

# Agenda for Council

## Wednesday, 21 October 2015; 6.30pm



To: [All elected Members of the Council](#); Honorary Aldermen

**Venue:** Council Chamber, Knowle, Sidmouth, EX10 8HL  
[View directions](#)

**Contact:**

[Diana Vernon](#), 01395 517541

[Hannah Whitfield](#) 01395 517542

or group number 01395 517546

Issued 12 October 2015

East Devon District Council  
Knowle  
Sidmouth  
Devon  
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

[www.eastdevon.gov.uk](http://www.eastdevon.gov.uk)

Prior to the formal start of the meeting, the Chairman will invite Revd Trumper to say a prayer

Dear Sir/Madam

### **Meeting of the Council of the District of East Devon on Wednesday 21 October 2015 at 6.30 pm**

You are called upon to attend the above meeting to be held in the Council Chamber, Knowle, Sidmouth. It is proposed that the matters set out on the agenda below will be considered at the meeting and resolution or resolutions passed as the Council considers expedient.

Yours faithfully

A handwritten signature in black ink, appearing to read "Mark Williams".

Chief Executive

**Note:** This meeting is being audio recorded by EDDC for subsequent publication on the Council's website.

Under the Openness of Local Government Bodies Regulations 2014, any members of the public are now allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). No prior notification is needed but it would be helpful if you could let the democratic services team know you plan to film or record so that any necessary arrangements can be made to provide reasonable facilities for you to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public. You should take all recording and photography equipment with you if a public meeting moves into a session which is not open to the public.

If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chairman has the power to control public recording and/or reporting so it does not disrupt the meeting.

## **Agenda:**

- 1 [Public speaking](#)
- 2 Minutes of the [Extra Ordinary meeting of the Council held on 29 July 2015](#) and [Ordinary Council meeting held on 29 July 2015](#).
- 3 Apologies
- 4 [Declarations of interest](#)
- 5 [Matters of urgency](#) – none identified
- 6 Announcements from the Chairman and Leader
- 7 Confidential/exempt items – there are no items which Officers recommend should be dealt with in this way but if confidential minutes from Cabinet and/or the Council's Committees are being discussed, Officers may recommend consideration in the private part of the meeting.
- 8 Presentation of Long Service Awards
- 9 To receive a presentation from the NFU (National Farmers' Union) on the future potential for growth in farming. (Andrew Butler, Devon County Advisory South West NFU)
- 10 To answer questions asked by Members of the Council pursuant to Procedure Rules No 9.2 and 9.5.
- 11 Reports from the Cabinet and the Council's Committees and questions on those reports:
 

Cabinet	Minutes	58 - 73, 74 - 89, 90 - 106
†Overview Committee	Minutes	6 - 13
†Scrutiny Committee	Minutes	8 - 16, 17 - 24
†Overview and Scrutiny Committees – joint meeting	Minutes	1 - 8
†Housing Review Board	Minutes	17 - 33
Development Management Committee	Minutes	23 - 27, 28 - 33, 34 - 43
Standards Committee	Minutes	1 - 8
Audit and Governance Committee	Minutes	15 - 24
Licensing and Enforcement Committee	Minutes	6 - 12
Licensing and Enforcement Sub Committee	Minutes	1 - 6, 7 - 12, 13 - 15, 16 - 18, 19 - 20

†The recommendations of these meetings have already been referred to Cabinet for consideration

- 12 Leader's appointment of an additional Member Champion - Champion for Sport and Recreation – Councillor David Chapman
- 13 Committee Vice Chairman

To confirm that Councillor Mike Allen has resigned as Vice Chairman of Overview Committee (but will remain a Committee member).

Nominations to be sought for new Vice Chairman of the Overview Committee.

Please note that under Procedure Rule 9.2, Councillors may submit written questions to Council Leader or specific Portfolio Holders

[Decision making and equalities](#)

**For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546**

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the Extra Ordinary Meeting of the Council held at Knowle, Sidmouth, on Wednesday, 29 July 2015**

Attendance list at the end of document.

The meeting started at 6.00 pm and ended at 6.27 pm

#### **\*24 Honorary Aldermen**

The Council was asked to consider conferring the title of Honorary Alderman on former Councillors for their eminent service to East Devon District Council. The nominees (Geoff Chamberlain, Trevor Cope, David Cox, Christine Drew, Peter Halse, John Jeffery, Stephanie Jones, Frances Newth, Ken Potter, Tim Wood and Steve Wragg) were proposed en bloc by Councillor Phil Twiss and seconded by Councillor John O'Leary.

**RESOLVED:** that the title of 'Honorary Alderman' be conferred on the following in recognition of their eminent services to East Devon District Council as past

Members:-

Geoff Chamberlain

Trevor Cope

David Cox

Christine Drew

Peter Halse

John Jeffery

Stephanie Jones

Frances Newth

Ken Potter

Tim Wood

Steve Wragg

(The resolution was required to be passed by not less than two-thirds of the Members of the Council voting thereon – the vote in favour was unanimous.)

The Chairman invited the nominees to come forward to receive the Honorary Alderman medallion and scroll from the Vice Chairman. The Chairman made individual reference to the service each had rendered to the Council and their valued contribution.

Congratulations had been extended to the nominees from the Honorary Aldermen and Councillor Douglas Hull expressed thanks to the newly appointed Honorary Alderman for their services to the Council and the community.

Each of the new Honorary Aldermen spoke on their appointment and thanked the Council for granting this honour. They thanked fellow Councillors for their support and fellowship and the Chief Executive and all Council staff for their professionalism and help over the years. Newly appointed Honorary Aldermen Geoff Chamberlain received a standing ovation.

**Attendance list**

**Councillors present:**

Megan Armstrong  
Brian Bailey  
David Barratt  
Dean Barrow  
Susie Bond  
Matthew Booth  
Peter Bowden  
Colin Brown  
Peter Burrows  
Paul Carter  
Maddy Chapman  
Iain Chubb  
Alan Dent  
Paul Diviani  
Jill Elson  
Peter Faithfull  
David Foster  
Roger Giles  
Graham Godbeer  
Pat Graham  
Simon Grundy  
Maria Hale  
Ian Hall  
Steve Hall  
Stuart Hughes  
Douglas Hull  
John Humphreys  
Ben Ingham  
David Key  
Jim Knight  
Rob Longhurst  
Dawn Manley  
Andrew Moulding  
Bill Nash  
Cherry Nicholas  
John O'Leary  
Helen Parr  
Christopher Pepper  
Geoff Pook  
Philip Skinner  
Pauline Stott  
Brenda Taylor  
Ian Thomas  
Phil Twiss  
Mark Williamson  
Eileen Wragg  
Tom Wright

**Honorary Aldermen:**

Ann Liverton  
David Scott

**Officers:**

Mark Williams, Chief Executive  
Richard Cohen, Deputy Chief Executive  
John Golding, Strategic Lead - Housing  
Henry Gordon Lennox, Strategic Lead – Legal and Democratic Services  
Amanda Coombes, Democratic Services Officer  
Diana Vernon, Democratic Services Manager  
Hannah Whitfield, Democratic Services Officer

**Councillor apologies:**

Mike Allen  
David Chapman  
Cathy Gardner  
Steve Gazzard  
Alison Greenhalgh  
Marcus Hartnell  
Mike Howe  
Geoff Jung  
Val Ranger  
Marianne Rixson

**Honorary Aldermen apologies:**

Bob Peachey  
Margaret Rogers

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

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### **Minutes of the Meeting of the Council held at Knowle, Sidmouth, on Wednesday, 29 July 2015**

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

The meeting started at 6.30 pm and ended at 7.13 pm

#### **\*25 Public Speaking**

The Chairman welcomed those present and invited members of the public to speak to the Council.

Michael Clarke, Vice Chairman to East Budleigh Parish Council spoke on the East Devon Villages Plan and the proposed criteria for reviewing Built-Up Area Boundaries (BUAB) which was recommended for use by Cabinet and Development Management Committee. He advised that up until the previous day, East Budleigh's BUAB was proposed to be amended to include a site which was not recommended for inclusion by the Parish Council (this site had since been withdrawn and BUAB was now recommended to remain unchanged). Concern was raised about the lack of communication and consultation with the Parish Council, which was in the process of preparing its own Neighbourhood Plan, over the proposed amendments to the BUAB.

