord with policy TR10 (Strategic Road Network) of the Devon Structure Plan and Policies TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)
7. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway  
(Reason - In the interest of public safety and to prevent damage to the highway and to accord with policy TR10 (Strategic Road Network) of the Devon Structure Plan and Policies TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)

e) Seaton: Application No: 12/1121/FUL – Construction of 2 no chalet bungalows with integral garages at Bramble Hill, Seaton Down Hill, Seaton.

8. Prior to commencement of any works on site (including demolition), tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

In any event, the following restrictions shall be strictly observed:

(a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

(b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (Issue 2) 2007.

(c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(Reason - To ensure retention and protection of trees on the site in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with policies D1 (Design and Local Distinctiveness), D4 (Landscape Requirements) and D5 (Trees on Development Sites) of the East Devon Local Plan.)

9. Notwithstanding the details contained in the submitted Tree Protection Statement by Advanced Arboriculture and dated 17th May 2012, full details of the method of construction of hard surfaces (including the access road) in the vicinity of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any works on site (including demolition). The method shall adhere to the principles embodied in BS 5837 and AAIS Arboricultural Practice Note 1 (1996) and involvement of an arboricultural consultant and engineer is recommended. The development shall be carried out strictly in accordance with the agreed details.

(Reason - To ensure retention and protection of trees on the site in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with policies D1 (Design and Local Distinctiveness), D4 (Landscape Requirements) and D5 (Trees on Development Sites) of the East Devon Local Plan.)

e) Seaton: Application No: 12/1121/FUL – Construction of 2 no chalet bungalows with integral garages at Bramble Hill, Seaton Down Hill, Seaton.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no works within the Schedule Part 1 Classes A or B for the enlargement, improvement or other alterations to the dwellings hereby permitted, other than works that do not materially affect the external appearance of the buildings, shall be undertaken.  
(Reason - The space available would not permit such additions with detriment to the character and appearance of the area or to the amenities of adjoining occupiers and in accordance with policy C06 (quality of Development) of the Devon Structure Plan 2001-2016 and policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
  
11. No development shall take place until details of a surface water disposal scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details prior to first occupation of the dwellings hereby approved. (Reason: In the interests of flood prevention and in accordance with Planning Policy Statement 25 (Development and Flood Risk) and policy C013 (Protecting Water Resources and Flood Defence) of the Devon Structure Plan 2001-2016)

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

EAST DEVON DISTRICT COUNCIL  
 Minutes of a Meeting of the Licensing & Enforcement  
 Committee held at Knowle, Sidmouth on Tuesday, 28  
 August 2012

Present: Councillors:  
 Jim Knight (Vice Chairman in the Chair)  
 David Atkins  
 Roger Boote  
 Bob Buxton  
 Madeleine Chapman  
 Christine Drew  
 Pat Graham  
 Ken Potter  
 Pauline Stott

Officers: John Tippin, Licensing Manager  
 Neil McDonald, Licensing Officer  
 Diana Vernon, Democratic Services  
 Manager

Apologies: Councillors:  
 Steve Hall (Chairman)  
 Steve Gazzard  
 John Jeffery  
 Mark Williamson  
 Tom Wright

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

\*5 Minutes  
 The minutes of the meeting of the Licensing & Enforcement Committee held on 12 June 2012, were confirmed and signed as a true record.

\*6 Declarations of interest

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Councillor Roger Boote	*6	Personal	Personal Licence Holder and owner of Licensed premises.
Councillor Jim Knight	*6	Personal	Devon County Councillor

\*7 Committee update – Licensing Act 2003, Gambling Act 2005 and  
 General Licensing

The Licensing Manager presented his report and highlighted activities undertaken by the Licensing Service. Details of the work undertaken were included as appendices to the report.

Members raised and discussed a number of issues from the report:

\*7 Committee update – Licensing Act 2003, Gambling Act 2005 and General Licensing (continued) – issues raised

1. Licensing Act 2003

The Licensing Team undertook a higher number of inspections of premises when rated 'high risk'. These included premises with a 24-hour licence which meant that large hotels were automatically categorised as high risk. A review of the list had addressed such anomalies. Categories were regularly monitored with the team being responsive to changes in activity, incidents and police and public feedback.