In response the Chief Executive advised that the concerns of East Budleigh Parish Council were noted and that any proposed changes to BUABs would be consulted on before adoption. With regard to the inclusion, and subsequent removal, of the specific site referred to by the Vice Chairman of the Parish Council, this would be looked into this further and a response would be given to the Vice Chairman of the Parish Council.

#### **\*26 Minutes**

The minutes of the meeting of the Annual Council held on 27 May 2015 and minutes of the Extraordinary meeting of the Council held on 3 June (Office Relocation) were confirmed and signed as a true record.

#### **\*27 Declarations**

There were none.

#### **\*28 Chairman/Leader notices/announcements**

- a) The Chairman invited Councillor Jill Elson, Portfolio Holder – Sustainable Homes and Communities to address the Council on the Government Summer Budget Statement presented to the House of Commons which contained rent reduction proposals that would affect the Council's Housing Revenue Account (HRA) 30 year Business Plan.

She outlined the background to the HRA and advised how the system was based upon assumptions Government had made about rental income and expenditure required to maintain the stock over 30 years; any changes in those assumptions would impact on the Council's ability to maintain its housing stock.

Last year, the Government had announced a ten year rent setting policy which adjusted the rental formula damaging the Business Plan. The

proposals in the Summer budget altered the formula introduced, just last year, and indicated that it would be compulsory to implement a Government Rent policy of 1% rent reduction each year for 4 years - the intention being to reduce the housing benefit bill.

The impact of this proposal of 1% reduction in rents for 4 years on the Council's Business Plan were highlighted as:

- Housing Revenue Account Business Plan allowed for 2.5% increase so this effectively means a 3.5% reduction each year;
- The cumulative effect by end of year 4 (2019/20) is a reduction in rent income of £7 million. (66 new affordable homes at £120,000 per home);
- The estimated rent loss over the full 30 year Business Plan period was £77.2 million (equivalent to 643 New Homes at £120,000 per unit);
- In 2025/26 our HRA balance would drop below the agreed minimum of £2 million;
- The balance would not reach an acceptable level until 2037/38 (when the Council's debt was repaid) when it is projected to reach £5 million;
- New build/acquisition would be curtailed – it was anticipated that Right to Buy receipts would have to all returned to the Government;
- Reductions might be required in maintenance programmes;
- The Council's average rent was currently £81.97 per week which was well below equivalent affordable rents charged by some Housing Associations.

Councillor Elson had requested an urgent meeting with MPs Hugo Swire and Neil Parish and advised that MP Hugo Swire has asked for an urgent meeting with the Minister for Housing to discuss the matter.

**RESOLVED: that a copy of the Portfolio Holder – Sustainable Homes and Communities address to Council on the impact of the Government's Summer budget statement on the Council's Housing Revenue Account 30 Year Business Plan be circulated to all Members for information.**

- b) The Leader was pleased to announce that the Council had been awarded 'highly commended' for infrastructure-led planning in Cranbrook at the recent annual RTPi awards for Planning Excellence. These awards were held to highlight exceptional examples of planning and celebrate the contribution that planners and planning make to society.

**\*29 Questions (Procedure Rules 9.2 and 9.5)**

Five questions had been submitted in accordance with Procedure Rule 9.2 - the printed [questions and answers](#) were circulated at the meeting. Councillors submitting questions are entitled to put a related supplementary question (Procedure Rule 9.5). The responses to the supplementary questions are set out below.

- a) Question 1 – In response to a supplementary question about the surplus election budget and why more staff had not been employed to reduce the risk of errors and to reduce the stress levels of staff involved in the counts, the Chief Executive advised that a report on the issues relating to the recent

local elections would be considered at Scrutiny Committee the following day. The reference to stress in his report was in relation to the lead up to the elections. There were no issues, as far as he had been made aware, in relation to the number of staff available during the count.

Councillor Cathy Gardner asked that it be noted that EDA was not running a FOI campaign.

- b) Question 2 – In response to a supplementary question about whether it was considered that the inclusion of a member of the Independent Group on the Office Accommodation Executive Group would lead to delays to the Council's relocation rather than improving public confidence and transparency, the Leader referred the Councillor to the answer given in the original question and advised that the Executive Group in its current form worked well and was efficient. He therefore saw no reason to amend the membership.
- c) Question 3 – In response to a supplementary question about how requests for information by Members were dealt with and steps to ensure acceptable responses in future, the Leader referred the Councillor to answer given in the original question.
- d) Question 4 – In response to a supplementary question about the early termination of the Chief Executive arrangement with South Somerset District Council and whether this would be considered good value for money by the residents of East Devon, the Leader gave absolute reassurance; the CEO had always had a full time employment contract with EDDC.
- e) Question 5 - In response to a supplementary question asking for reassurance that all Councillors would be kept fully briefed on the progress in respect of the Local Plan, the Leader confirmed that this would happen.

**\*30 Minutes of Cabinet and Committees**

**RESOLVED**

1. that the under-mentioned minutes be received and the recommendations approved

**Cabinet**

Minutes 1-27, 28-57

**Development Management Committee**

Minutes 72-79, 1-3, 4-14, 15-17, 18-22

**Planning Inspections Committee**

Minutes 25-27, 28-30

**Audit and Governance Committee**

Minutes 1-14

**Licensing and Enforcement Committee**

Minutes 1-5

**Licensing and Enforcement Sub Committee**

Minutes 37-38

2. that the under-mentioned minutes be received.

Cabinet (minutes 37, 38 39) had noted or accepted the following Overview/Scrutiny Committees' recommendations with or without amendment.

**Overview Committee**

Minutes 1-5

**Scrutiny Committee**

Minutes 1-7

**Housing Review Board**

Minutes 1-16

Arising from consideration of the above minutes:-

**a) Environmental Protect Team Reorganisation (Minute 49 Cabinet)**

Councillor Peter Burrows spoke about the loss of the dog warden post following reorganisation of the Environmental Protection Team. He advised of ongoing issues of people walking their dogs on banned areas within Seaton and the need for better signage as the current signs were inadequate.

The Leader suggested that Councillor Burrows speak direct to the Street Scene Manager regarding the need for better signage.

**b) Review of FOI decisions (Minute 55 Cabinet)**

Councillor Matthew Booth referred to the outcomes of the recent Tribunal and his concerns that the Council had not fully demonstrated that it had learnt lessons from the findings. He raised concern that the Officer who had undertaken the review of FOI decisions (the Monitoring Officer) was also the Strategic Lead – Legal, Licensing and Democratic Services and therefore was in effect examining activity that he had been involved with. Councillor Booth spoke about the primary role of the leadership of the Council being to uphold transparency and accountability. He advised that the issue was not whether the Council should relocate but the processes behind facilitating the relocation. Clarification was sought as to who the officer peer would be and suggested that the choice should be an independent person. He highlighted the need for clear requirements for any FOI, including reasons why the Council might withhold information and a review of the Council's publication scheme.

The Chief Executive advised that he had full confidence in the Monitoring Officer's ability to remain impartial and referred Councillors to the Monitoring Officer's comprehensive report into the matters relating to the Tribunal findings, which set out lessons to be learnt and changes required to procedures.

\*31 **Housing Review Board - appointments**

**RESOLVED**

1. that the appointment of Angela Bea as a tenant and/or leaseholder representative on the Housing Review Board be confirmed.
2. that the appointments of Christine Drew and Julie Bingham as independent community representatives on the Housing Review Board be confirmed.

**Attendance list**

**Councillors present:**

Brian Bailey  
David Barratt  
Dean Barrow  
Susie Bond  
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**Councillor apologies:**

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**Honorary Aldermen apologies:**

Bob Peachey  
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Chairman ..... Date .....

# Meeting of the Council – 21 October 2015

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1. that the under-mentioned minutes be received and the recommendations approved

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The Leader suggested that Councillor Burrows speak direct to the Street Scene Manager regarding the need for better signage.

**b) Review of FOI decisions (Minute 55 Cabinet)**

Councillor Matthew Booth referred to the outcomes of the recent Tribunal and his concerns that the Council had not fully demonstrated that it had learnt lessons from the findings. He raised concern that the Officer who had undertaken the review of FOI decisions (the Monitoring Officer) was also the Strategic Lead – Legal, Licensing and Democratic Services and therefore was in effect examining activity that he had been involved with. Councillor Booth spoke about the primary role of the leadership of the Council being to uphold transparency and accountability. He advised that the issue was not whether the Council should relocate but the processes behind facilitating the relocation. Clarification was sought as to who the officer peer would be and suggested that the choice should be an independent person. He highlighted the need for clear requirements for any FOI, including reasons why the Council might withhold information and a review of the Council's publication scheme.

The Chief Executive advised that he had full confidence in the Monitoring Officer's ability to remain impartial and referred Councillors to the Monitoring Officer's comprehensive report into the matters relating to the Tribunal findings, which set out lessons to be learnt and changes required to procedures.

\*31 **Housing Review Board - appointments**

**RESOLVED**

1. that the appointment of Angela Bea as a tenant and/or leaseholder representative on the Housing Review Board be confirmed.
2. that the appointments of Christine Drew and Julie Bingham as independent community representatives on the Housing Review Board be confirmed.

**Attendance list**

**Councillors present:**

Brian Bailey  
David Barratt  
Dean Barrow  
Susie Bond  
Matthew Booth  
Peter Bowden  
Colin Brown  
Peter Burrows  
Paul Carter  
Maddy Chapman  
Iain Chubb  
Matt Coppel  
Alan Dent  
Paul Diviani  
Jill Elson  
Peter Faithfull  
David Foster  
Cathy Gardner  
Roger Giles  
Graham Godbeer  
Pat Graham  
Simon Grundy  
Maria Hale  
Ian Hall  
Steve Hall  
Stuart Hughes  
Douglas Hull  
John Humphreys  
Ben Ingham  
David Key  
Jim Knight  
Rob Longhurst  
Dawn Manley  
Andrew Moulding  
Bill Nash  
Cherry Nicholas  
John O'Leary  
Helen Parr  
Christopher Pepper  
Geoff Pook  
Marianne Rixson  
Philip Skinner  
Pauline Stott  
Brenda Taylor  
Ian Thomas  
Phil Twiss  
Mark Williamson  
Eileen Wragg  
Tom Wright

**Honorary Aldermen:**

Christine Drew  
Stephanie Jones  
Ann Liverton

Ken Potter  
David Scott  
Tim Wood

**Officers:**

Mark Williams, Chief Executive  
Richard Cohen, Deputy Chief Executive  
John Golding, Strategic Lead - Housing  
Henry Gordon Lennox, Strategic Lead – Legal and Democratic Services  
Amanda Coombes, Democratic Services Officer  
Diana Vernon, Democratic Services Manager  
Hannah Whitfield, Democratic Services Officer

**Councillor apologies:**

Mike Allen  
David Chapman  
Steve Gazzard  
Alison Greenhalgh  
Marcus Hartnell  
Mike Howe  
Geoff Jung  
Val Ranger  
Marianne Rixson

**Honorary Aldermen apologies:**

Bob Peachey  
Margaret Rogers

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

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Cabinet held at Knowle, Sidmouth on 12 August 2015**

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

The meeting started at 5.30pm and ended at 6.58pm

#### **\*58 Public Speaking**

Lynne Askew, chairman of Clyst Honiton Parish Council (CHPC), spoke at the end of the meeting to thank members for agreeing to the CHPC's request for £9000 per annum for 3 years to cover the post of Clerk. She stated CHPC were working hard to empower people to have greater control over the local area and to create better life opportunities for the wellbeing of the community. This responsibility to deliver the best possible service was not only to its parishioners, but also to those working and travelling within Clyst Honiton. This was very important to CHPC, as was their work to benefit all developing strategic neighbours.

#### **\*59 Minutes**

The minutes of the Cabinet meeting held on 15 July 2015 were confirmed and signed as a true record.

#### **\*60 Declarations**

Cllr Paul Diviani– Min no. 8

Type of interest - Personal

Reason: Member of DCC Health and Scrutiny Committee

Cllr Eileen Wragg – Min no. 8

Type of interest - Personal

Reason: Member of DCC Health and Scrutiny Committee

#### **\*61 Exclusion of the public**

There were no confidential items which officers recommend should be dealt with in this way.

#### **\*62 Matters of urgency**

None

#### **\*63 Matters referred to the Cabinet**

There were no matters referred to the Cabinet by the Overview and Scrutiny Committees.

#### **\*64 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 August to 30 November 2015.

#### **65 Scrutiny Committee minutes of a meeting held on 30 July 2015**

Members received and noted the minutes of the meeting of the Scrutiny Committee held on 30 July 2015.

The Chairman of Scrutiny Committee, highlighted the recommendations in minutes 11 and 12 and asked the comments be taken into account. The Leader noted his comments.

The Portfolio Holder Corporate Services asked for clarification on minute 14 from the Chairman of Scrutiny. He wanted it on record that the Media Protocol was a refresh of the present protocol, and where appropriate ward members and portfolio holders had been involved.

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

**Minute 11 - NHS Northern, Eastern and Western Devon Clinical Commissioning Group decision on community hospital beds**

1. that the Scrutiny Committee recognises the extremely valuable and popular service provided by the community hospitals in East Devon;
2. The Scrutiny Committee regrets the failure of the NEW Devon Clinical Commissioning Group:
  - a. to take proper account of the views of East Devon District Council, and of many residents and community groups in East Devon, who strongly opposed proposals to discontinue the provision of minor injuries service and to reduce or remove the in-patient beds at East Devon community hospitals;
  - b. to take proper account of the views of the stakeholder group, under the chairmanship of Sir John Evans, which produced a comprehensive report, commissioned by NEW Devon Clinical Commissioning Group, on East Devon community hospitals;
  - c. in deciding to reduce the number of in-patient beds at Exmouth Hospital, and Honiton Hospital, and to close all the in-patient beds at Axminster Hospital and Ottery St Mary Hospital, and to cease the minor injuries service at Axminster Hospital, Ottery St Mary Hospital, Seaton Hospital and Sidmouth Hospital;
  - d. Publish detailed financial costing to justify its closure of services despite frequent requests to do so.

**Minute 13 - Sickness absence**

1. that the committee accept the report on sickness absence;
2. that the committee continue to be kept informed on the levels of sickness absence;
3. that comparative data, where available from other authorities, is included in future updates to the committee.

**Minute 14 - Media Protocol**

That the committee endorses the Media Protocol

**Minute 15 - Local Elections 7 May 2015**

**RESOLVED**

1. that the committee endorses the report by the Chief Executive on the local elections 7 May 2015;
2. that the committee recognises the hard work of all staff involved in the running of the national and local elections on 7 May 2015;
3. that a brief financial statement on how the elections are funded be provided to the committee.

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

**Minute 11 - NHS Northern, Eastern and Western Devon Clinical Commissioning Group decision on community hospital beds**

1. that Cabinet writes to the Chairman of the Devon County Council Health and Wellbeing Scrutiny Committee expressing its concern at the failure of process by NEW Devon Clinical Commissioning Group in reaching its decision on 16 July, and asks that the matter be considered at the Devon County Council Health and Wellbeing Scrutiny Committee on 14 September 2015;
2. that Cabinet writes to Neil Parish, MP, and Hugo Swire, MP expressing its concern at the failure of process by NEW Devon Clinical Commissioning Group and asks that they raise the matter with the Health Secretary as a matter of urgency, and ask him to seek to overturn the decision.

**RECOMMENDED that the following recommendations be referred to Council:**

**Minute 12 - Financial Plan and Draft Transformation Strategy 2015 - 2021**

That the Financial Plan and Draft Transformation Strategy be accepted.

**Minute 14 - Media Protocol**

1. that the communications service should apply equally to all councillors and committees, not just the Cabinet;
2. that early and consistent involvement of Ward Members in work across the Council is encouraged as part of the working culture of officers.

\*66 **Strata Joint Executive Committee minutes of a meeting held on 10 June 2015**

Members received and noted the minutes of the meeting of the Strata Joint Executive Committee minutes of a meeting held on 10 June 2015.

The Chief Executive confirmed there were three members on the joint executive committee.

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

**Minute 9 - Strata progress report - June 2015**

The progress of the implementation of Strata.

**Minute 10 - Strata finance**

The financial report.

**Minute 12 – Progress report on post commencement tasks**

The progress report.