Following a question about 'private quarters' within a licensed property, the Committee was advised that these were not necessarily included on the licensed premises plan and were regarded as separate.

Members were advised that drinks purchased from licensed premises could be consumed outside. If tables and chairs were put outside on a patio or garden, these areas did not need to be licensed unless alcoholic drinks were actually sold there. Licensed premises could apply for a licence from Devon County Council to use a public pavement for tables and chairs subject to various conditions including that public access was not blocked as a result.

Members discussed specific issues of pavement licensing in Exmouth. Where a pavement licence had been issued, it was covered by the licensing restrictions. Councillor Pauline Stott said that she would raise this issue at the next meeting of the Exmouth Regeneration Programme Board.

Further to a question, the Licensing Manager advised that those drinking outside in the Strand at Exmouth (not within an area licensed for the sale of alcohol) could be committing an offence if those involved had disregarded a warning from the Police. This was because the whole of the Strand is subject to a Designated Public Places Order where it is an offence to drink alcohol after being required by a police officer not to do so.

Licensing Officers had attended the Ottery St Mary Football Club, as requested by the Club to give training and advice to staff on running the club bar.

The Licensing Manager had included reference to changes to the Licensing Act 2003 and invited Members to remain behind following the meeting when he would go through the detail of the Act, changes in legislation and particularly the issue of late night levies (likely to be in place in October 2012) and locally set licence fees (with effect from May 2013 at the earliest). These changes would be reflected in the Government's Alcohol Strategy.

2. Gambling Act 2005

The Council had gone out to consultation on the draft Gambling Act Policy to update the one which had now been in place for over 6 years.

Committee update – Licensing Act 2003, Gambling Act 2005 and General Licensing (continued) – issues raised

### 3. Taxis

The Licensing Manager outlined recent hearings and the action taken.

Taxi licensing fees had been agreed by Council on 25 July 2012 and would come into effect from Monday 3 September 2012 subject to no objections being received during the 28 day consultation period. Hackney Carriage fare increases were the subject of a further report which was considered later in the meeting.

The County Council was to make alterations to the taxi rank in the Strand, Exmouth. The taxi rank in Honiton High Street had been changed to address double parking of taxis but the new location on the opposite side appeared under-used.

### 4. General Licensing including Animal Licensing and skin piercing

The fees had been set following the recommendations of the Fees and Charges Task and Finish Forum (2006) and now needed to be reviewed and anomalies addressed. The Cabinet had considered the report of the Licensing Manager with recommended increases. Some of the proposed increases (which had been approved by Council at its meeting on 25 July 2012) were significant. The Licensing Manager gave the licensing fees for horse riding establishments as an example. The aim of the charges levied was to cover costs of the licensing service.

In answer to a question, the Committee was advised that the Council was responsible for registering scrap metal dealers. The Police was then responsible for overseeing scrap metal activities. In the current economic climate, the Council was now giving registration a higher profile and was actively searching out dealers and liaising with the Police in respect of this work.

Street trading during Folk Festival week in Sidmouth had been effectively controlled by the Licensing Service. A district-wide report on street trading would be referred to the next Committee meeting to reflect increased in street trading activity.

### 5. Consultations and Partnership Working

The Licensing Manager advised that the next meeting between Members, Taxi Proprietors and Officers would be held on Wednesday, 31 October 2012 (2pm start) in the Council Chamber at Knowle and that all members of the Committee were welcome to attend.

**RESOLVED** that the report be noted.

### \*8 Proposed Hackney Carriage Fare tariff changes

The report set out proposed increases to the Hackney Carriage Fare Tariff. Details of the increase options were appended to the report together with the fares approved in November 2010 for information and the local fare tariff league table for comparison. Members considered the Hackney Carriage Fare increase options which included the Waiting Time and Extras changes and noted that feedback from interested parties recommended adoption of Option 1.