**Minute 13 - Strata performance indicators report**

1. The performance indicators report.

**RESOLVED (2) that the following decision be noted:**

**Minute 11 - Shared project process – opportunities to look for new ways of working**

The shared project process is revised to focus on the IT business case and will be approved by a future meeting.

**Minute 13 - Strata performance indicators report**

2. The indicators in the operation be approved; and

3. A presentation be given to the next Joint Executive Committee of a full suite of indicators that have also been approved by the Senior Management at the three councils.

\*67 **Recycling and Refuse Partnership Board minutes of a meeting held on 15 July 2015**

Members received and noted the minutes of the meeting of the Recycling and Refuse Partnership Board held on 15 July 2015.

The Chairman of Recycling and Refuse Partnership Board noted the request for the STRATA Chief Operations Officer to attend the next Board meeting. This was to give an update on Cloud 9 in-cab technology. The Portfolio Holder Corporate Services asked for a review of the situation by September.

The Chairman of Recycling and Refuse Partnership Board highlighted the successful day change to collections in Cranbrook.

Discussions included:

- Would there be a charge for Absorbent Hygiene Products (AHPs); not including nappies? The Chairman of Recycling and Refuse Partnership Board confirmed that there was no charge presently. Officers worked with people who were struggling with this type of waste to help alleviate the situation.
- Cloud 9 technology would reveal any residents who had acquired an additional unofficial refuse collection bin. Operatives would only empty bins officially registered to each household.

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

**Minute 6 – Statistical information**

1. The update report.
2. The Recycling and Waste Contract Manager bring a report to the next meeting on charging options for replacement refuse and recycling receptacles.

**Minute 7 - SITA Senior Contract Manager update**

The performance report.

**Minute 8 - Cloud Nine/in-cab technology update**

The STRATA Interim Chief Operations Officer be requested to attend the next Board meeting to give an update on Cloud 9 in-cab technology.

**Minute 11 – Progression of collection contract procurement**

The procurement update.

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

**Minute 7 – SITA Senior Contract Manager update**

That a press release be issued on the success of the change in collections at Cranbrook.

**Minute 9 - Sustainable waste service trial (Feniton & Exmouth) – update, leaflets and communications plan**

1. Fortnightly collections of nappies be included in the trial

2. A strong communications message regarding the nappy trial be presented to the next Board meeting.

68 **Financial Monitoring Report 2015/16 - Month 3**

The Strategic Lead, Finance presented this report that summarised the Council's overall financial position for 2015/16 at the end of month 3 (30 June 2015). There were two additional recommendations for funding from Clyst Honiton Parish Council and Exmouth Town Council.

Current monitoring indicated that:

- The General Fund Balance was being maintained within the adopted range.
- The Housing Revenue Account Balance would be maintained at or above the adopted level.
- There was a sufficient Capital Reserve to balance this year's capital programme.

**RESOLVED:**

that the variances identified as part of the Revenue and Capital Monitoring process up month 3 be acknowledged.

**RECOMMENDED:**

1. that Clyst Honiton Parish Council be grant aided £9,000 per annum for three years totalling £27,000.
2. that additional support be given to Exmouth Town Council to deal with customer demand at the Town Hall. This to be in the form of either extra financial support for 2015/16 of £12,200 (raising the total to £19,000) or by providing equivalent EDDC employee support to assist with customer needs at the Town Hall.

**REASON:**

The report updates Members on the overall financial position of the Authority following the end of each month and includes recommendations where corrective action is required for the remainder of the financial year.

69 **The use of Local Authority Business Growth Incentives (LABGI) funding**

The Deputy Chief Executive presented the report, which was to agree a strategy for the allocation of the remaining LABGI scheme funding which gave local authorities a financial incentive to encourage local business growth.

It was proposed that the remaining LABGI funding be used to undertake a series of regeneration and economic development projects, research and feasibility work to promote local economic growth across East Devon. Examples of these broad project areas were provided in the report.

Discussions included:

- the importance of working with local businesses
- Superfast Broadband was vital to East Devon's economy, small business and home workers. The uptake for Superfast Broadband must improve
- Systems in place to record the benefit of delivery of these studies/projects and collection of data.
- Evidence was essential to gain future investment.
- Perhaps not use all funding into these studies and use to fund present or future workshops.

- Was there evidence to how effective the Business Information Point (BIP) was to East Devon businesses?
- Were staffing levels sufficient to deliver these projects within the timetable?
- Surprise there was no market research already available for the tourism industry.

**RECOMMENDED:**

1. that the allocation of £200,756 of LABGI funding to undertake a series of regeneration and economic development projects and detailed studies be approved. This would enable informed investment in economic growth where the need for interventions or a return on investments could be evidenced.
2. that the Deputy Chief Executive in consultation with the Economy Portfolio Holder be given delegated authority to allocate the spending of the LABGI funds in accordance with the Council's economic development priorities.
3. that an annual report be produced on spend and impacts of LABGI funds.

**REASON:**

To allow targeted and informed regeneration and economic development projects in accordance with aims of the LABGI scheme. Similarly, to enable the recommendations from the Serviced Workspace Demand & Delivery Appraisal (2014) to be taken forward through specific feasibility analyses.

70 **Provision of interim workspace at Cranbrook**

The New Community Projects Officer stated development of the local economy was essential to achieving the long held objective for Cranbrook's development as a healthy, sustainable and vibrant town. Work on an Economic Development Strategy and a locally lead 'Our Place' plan indicated that there was a need to support small and growing enterprises in the town. The purpose of the report was to consider the offer of a property for conversion to office space for a period of 3 years. Whilst there was a need for additional work on the detail of the scheme, including assessing the demand for it more thoroughly, it was likely to have the potential to meet some of the need in the town.

Discussions included:

- Future phases of build-out in Cranbrook would include business space. This was an interim offer to cover the immediate need for economic space.
- This was a young and entrepreneurial community, therefore essential to nurture these businesses.
- This would be simple office space, mainly desk space.
- Presumption in the beginning was that residents would work outside Cranbrook so small business space would not be needed immediately.

**RESOLVED:**

that the principle of establishing a work hub and/or small office unit at Cranbrook be supported.

**RECOMMENDED:**

1. that a lease for a building/buildings for use as a work hub and/or small office unit at Cranbrook be delegated to the Deputy Chief Executive.
2. that approval of up to £25,000 for capital costs and £30,000 for revenue costs over 3 years be delegated to the Deputy Chief Executive.

**REASON:**

To support the development of Cranbrook's economy.

**\*71 East Devon Public Health Plan: Annual Review June 2014 - May 2015**

The Council had responsibility to protect, maintain and improve the physical and mental health and wellbeing of individuals living in, visiting and working in East Devon. The Council had shown commitment and drive to progress many health-related activities, which met the actions identified via the East Devon Public Health Plan 2014-2017.

The key themes were:

1. Realising our health potential
2. Developing connected communities
3. Positively influencing our health.

Based on statistical evidence provided by Devon County Council, the Public Health Priority Actions Implementation Plan 2014 identified six areas for focus:

1. Targeted family support
2. Prevention of cardiovascular disease in priority communities
3. Raising levels of physical activity across the life-course
4. Falls prevention
5. Emotional health and wellbeing
6. Actions to address poverty and provide support for those experiencing hardship.

Eighteen evidence-based activities contributed to the six priorities. Council teams included Housing, Countryside and Environmental Health had embraced such activities. The post of Public Health Project Officer was filled at the end of October 2014 with a remit to support these implementation activities.

In addition to these activities, many elements of public health work had contributed to the Council's wider agenda; for example by initiating and developing partnerships with groups and organisations across East Devon.

**RESOLVED:**

that the Annual Review and its recommendations be approved

**REASON:**

To help ensure that staff across the Council make the best possible use of resources recommended in the Annual Review.

**72 Community Engagement Policy**

The Strategic Lead, Organisational Development and Transformation explained the policy, what was meant by engagement and all the ways in which people were able to give their views; in order to influence and be involved in Council decisions, services, and performance checks. The Council would engage across its activities, to ensure opportunities to work with partners were taken up whenever possible. The policy linked to all areas of the Council Plan.

Discussions included:

- Councillors were a good resource – use them
- This would be used as a guide/checklist for officers

**RECOMMENDED:**

that the Community Engagement Policy be agreed

**REASON:**

1. Community engagement was important in many areas of Council work.
2. Changes in Government legislation.
3. Changes in best practice in terms of engaging communities.
4. The Devon Strategic Partnership had published its Community Engagement Policy after working with a wide variety of residents, partners and stakeholders. Rather than engage with these groups again the Council would adopt a similar policy to the one already implemented.