\*8 Proposed Hackney Carriage Fare tariff changes (continued)

Before any alteration to the tariff table can take effect the legislation requires that a public notice explaining the changes must be placed in a local newspaper. The public are then provided with a period of at least 14 days to make comment on the proposals. If no adverse comment/objection is received the changes approved by the Committee must take effect. If adverse comment/objection is received and not withdrawn the decision must be returned to allow the Committee to consider the representation(s).

**RESOLVED**

that the Hackney Carriage Fares Tariff be increased as proposed in Option 1 of Appendix D to the report including the changes to the Waiting Time and the extras with the approved tariff being adopted as the maximum fare tariff and used from a date to be fixed in December 2012 by Hackney Carriage vehicles licensed by East Devon District Council.

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

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

- Present:** Councillors:  
Steve Hall (Chairman)  
David Atkins  
Roger Boote
- Officers:** Chris Lane – Democratic Services Officer  
Rachel Pocock –Corporate Legal and Democratic Services Manager  
Neil McDonald – Licensing Officer  
John Tippin – Licensing Manager  
Jill Wheller – EHO
- Also Present:** Maddy Chapman  
Christine Drew  
Steve Gazzard  
Eileen Wragg  
Tom Wright
- Apologies:** Councillors:  
Pat Graham  
Pauline Stott

The meeting started at 9.30 am and ended at 11.55am.

**\*6 Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 12 June 2012, were confirmed and signed as a true record.

**\*7 Declarations of interest**

<b>Councillor/ Officer</b>	<b>Agenda Item</b>	<b>Type of interest</b>	<b>Nature of interest</b>
Councillor Roger Boote	*8 – Application for a premises licence to be granted under the Licensing Act 2003 at the Bicton Inn, 5 Bicton Street, Exmouth	Personal	Personal Licence Holder.

\*8

**Application for a premises licence to be granted under the Licensing Act 2003 at the Bicton Inn, 5 Bicton Street, Exmouth**

The Sub Committee gave consideration to an application for a Premises Licence under the Licensing Act 2003, to remove conditions from the existing licence to allow amplified music and to permit late night refreshment, facilities for making music and dance. To extend the hours for live and recorded music, the sale of alcohol on and off the premises and opening hours at the Bicton Inn, 5 Bicton Street, Exmouth.

The Sub Committee carefully considered the application for the variation of an existing premises licence to remove conditions 11 and 12 of Annex 2, to permit late night refreshment indoors, facilities for making music and dance indoors and to extend the existing hours for live and recorded music and the sale of alcohol for consumption on and off the premises 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 central Exmouth, including the physical proximity of residential property and other licensed premises.

The Sub Committee noted that the police had withdrawn their representation in relation to the Licensing Act crime and disorder and public nuisance objectives provided the conditions that they had requested at mediation were imposed. From this members concluded that the police considered the conditions sufficient to deal with any public order or other issues of concern to them. The Environmental Health Service of EDDC also withdrew its representation following agreement reached with the applicant concerning noise control.

The applicant's case at the hearing was that the extension of operating hours would bring her business in line with modern business practices and that the conditions offered in appendices G and H would be adhered to. Her clientele were generally in the older age group and it was submitted that over the last 20 years of the applicant's ownership of the pub there were no incidents that could be properly attributed to the Bicton Inn.

In discussion, the applicant offered to amend her application to exclude live music on Monday and Wednesday evenings so that local residents would know when no live music could take place. On Bank Holiday Fridays to Mondays she also offered to cease sale of alcohol and late night refreshment at 12.30 am, and close the premises at 1.00 am. She indicated she was willing to work with the Council's Environmental Health Officer and her immediate neighbour at no 7 Bicton Street concerning the installation and adjustment of a noise limiter.

For the interested parties, Mr Emms (who also represented Ms Aasmaa and Mrs Moules) addressed the Sub-Committee and asked that there be no extension of hours beyond 11 pm because of its effect on young children and adults who go to bed early. He had been a local resident for 13 years. Even if the applicant did not use all the hours asked for, they would be available to a future licensee.