**\*73 Monthly Performance reports – June 2015**

The Cabinet considered the report of the Strategic Lead, Organisational Development and Transformation setting out performance information for the June 2015. This allowed Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

Three indicators showed excellent performance, namely:

1. Percentage of planning appeal decisions where the planning inspector has disagreed with the Council's decision
2. Percentage of Council Tax Collected
3. Percentage of non-domestic rates collected

One indicator showed concern:

1. Working days lost due to sickness absence – Sickness absence had reduced that month but it was still higher than the agreed target. Cases were being monitored very closely and further reductions over the next couple of months were expected.

The Portfolio Holder, Sustainable Homes and Communities congratulated the Housing Rental team for collecting 99.59% of rent due on council owned homes.

The volunteers who contribute their time and efforts to support the Countryside team were also acknowledged.

**RESOLVED:**

that the progress and proposed improvement action for performance measures for June 2015 be noted

**REASON:**

The performance reports highlighted progress using a monthly snapshot report; SPAR report on monthly performance indicators and system thinking measures in key service areas including Development Control, Housing and Revenues and Benefits.

**Attendance list**

**Present:**

Paul Diviani                      Leader/Chairman

**Portfolio Holders:**

Tom Wright                      Corporate Business  
Iain Chubb                        Environment  
Jill Elson                         Sustainable Homes and Communities

Phil Twiss            Corporate Services  
Philip Skinner       Economy

**Cabinet Members without Portfolio**

Geoff Pook  
Eileen Wragg

**Cabinet apologies:**

Andrew Moulding    Deputy Leader/Strategic Development and Partnership  
Ian Thomas           Portfolio Holder Finance

**Also present:**

**Councillors:**

Mike Allen  
Megan Armstrong  
Brian Bailey  
David Barratt  
Colin Brown  
Paul Carter  
Maddy Chapman  
Peter Faithfull  
Steve Gazzard  
Roger Giles  
Pat Graham  
Alison Greenhalgh  
Ian Hall  
Steve Hall  
Ben Ingham  
Dawn Manley  
John Nash  
Cherry Nicholas  
John O'Leary  
Chris Pepper  
Val Ranger  
Marianne Rixson  
Pauline Stott  
Mark Williamson

**Also present:**

**Officers:**

Mark Williams, Chief Executive  
Richard Cohen, Deputy Chief Executive  
Simon Davey, Strategic Lead - Finance  
Henry Gordon Lennox, Strategic Lead – Legal, Licensing and Democratic Services  
Karen Jenkins, Strategic Lead – Organisational Development and Transformation  
Andy Wood, East of Exeter Projects Director  
Darren Summerfield, New Community Projects Officer  
Andrew Ennis, Service Lead - Environmental Health and Car Parks  
Amanda Coombes, Democratic Services Officer

**Councillor apologies**

**Non Cabinet:**

Matt Booth  
David Chapman  
Alan Dent  
David Foster  
Graham Godbeer  
John Humphreys  
Brenda Taylor

**Officer apologies**

None

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

**EAST DEVON DISTRICT COUNCIL**  
**Minutes of the meeting of Cabinet held**  
**at Knowle, Sidmouth on 9 September 2015**

**Attendance list at end of document**

The meeting started at 5.30pm and ended at 6.27pm

**\*74 Public Speaking**

There was no public speaking.

The Portfolio Holder Sustainable Homes and Communities read out a statement regarding the Syrian refugee crisis to highlight the Council willingness to play its part in the national programme to relocate refugees. The process of assisting refugees was led by Governmental policy, and, in the case of Devon, normally co-ordinated locally by the County Council. Devon County Council was the relevant social services authority and it was anticipated that they would play a key part in any local offer of support. As a housing authority the Council would expect to work with the County Council and assist in placing such numbers of refugees as may be allocated to the district. In the past, most refugees had tended to be placed in urban areas where there was easier access to the many support services that were required.

**\*75 Minutes**

The minutes of the Cabinet meeting held on 12 August 2015 were confirmed and signed as a true record.

**\*76 Declarations**

Cllr John O’Leary– Min no. 15

Type of interest - Personal

Reason: Member of the Manor Pavilion Steering Committee

**\*77 Exclusion of the public**

There was one confidential item which officers recommended should be dealt with in this way.

**\*78 Matters of urgency**

None

**\*79 Matters referred to the Cabinet**

There were no matters referred to the Cabinet by the Overview and Scrutiny Committees.

**\*80 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 September to 31 December 2015.

**\*81 Joint Overview and Scrutiny Committees minutes held on 11 August 2015**

Members received and noted the minutes of the meeting of the joint Overview and Scrutiny Committees held on 11 August 2015.

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

**Minute 8 - Moving and improving consultation**

1. that the Committees noted and understood the methodology to be used for the consultation process.

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

**Minute 8 - Moving and improving consultation**

1. that the introduction to the survey be reviewed and edited in line with comments raised by the Committees during the debate.
2. that the questions within the questionnaire be reviewed and re-ordered in line with comments raised by the Committees during the debate.

**\*82 Recycling and Refuse Partnership Board minutes of a meeting held on 21 August 2015**

Members received and noted the minutes of the meeting of the Recycling and Refuse Partnership Board minutes of a meeting held on 21 August 2015.

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

**Minute 16 – Statistical information**

1. The update report.

**Minute 17 - SITA Senior Contract Manager update**

The performance report.

**Minute 18 - Cloud Nine/in-cab technology and citizen app progress report and new systems review**

The progress report.

**Minute 19 – Sustainable waste service trial (Feniton & Exmouth) – update, leaflets and communications plan**

The trial update.

**Minute 22 – Progression of collection contract procurement**

The procurement contract update.

**RESOLVED (2) that the following decisions be supported:**

**Minute 16 – Statistical information**

2. that the Recycling and Waste Contract Manager send the amended statistical information for July to the Board members.
3. that the Recycling and Waste Contract Manager bring a report to a future meeting on charging options for replacement refuse and recycling receptacles.

**\*83 Office re-location update – key decision**

The Deputy Chief Executive updated Cabinet on the progress of relocation plans including the signing of the conditional contract on the Knowle site with Pegasus Life Limited. This had opened the way for Pegasus to commence their planning process and EDDC had moved to secure design and construction services.

EDDC had now completed a detailed selection process overseen by the South West Construction Framework to secure a design contractor. Following the interviews, the

Executive Members agreed to select the AECOM Design Team. Following clarification on a few issues, the Relocation Project Executive Group confirmed this decision.

The tender procedures also using the South West Construction Framework were underway to select the construction contractor to deliver both the new build HQ at Honiton and the refurbishment of Exmouth Town Hall.

With regard to Knowle Park, the Deputy Chief Executive had proposed key terms to Sidmouth Town Council regarding the transfer of the remaining parklands and lower car park area into the ownership of Sidmouth. Detailed negotiation was expected to follow that would include more specific detail on conditions, timing and the financial considerations.

An inquiry would be held on 15 September 2015 following an objection by EDDC, to the proposed registration of Rights of Way across parts of the Knowle site. The outcome of the appeal would not affect the ability of the project to move forward but was a matter to be considered within the planning process if rights of way were registered.

The report detailed a threat of challenge to the Council's decision to reject an application to register the Knowle as an Asset of Community Value. Legal correspondence had been exchanged and the Council had not heard further on the matter.

Officers had looked into the opportunity to accelerate the refurbishment of Exmouth Town Hall with a view to completing the works and occupation six months before the Honiton HQ. The advantages of staggered relocation were detailed in the report together with how this could be achieved including cashflow. The meeting also discussed risk and audit considerations.

In respect of Honiton Heathpark the design team would investigate whether it was possible to combine elements of the existing business centre, particularly including the atrium space, reception and meeting space (while retaining the serviced office space function) with the new EDDC HQ.

A Project and Facilities Manager would be recruited to oversee the internal aspects of the move working alongside the Relocation Manager. The physical move of staff, functions and services was a very detailed and complex process with many aspects dependent on each other. To minimise risk, the planning needed to start early. It was seen that this would be a fixed term post for three years working with the existing facilities team.