\*8 **Application for a variation of a premises licence to be granted under the Licensing Act 2003 at the Bicton Inn, 5 Bicton Street, Exmouth (Cont)**

Ms Ehrenberg, who also spoke for Mr Gibbs, had lived next to the premises for 31 years and was an early riser and liked to go to bed early; she indicated she had not complained previously although sometimes she could hear the music. She was concerned about sound penetration of amplified music, noise nuisance and disturbance and asked the Sub Committee to respect her human rights. She also cited inconvenience from smokers outside the pub.

The Council's Environmental Health Officer explained the operation of noise limiters and that the Council would work to the same guidelines as Torbay Council. Noise limiters were effective for amplified instruments, less so for unamplified noise. The intention of a condition concerning a noise limiter would be to negotiate a reasonable noise limit and this could include an assessment from Ms Ehrenberg's house. The Environmental Health Officer confirmed she had not, to date, received complaints about the Bicton Inn. It would be requirement for all doors and windows to be closed during a performance. The applicant's representative indicated she intended to explore, in addition, the use of acoustic tiling which might assist on the party wall with No 7 Bicton Street.

The Sub Committee had carefully considered the operating schedule put forward by the applicant and the likely impact of the application on neighbours and local residents. In relation to the evidence they had heard regarding the history of the premises, they considered that the main issue was the balance to be achieved between the applicant's business activities and possible noise and disturbance to neighbours created by the extended hours and activities applied for. Members considered the human rights issues of the applicant and interested parties as set out in the Sub Committee report. They had not heard evidence that convinced them that the applicant did not run the premises satisfactorily.

The Sub Committee accepted there was a risk that noise from amplified music had the potential to cause public nuisance and that conditions were appropriate to promote the licensing objectives. In the Sub Committee's view, the applicant's offer to restrict the extension of licensable activities, following mediation and again today by means of further concessions, represented a compromise which may be reviewed should the conditions imposed and the management of the premises prove ineffective in promoting the licensing objectives.

Closure and review powers meant premises which do not operate in an acceptable way in terms of the licensing objectives may in extreme cases be closed down by police action or have their scope of operation reduced by the licensing authority

\*8 **Application for a variation of a premises licence to be granted under the Licensing Act 2003 at the Bicton Inn, 5 Bicton Street, Exmouth (Cont)**

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

- (a) Current conditions 11 and 12 of Annex 2 will be removed.
- (b) Permitted hours for the various licensable activities will be as set out in Appendix A of the Sub Committee report varied as set out in paragraph 5 of the decision notice.
- (c) The conditions at Appendix G will be imposed with the addition of the words 'of a type agreed in writing with the Council's Environmental Health Officer' added immediately after 'noise limiter'. This was done because the Sub Committee wanted the noise limiter to be sophisticated enough to deal with a range of sounds, including bass.
- (d) The conditions in Appendix H, to replace those originally offered by the applicant.

2) The applicant and her neighbours were encouraged to have a constructive dialogue during the implementation period of the new Licence and afterwards.

3) that the Designated Premises Supervisor would be Alison Claire Brockbank, the Bicton Inn, 5 Bicton Street, Exmouth, EX8 2RU.

\*9 **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.

\*9

**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 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.

<b>Type of Application</b>	<b>Name of premises and address</b>	<b>Agreed position reached by the parties</b>
Application for the variation of a premises licence X 5.	Co-op West Street, Axminster, EX13 5PA.	Following mediation the applicant and the Devon and Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed positions are approved.
	Co-op Underfleet Way, Seaton, EX12 2PQ.	The applications be approved as submitted subject to the addition of the following conditions on all five licences :
	Co-op 10 Lace Walk, Honiton, EX14 1LR.	1. The premises shall operate a challenge 25 proof of age scheme.
	Sommerfield Lodge Trading Estate, Broadclyst, EX5 3BP	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.
	Sommerfield 3 Magnolia Walk, Exmouth, EX8 1HB	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 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. 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.

\*9 **Schedule of applications for Sub Committee approval where an agreed position has been reached and all Parties have agreed a hearing is unnecessary** (Cont)

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

# EAST DEVON DISTRICT COUNCIL

## Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Tuesday, 31 July 2012

- Present:** Councillors:  
Steve Hall (Chairman)  
Jim Knight (Vice Chairman)  
Bob Buxton
- Also present:** Councillors:  
Maddy Chapman  
Steve Gazzard  
John Jeffery
- Officers:** Douglas Jackson – Licensing Officer  
Chris Lane – Democratic Services Officer  
Giles Salter – Assistant Solicitor
- Apologies:** Councillors:  
Pat Graham  
Thomas Wright

The meeting started at 9.30 am and ended at 10.05 am.

### \*10 Minutes

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

### \*11 Declarations of interest

Councillor/ Officer	Agenda Item	Type of interest	Nature of interest
Councillor Steve Hall	*13 – Hackney Carriage Driver's Licence Application	Personal	Private Hire Driver, Vehicle and Operator licences issued by East Devon District Council Licence Holder.

### \*12 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.

**\*13 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.

**\*14 Hackney Carriage Driver's Licence Application**

Consideration was given to whether an applicant was a fit and proper person to be licensed as Hackney Carriage driver. Members considered the Council's policy guidelines that stated that applicants for a Hackney Carriage Drivers licence should be free of conviction for 3-5 year for either/and/or dishonesty and violence. The overriding duty of the Sub Committee was protection of the public. Members noted that the applicant was unable to attend the meeting of the Sub Committee for the second time due to being in hospital

- RESOLVED**
1. 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 continue to be suspended and until such time as she has attended a Sub Committee hearing;
  2. 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 .....

# EAST DEVON DISTRICT COUNCIL

## Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Tuesday, 7 August 2012

- Present:** Councillors:  
Steve Hall (Chairman)  
Jim Knight (Vice Chairman)  
Bob Buxton
- Also present:** Councillors:  
Maddy Chapman  
Steve Gazzard
- Officers:** Douglas Jackson – Licensing Officer  
Chris Lane – Democratic Services Officer  
Giles Salter – Solicitor
- Apologies:** Councillors:  
Christine Drew  
John Jeffery  
Pat Graham

The meeting started at 9.30 am and ended at 10.35 am.

### \*15 Minutes

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 31 July 2012, were confirmed and signed as a true record.

### \*16 Declarations of interest

Councillor/ Officer	Agenda Item	Type of interest	Nature of interest
Councillor Steve Hall	*19 – Hackney Carriage Driver's Licence Application	Personal	Private Hire Driver, Vehicle and Operator licences issued by East Devon District Council Licence Holder.

### \*17 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.

**\*18 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.

**\*19 Hackney Carriage Driver's and Vehicle Licence Application**

Consideration was given to whether an applicant was a fit and proper person to be licensed as Hackney Carriage driver and vehicle licence holder. 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. Members noted that this was the third Sub Committee meeting that the applicant had been invited to and failed to attend.

- RESOLVED**
1. that, in the interest of public safety, Mrs BH's Hackney Carriage Drivers Licence be revoked with immediate effect;
  2. that in the interest of public safety Mrs BH's Hackney Carriage Vehicle Licence be revoked.

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

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

EAST DEVON DISTRICT COUNCIL  
Minutes of a Meeting of the Licensing &  
Enforcement Sub-Committee held at Knowle,  
Sidmouth on Tuesday, 21 August 2012

Present: Councillors:  
Steve Hall (Chairman)  
Bob Buxton  
Tom Wright

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

Also Present: Maddy Chapman  
Tony Howard

Apologies: Councillors:  
Steve Gazzard  
Jim Knight

The meeting started at 9.30 am and ended at 11.30am.

\*20 Minutes

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 7 August 2012, were confirmed and signed as a true record, subject to the change of the word 'Vehicle' to 'Driver' in Resolution 1.