Further reports would be brought to Cabinet advising of progress and seeking decisions as required. Future steps to be reported on would include:

- Development and agreement on detailed design matters
- Commissioning of construction contractors
- Planning processes by Pegasus and EDDC for respective sites

Discussions included:

- was their additional spend on Exmouth Town Hall (ETH) because of an earlier start time to the refurbishment?
- The Knowle Park transfer to Sidmouth Town Council to be informed to the Asset Management Forum as this was a community asset
- Had audit advice been given to the early start on ETH?
- The need to support staff already working in ETH and to find suitable alternative accommodation for them during the refurbishment.

- What would the rental costs be to tenants of ETH after the refurbishment? Would the extra costs incurred due to having to move out while these were underway, be met by the Council.
- The Worksmart project presently underway could help ETH staff by sharing ideas and best practice.
- ETH staff needed to be located within the town centre to service the needs of the public.

**RESOLVED:**

**Knowle Site**

1. Note that EDDC is now in conditional contract with Pegasus Life Ltd for sale of part of the Knowle site
2. Note that the Deputy Chief Executive has formally proposed key terms to Sidmouth Town Council with the offer to transfer the remaining Knowle Park together with a commuted sum for the benefit of the town
3. Note that the inquiry regarding Rights of Way at the Knowle will be heard on 15 September 2015
4. Note that EDDC is opposing a potential Judicial Review claim of the Council's decision to reject the application to register part of the Knowle site as an Asset of Community Value

**Honiton Heathpark**

5. Note that further consultation will be carried out with Business Centre licensees by the design team and by officers as the design process progresses

**Exmouth Town Hall**

6. Note the tasks and procedures required to deliver refurbishment of ETH and agree to bring forward refurbishment works at Exmouth Town Hall (ETH)
7. Confirm that it is EDDC's clear desire to retain the existing tenants within a newly refurbished town hall
8. That the risk element associated with the early refurbishment of ETH be looked into to, and this then to be considered by internal audit.

**Other**

9. Note the detailed framework procedure used to select the design team to take forward detailed design work for Heathpark and Exmouth and manage planning processes as required
10. Note the ongoing framework driven selection procedure for the construction contractors to carry out new build and refurbishment work
11. Note the ongoing detailed engagement with staff and tenants through Worksmart workshops to gain their views on internal design, fit out and operational requirements so that we create the right environment and provide the right tools for working smarter
12. Note the ongoing consultation with our residents and equalities partners to ensure that our future service provision is accessible and meeting demand through an equalities and best value consultation exercise

**REASON:**

The above recommendations were to advise Cabinet on project progress and seek agreement to take forward the previous commitment of Council to deliver relocation from Knowle to Honiton and Exmouth offices.

**\*84 Procurement of new recycling waste collection and associated services contract**

The Strategic Lead, Housing, Health & Environment gave an update on the procurement of a new contract for recycling, waste collection, and associated services, and the trial of a new service model in Feniton and Exmouth (the Colony). The report gave the background to the trials and how these were being carried out.

The three bidding companies who had passed the evaluation process had been asked to submit outline solutions to the six service delivery options (Lots) provided within the bidders document.

Each of the companies provided high quality submissions and presentations and performed well at interview. Following evaluation and scoring, it was decided by the evaluation panel to allow each company to progress to the next stage of the process, the ISDS stage [invitation to submit detailed solutions].

The suggested new timetable was detailed in the report as:

- Invitation to submit detailed solution [ISDS] – Thursday 11 August 2015.
- Due date for return of written detailed solutions – Monday 14 September 2015.
- ISDS Dialogue Phase – from Monday 5 October 2015.
- Invitation to submit final tender [Best and Final Offer] – Monday 2 November 2015.
- Due date for return of final tender [Best and Final Offer] – 12 noon, Monday 30 November 2015.
- Evaluation process – from Monday, 30 November to Friday, 18 December 2015.
- Report to Cabinet – Wednesday 10 February 2016
- Intention to Award Notice – Thursday 11 February 2016.
- Alcatel standstill period – until Thursday 25 February 2016
- Contract Award Notice – Friday 26 February 2016.

The Contractor would have three months from contract award to prepare and mobilise the contract for commencement on 23/05/2016.

Members noted that the renewal of the refuse contract had important financial implications for the Council in terms of both the nature of the service delivered and the capital assets used to deliver that service. The Council has already engaged Capita Asset Services to provide treasury consultancy services.

An improved recycling service, together with less frequent refuse collection, is one of the options being explored that would enable the Council to increase its recycling rate and reduce the tonnage of waste sent for disposal.

Discussions included:

- Clarification of the benefits to the leasing or buying of waste collection vehicles

The Portfolio Holder, Environment asked all members, as ambassadors for waste and recycling, to get 'on board' to promote the importance of recycling in their wards and wider public, in order to increase the uptake of recycling to preserve East Devon.

**RESOLVED:**

1. that the progress so far on the procurement of the new recycling and waste collection contract, and of the recycling and waste collection trial be noted.
2. that the amendment to the initial procurement timetable to allow more time for completion of the procurement be agreed.
3. to extend the length of the existing collection contract, subject to agreement being reached with SITA and delegated authority be given to:
  - a) the Strategic Lead, Housing, Health and Environment, the Strategic Lead Finance and the Portfolio Holders for Finance and Environment to agree terms with SITA.
  - b) the Strategic Lead, Legal, Licensing and Democratic Services to take such steps as were necessary to progress and secure the 2-month contract extension, be agreed.
4. the engagement of Capita to provide specialist financial support in relation to the refuse contract and the associated exemption to Contract Standing Orders be agreed.
5. a further more detailed report was brought to Cabinet showing accurate costing, tender evaluation and implementation timescales prior to the award of the new contract.

**REASON:**

By extending the procurement timetable, sufficient time would be available to carry out the procurement of the new contract. This included full examination of the potential to purchase contract fleet by the council via use of capital monies to provide a better and economic service for its residents. This extension also allowed further time for a detailed analysis of the trial of a new service model in Feniton and Exmouth (The Colony) of the benefits and cost implications of an improved recycling service with a three-weekly refuse collection.

**\*85 Exemption from Standing Orders – Handy Persons’ scheme**

The Portfolio Holder, Sustainable Homes and Communities, explained the exemption request for the handy person scheme.

Following a Task and Finish Forum, the Housing Review Board agreed to a six-month trial of a handy person scheme for tenants of East Devon.

Using the scheme to undertake these small-scale repair works should bring about savings of at least £14 per repair. The scheme had been widely advertised and already had a register of over 100 tenants interested in using it. For the six-month trial, it seemed sensible to use the two current contractors who knew the trial areas.

An exemption report had been written and signed off as required, requesting that the council proceed with the trial scheme without the need for obtaining additional quotations.

**RESOLVED:**

that the exemption to procurement requirements for the trial handy person scheme be agreed.

**REASON:**

To allow the scheme to proceed in September 2015

**\*86 Monthly Performance reports – July 2015**

The Chief Executive gave an update report setting out performance information for the July 2015. This allowed Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

There were four indicators that showed excellent performance, namely,

1. Percentage of planning appeal decisions where the planning inspector has disagreed with the Council's decision
2. Percentage of non-domestic rates collected
3. Creditor days – percentage of invoices paid in 10 working days
4. Creditor days – percentage of invoices paid within 30 days

There was one performance indicator showing as concern, namely

1. Working days lost due to sickness absence – sickness absence would continue to be monitor closely and a reduction to these figures in the next few months was expected as sadly those with long illnesses would be ill health retired.

Discussions around fly tipping included the need for the number of cases not to increase and just how difficult it was to prosecute offenders as they were rarely caught in the act. Materials such as asbestos that could not be taken to recycling centres were also a concern.

**RESOLVED:**

that the progress and proposed improvement action for performance measures for July 2015 be noted.

**REASON:**

The performance reports highlighted progress using a monthly snapshot report; SPAR report on monthly performance indicators and system thinking measures in key service areas including Development Control, Housing and Revenues and Benefits.

**\*87 Exclusion of the public**

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).

**\*89 Manor Pavilion – renewal of the summer season licence**

The Service Lead, Countryside & Leisure, presented this report, which highlighted the current three year licence arrangement for Paul Taylor Mills Productions finished on 31 October 2015. Following negotiations between both Paul Taylor Mills Production Company and the Strategic Lead, Housing, Health & Environment, the Service Lead, Countryside & Leisure and the Theatre Manager the renewal of the licence agreement for a further three years was recommended.