\*21 Application for a premises licence to be granted under the Licensing Act 2003 at Spoken, 43 The Strand, Exmouth

The Sub Committee gave consideration to an application for a variation of a Premises Licence under the Licensing Act 2003, to increase the licensed area and extend the licensable activities to include an outside area and the removal of five conditions of Annex 2 of the existing Premises Licence at Spoken, 43 The Strand, Exmouth.

The Sub Committee carefully considered the application with the amendments the applicant proposed for the variation of licensable activities and the proposed hours of operation with a view to deciding whether the application promoted the licensing objectives as required by the Licensing Act 2003. The Sub Committee 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.

- \*21 Application for a variation of a premises licence to be granted under the Licensing Act 2003 at Spoken, 43 The Strand, Exmouth (Cont)

The Sub Committee considered it relevant that 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 and crime and disorder. From this the Sub Committee concluded that the police did not consider that there were currently any significant problem associated with the current operation of the premises, but were concerned if the variation was granted without appropriate conditions.

The applicant Mr George Nightingale stated that when the premises licence was granted two years ago it was unknown what The Strand area would become. The new development of The Strand had made the centre of Exmouth a much better place and was encouraging more responsible people into the town centre. The variation application encouraged patrons to sit and enjoy an evening drink and not to promote a vertical drinking establishment. The applicant required a licence from Devon County Highways as well as the statutory permission from the Licensing Authority.

The police had no issues with the premises under the current licence but there were concerns over the management of table and chairs. The applicant stated that if the police conditions were imposed, these conditions were not practical. The Strand had changed and the variation would help improve a more pleasant atmosphere.

In questioning the applicant the Sub Committee raised concerns about managing a designated seating area so that it did not turn into an outside pub where patrons spilled out onto the highway. In addition there were questions about noise in the vicinity of the premises, particularly for those living above; the applicant's experience of the migration of drinkers between premises in the area; the specific management of the designated seated area and how the whole premise inside and out could be viewed by one doorman. The applicant offered that the south west facing aspect would not be used after 6.00pm.

The police case was on paper - relating to licensing conditions on the current licence PLWA0581. The applicant has requested that conditions 7, 8, 9, 10 and 20 be removed.

The police were concerned with the request to extend the consumption of alcohol on the demarked area outside the premises from 10.00pm to 12.00 (midnight). The police view was that the Strand area of Exmouth was family orientated until 10.00pm after which the area changed character when it became more rowdy with the incidents of noise and disturbance linked to issues of crime and disorder.

At the hearing Barry Sleight added that he had reviewed The Strand area with colleagues and CCTV operators. The main concern was that the taxi rank was very close to the premises and that this would lead to groups of people congregating outside the premises. It was unfair to produce statistics. He stated that rowdy, drunken behaviour had decreased but there were still concerns that after 10.00pm the nature of The Strand did change. Migration of drinkers from pub to pub did become more rowdy with the potential of violence late into the evening after 10.00pm.

- \*21 Application for a variation of a premises licence to be granted under the Licensing Act 2003 at Spoken, 43 The Strand, Exmouth (Cont)

There were concerns about extending the use of the area after food stopped being served at 8.00pm. The tables and chairs could be used as weapons if there was any disorder.

Barry Sleight stated that the unconditioned application was putting a 'beer garden' into a public area on the highway with the potential for anti social behaviour and that it was reckless not to understand the issues. This was the first 'cafe culture' application and there would certainly be more of them, this would lead to a dramatic change in the nature and character of The Strand. Mr Sleight referred the Sub Committee to the guidance notes for Devon County Council street licences and said that this envisaged the coffee serving Costa Coffee type of establishment.

It was reasonable to require enough doormen to manage the premises effectively protecting the public from concerns of crime and/or disorder and that the SIA (door staff) condition needed to be robust as did the monitoring of CCTV. Mr Sleight raised specific concerns regarding Bank Holidays and Public Holidays and the number of door staff on duty at the premises. The applicant stated that he already employed extra door staff and was happy to offer the Sub Committee a condition that a minimum of 2 door staff would be employed as requested by the police.