**RESOLVED:**

That the renewal of the three year licence agreement with Paul Taylor Mills Productions for the Manor Pavilion Theatre summer season for a further three year term be agreed.

**REASON:**

The current licence agreement finished on 31 October 2015 and due to the commercial success of the current Summer Season programme over the last three years, the Manor Pavilion Theatre wished to extend the current licence agreement for a further three years.

**Attendance list**

**Present:**

Andrew Moulding Deputy Leader/Strategic Development and Partnership  
(Vice chairman in the chair)

**Portfolio Holders:**

Tom Wright Corporate Business  
Iain Chubb Environment  
Jill Elson Sustainable Homes and Communities  
Phil Twiss Corporate Services  
Philip Skinner Economy  
Ian Thomas Portfolio Holder Finance

**Cabinet Members without Portfolio**

Geoff Pook  
Eileen Wragg

**Cabinet apologies:**

Paul Diviani Leader/Chairman

**Also present:**

**Councillors:**

Megan Armstrong  
Brian Bailey  
David Barratt  
Peter Bowden  
Colin Brown  
Peter Burrows  
Paul Carter  
Maddy Chapman  
Alan Dent  
Peter Faithfull  
Roger Giles  
Graham Godbeer  
Alison Greenhalgh  
Simon Grundy  
Ian Hall  
Marcus Hartnell  
John Humphreys  
Geoff Jung  
Dawn Manley  
Bill Nash  
Cherry Nicholas  
John O'Leary  
Helen Parr  
Pauline Stott  
Mark Williamson

**Honorary Aldermen:**

Stephanie Jones

**Also present:**

**Officers:**

Mark Williams, Chief Executive  
Richard Cohen, Deputy Chief Executive  
Simon Davey, Strategic Lead - Finance  
Henry Gordon Lennox, Strategic Lead – Legal, Licensing and Democratic Services  
John Golding, Strategic Lead – Housing, Health & Environment  
Charlie Plowden, Service Lead – Countryside & Leisure,  
Steve Pratten, Relocation Manager  
Amanda Coombes, Democratic Services Officer

**Councillor apologies**

**Non Cabinet:**

Mike Allen  
Matt Booth  
David Chapman  
Steve Hall

**Officer apologies**

None

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

**EAST DEVON DISTRICT COUNCIL**  
**Minutes of the meeting of Cabinet held**  
**at Knowle, Sidmouth on 7 October 2015**

**Attendance list at end of document**

The meeting started at 5.30pm and ended at 6.55pm. The meeting was chaired by the Deputy Leader, Andrew Moulding – although present at the meeting, the Leader, Paul Diviani was indisposed due to a dental procedure.

**\*90 Public Speaking**

Roy Pickering of Exmouth Quay Residents Association spoke on behalf of the Exmouth Quay Residents' Association about anti-social behaviour on the River Exe. He referred to agenda item 14 which included a proposal for a fit-for-purpose Harbour Patrol Boat on the River Exe. He welcomed this proposal and believed it to be essential for the good management of the Exe and a valued back-up for enforcing the local byelaws. Mr Pickering emphasised that relevant and enforceable byelaws needed to be in place. He referred to tensions between water users and local residents, which had been recently exacerbated with the closure of Belshers slipway. He believed that monitoring of the situation was important but was not enough, there needed to be some way of enforcing the byelaws and for these to be reviewed and extended as necessary to address the problem. In addition, the creation of new launch areas would help to dissipate the current concentration of water-users.

The Chairman assured Mr Pickering that his comments would be taken into account during the debate at the relevant agenda item (14).

**\*91 Minutes**

The minutes of the Cabinet meeting held on 9 September 2015 were confirmed and signed as a true record.

**\*92 Declarations**

Cllr Geoff Pook – Min no. 94  
Type of interest – Disclosable Pecuniary  
Reason: Rents Beer beach hut

Cllr Iain Chubb – Min no. 103  
Type of interest – Personal  
Reason: Boat owner

Cllr Pauline Stott – Min no. 103  
Type of interest – Personal  
Reason: Son is crewmember of Exmouth Lifeboat.

Cllrs Tom Wright, Steve Hall and Alan Dent – Min no. 105  
Type of interest – Personal  
Reason – members of Budleigh Salterton Town Council

**\*93 Exclusion of the public**

There were no confidential items which officers recommended should be dealt with in this way.

**\*94 Matters of urgency****Asset Management – Tenanted Non-Residential Property Review: Beach Huts & Chalets**

Cabinet agreed for this item to be considered as a matter of urgency so that the proposals in respect of East Devon District Council's beach huts and chalets could be progressed.

Cabinet had discussed proposals in respect of its beach huts and chalets at its meeting on 7 January 2015. Those in relation to the beach huts at Seaton and Budleigh Salterton had been referred back to the Asset Management Forum (AMF) for further consideration. The consultation in respect of all beach huts and chalets was subsequently opened to the public. Following discussion and in light of the feedback from the public consultation and from the Scrutiny Committee, the original proposals had been amended and were included within the report now being considered.

In presenting the report, the Chief Executive referred to 3 key issues which had come to the fore as a result of the public consultation, namely:

- Beach huts and chalets were a much prized facility; there was general recognition that this had to be paid for realistically;
- There was local pride in ownership - this should be for local people in the main;
- One size would not fit all – some potential solutions should be debated at local level.

The proposals had been considered in detail at the September meeting of the Scrutiny Committee; Councillor Moulding invited the Chairman of that Committee to address Cabinet. Councillor Roger Giles expressed his thanks to the members of his Committee and others present, including the Democratic Services Officer, for their contribution. He said that the general view was that there had been insufficient consultation and that this should have been undertaken at the start of the process. Councillor Giles emphasised that the debate was not just about financial issues but had included wider considerations including the environment and local character. The Committee had recognised that there was no 'one size fits all' solution and involvement in the town and parish councils in the decision-making was very important. Councillor Giles advised that the detailed recommendations from the Scrutiny Committee had been supported unanimously. He questioned the use of the term 'significant' in recommendation 3 of the Cabinet report.

Councillor Moulding assured the Scrutiny Committee that their recommendations would be fully taken into account by Cabinet. Councillor Philip Skinner, Economy Portfolio Holder presented the report, giving the background to the recommendations printed. He advised that the value of the beach hut and chalets needed to be maximised but that there was still debate to be had on how this would be achieved - there was a lack of support for the original proposal for an auction/sealed bid process. He said that each local community with beach huts had their own concerns and suggestions and wanted a say in their future management.

During the debate, the following points were raised:

- There was support for the word 'significant' being removed from recommendation 3.
- The beach huts and chalets added local amenity and ambience to beaches.
- There needed to be meaningful negotiations with all local councils who would need all of the relevant information on which to make their decision.
- Beach huts located in areas of high demand with waiting lists, could have higher charges than others, with consideration being given to providing more. This would require a business-like approach that could be supported with statistical evidence.
- The beach huts in Exmouth were brick built and therefore special arrangements needed to be put in place. Also 37 of the Exmouth huts would be lost as a result of the regeneration project. Currently 10 huts were made available to visitors through the local tourism office - this was a highly valued resource that needed to be kept in mind.
- The public needed to be made aware that the Council had to look at every asset on its 'books' to achieve best value. It had to maximise its returns based on true market values.
- Beach huts and chalets would not be gifted to local councils; any transfer of an income-bearing asset would need negotiation to achieve a proper rate.
- Local councils were currently preparing their 2016/17 budgets.
- Beach hut owners were currently in a state of confusion and uncertainty; they needed to know the Council's intentions.

In summing up, the Chairman said that the recommendations were a way of setting out a process. They reflected the consultation undertaken so far, including the recommendations of the Scrutiny Committee.