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, the Sub Committee considered that the establishment was currently well managed and controlled with good policies in place and adequate supervision from line management, however the application was attempting to create a café culture which would have an impact on the future development of The Strand as a licensable area. The Licensing Authority supported café culture but did not want to see the creation of an outdoor pub or vertical drinking establishment abutting the public highway and therefore using its experience where history suggests that increasing alcohol consumption inevitably led to noise causing a disturbance and the potential for crime and disorder the Sub Committee conditioned the variation application appropriately to allow the premises to develop its business plan but also to alleviate the fears of the police in allowing alcohol to be consumed on the highway, all be it with the appropriate café licence in place.

The Sub Committee considered that door staff and CCTV had an important role in preventing crime and disorder, identifying offenders and in managing public behaviour on and in leaving the premises.

They had taken into account the concern of the police as the responsible authority on future operation by ensuring that suitable conditions were imposed and that the operating hours were not unreasonably late.

The Sub Committee reminded all parties of the closure and review powers which the Government brought into force once the new licences were operational from 24<sup>th</sup> November 2005. Premises which do not operate in an acceptable way in terms of the licensing objectives may in extreme cases be closed down by police action or have their scope of operation reduced by the licensing authority.

\*21 Application for a variation of a premises licence to be granted under the Licensing Act 2003 at Spoken, 43 the Strand, Exmouth (Cont)

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

- (a) The extent of the areas within which the various licensable activities will be permitted be as indicated by the legends on the applicants plan submitted and signed at the hearing.
- (b) Permitted hours for the various licensable activities will be as set out in Appendix A of the Sub Committee report.
- (c) The conditions will now be as shown in Appendices F and G and the following conditions added by the Licensing Authority.

- 1. The licensing hours for the outside area will be reduced to end at 11.00pm when all drinking shall cease.
- 2. Plastic and toughened glass to be used in the outside area after 9.00pm.
- 3. The outside area is to be clearly delineated and customers should be seated at tables whilst consuming alcohol.
- 4. A CCTV monitor must be installed in an area on the premises where duty staff are able to monitor it.
- 5. At 11.00 pm all seating in the outside area will be stacked and secured so that they cannot be used. All tables and chairs to be removed from the outside when the premises close.
- 6. There will be clear signage in the outside area stating
  - i) Customers must be seated when consuming alcohol in this area
  - ii) Customers will be requested to leave this area after 11.00pm.
  - iii) No drinks to be consumed outside of the designated area.
  - iv) Customers are asked to keep noise to a minimum when using the outside designated area or when leaving the premises.
- 7. A minimum of 2 SIA registered door staff must be employed from 9.00pm to 1.30am on Fridays and Saturdays, Bank Holidays and Public Holidays or until 30 minutes after closing time whichever is sooner when the outside area is in use. Door staff will be employed at a ratio of 1:75.
- 8. The south-west facing aspect of the outside area of the premises cannot be used after 6.00 pm.

2) The mandatory conditions of Sections 19 and 21 of the Licensing Act 2003 will be imposed.

3) that the Designated Premises Supervisor would be George Nightingale, Spoken, 43 The Strand, Exmouth, EX8 .

- \*22 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 application be granted as below, subject to the agreed position set out in the schedule and any relevant statutory conditions and the applicants having complied with relevant statutory requirements.

<b>Type of Application</b>	<b>Name of premises and address</b>	<b>Agreed position reached by the parties</b>
Application for the grant of a premises licence.	The Strand, Exmouth, Devon.	<p>Following mediation the applicant, Devon and Cornwall Constabulary and one other person 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 condition:</p> <ol style="list-style-type: none"> <li>1. Where it is anticipated that 500 or more people will attend an event involving licensable activity within the licensable area of this licence, the Licence Holder or persons authorised by them must ensure that at least one person is manually operating the Exmouth Town Centre CCTV system at least 30 minutes before, during the event and 30 minutes after each event.</li> </ol>
	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003	

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