#### **RESOLVED:**

1. that the report on the beach huts service consultation be noted;
2. that market rents be achieved by means other than auction or sealed bids as a mechanism to establish open market charges on existing beach huts;
3. that the standard hire charges be increased for 2016/17 with the aim of achieving open market rates in the future;
4. that the relevant Town and Parish Councils be invited to a series of consultation meetings, to establish how the service can best be managed for the benefit of all local communities.
5. that the Searchlight Enplacement structure at Seaton be offered for sale on a freehold only basis;
6. that the previous resolutions (2 & 3 to replace the existing huts at Sidmouth Jacobs Ladder and assess an additional site) made by Cabinet on 7 January 2015 in relation to the service provided at Sidmouth be reversed (so that the existing huts are maintained as part of the Council's on-going maintenance programme with no assessment being made in respect of a potential additional site between the Esplanade and Chit Rocks);
7. that the necessary arrangements be made to publish the Beach Huts Service waiting lists and list of current licensees;
8. that sites only be offered at Budleigh Salterton and Seaton from 1 April 2016 on a year-to-year licence, but should EDDC retain the individual management of these beach huts and chalets in 2016, they would be offered to leasees on a 5-year lease;
9. that the Council communicate with all beach hut holders as soon as the position going forward has been agreed.

**REASON:**

To respond to feedback following public consultation whilst aiming to maximise the value of Council assets through commercial thinking, best value for money and community benefit. The earlier proposal to go down an open market route to establish market charges on the existing sites had generated public dissatisfaction. There had been interest from some local councils in taking over the running of the beach hut service and therefore providing an opportunity to open discussions in this respect was useful.

(Councillor Ian Thomas abstained from voting on the amended recommendations.)

**\*95 Matters referred to the Cabinet**

There were no matters referred to the Cabinet by the Overview and Scrutiny Committees.

**\*96 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 October 2015 to 31 January 2016.

**\*97 Minutes of the Joint Strata Executive Committee 1 September 2015**

Members received and noted the minutes of the meeting of the Joint Strata Executive Committee held on 1 September 2015.

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

**Minute 15 - The minutes of the meeting held on 10 June 2015**

**Minute 16 - Progress report on Strata Implementation Plan**

**Minute 17 – Internet Speed Delay**

Strata would endeavour to install the new broadband connection to Teignbridge District Council Offices by 11 September 2015.

**\*98 Minutes of the Housing Review Board held on 10 September 2015**

Members received and noted the minutes of the Housing Review Board held on 10 September 2015. Councillor Pauline Stott, Chairman, referred to the rent reduction implications (Minute 23) and the impact that this would have on the Council's Housing Revenue Account Business Plan. (The Government had announced a 1% reduction in rents per annum for four years as part of the budget to help achieve savings required on the welfare budget).

The Leader confirmed that representation was being made to the Government through the District Council Network. The Portfolio Holder – Sustainable Homes and Communities advised that a deputation from this Council and Mid Devon District Council together with the local MPs was meeting Housing Ministers next week to discuss this and associated issues.

Concern was expressed in respect of the recommendation at Minute 33 for an extension in Exmouth. Some members of the Board had understood recommendation 1 to mean that the family would be re-housed. The Portfolio Holder – Sustainable Homes and Communities confirmed that in line with this Council's policy, the family was suitably housed - in technical housing terms - but that as there were complications with the case, a report from Devon County Council social services was awaited. This would influence any further action required.

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

**Minute 22 – Forward Plan**

**Minute 27 - Draft annual report to tenants 2014/15**

**Minute 25 (1) – Fire safety update**

The ongoing progress in relation to fire safety measures and improvement works taking place across the housing stock.

**Minute 26 – Shared house, Exmouth**

The information report.

**Minute 27 – Draft Annual report to tenants 2014/15**

**Minute 28 - Homes and Communities Agency Regulatory Standards**

The contents of the advice on regulating standards in social housing.

**Minute 29 - Financial monitoring report**

The variances identified as part of the HRA revenue and capital monitoring process up to month four.

**Minute 30 - Performance digest – for first quarter of 2015/16**

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

**Minute 23 - Summer budget – rent reduction implications**

1. that the implications of the Summer Budget on the Council's Housing Revenue Account Business Plan and initial responses to the proposals be endorsed;
2. that a letter be sent to the Housing Minister and the Chancellor from the Housing Review Board strongly objecting to the rent reduction proposals;
3. that the Strategic Lead, Housing, Health and Environment be invited to attend any meetings arranged with Government ministers.

**Minute 24 - Gas servicing contract extension**

that the existing gas-servicing contract be extended until 31 March 2016.

**Minute 25 (2&3) – Fire safety update**

2. that a 5 year programme of works in relation to fire safety with an agreed annual budget of £250,000 be approved.
3. that fire stopping works on all void properties (where appropriate) be approved.

**Minute 26 – Shared house, Exmouth**

that additional Right to Buy receipts be used to fund the project if required.

**Minute 31 - Grounds maintenance task and finish forum final report**

1. that the grounds maintenance service provided by Streetscene be recognised as good value for money;
2. that the amount paid to Streetscene Services from the Housing Revenue Account for grounds maintenance remain unchanged;
3. that the Estate Management Service Review Group remit be extended to ensure tenant involvement in the grounds maintenance service;

4. that the current system should continue with regard to not charging future freeholders/leaseholders of right to buy properties for a grounds maintenance service.
5. that an update report on garden licences be brought to a future meeting of the Housing Review Board.

**Minute 33 - Extension request, Exmouth**

1. that it be agreed that the household detailed in the report be suitably housed;
2. that, in accordance with the Council's Adaptations Policy, a statement of need be requested and obtained from a Devon County Council Occupational Therapist in order to consider the provision of any alterations that are needed, and a financial contribution if the work required exceeds £30,000,
3. that the offer of sound-proofing to the relevant area of the property be endorsed.

**\*99 Minutes of the Scrutiny Committee held on 17 September 2015**

Members received and noted the minutes of the Scrutiny Committee held on 17 September 2015. The recommendations in respect of Beach Huts (Minute 21) had been considered at Minute 94 above. The Committee Chairman, Councillor Roger Giles advised that the Committee had given detailed consideration to the performance monitoring report (Minute 22). Councillor Giles asked to ensure that the Committee had the most up-to-date information available and for this to be provided in Plain English without unnecessary jargon or acronyms.

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

**Minute 22 – Performance Monitoring for first quarter 2015/16**

**Minute 23 - Election funding financial statement.**

**Minute 24 - Scrutiny Forward Plan**

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

**Minute 21 – Beach Huts**

1. that the decision by Cabinet that all beach hut tenants be responsible for their own National Non Domestic Rates payments where applicable be endorsed;
2. that the Scrutiny Committee receives a progress report on the beach huts and sites proposals by March 2016.

**RESOLVED (3) that the following recommendations were taken into account by Cabinet - see Minute 94 above:**

**Minute 21- Beach Huts**

1. consider the requirements of all the community in line with equalities legislation in considering any proposals relating to beach huts;
2. check the validity of waiting lists for beach huts and sites, and that their management be reviewed;
3. confirm to tenants of beach huts and sites that the current arrangements remain in place for 2016;
4. review the hire charges for beach huts and sites on an annual basis;
5. review the decision to establish the £19k sinking fund per annum;
6. consider the difference between town and parish locations be given bearing in mind equality and best value requirements;

7. consider further discussions with town and parish councils on the options of undertaking the management of beach huts;
8. consider increasing the number of sites available and review more diverse letting arrangements;
9. In bringing forward any proposals, consider the wider environment and economic issues.

**\*100 Minutes of the Overview Committee held on 22 September 2015**

Members received and noted the minutes of the Overview Committee held on 22 September 2015.

**RESOLVED (1) that the following decision be approved:**

**Minute 11 - Local Government Boundary Committee for England Electoral Review Programme (LGBCE) 2015-2019**

1. that the contents of the report and the comments made at the meeting be noted and incorporated into the survey;
2. that a survey be undertaken of members' views and the results be reported together with an initial discussion proposal relating to Council size.

**Minute 13 – Overview Forward Plan**

That the forward plan include:

**17 November 2015:** Council Plan and Economic Development.

**13 January 2016:** Draft service plans and budget 2016/17 jointly with Scrutiny Committee.

**26 January 2016:** Discussion on planning policy and how this should be dealt with within the Council, possibly through a separate planning policy committee.

Also Coastal Flooding and the Exmouth Beach Management Plan.

**22 March 2016:** Sustainability.

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

**Minute 12 - Economic Development**

1. that the top three agreed aims and outcomes for economic development in East Devon be:
  - a) To establish a robust, representative and transparent process of business engagement,
  - b) To improve the Council's knowledge of local business needs across all sectors and provide a clear process for businesses to feedback into EDDC,
  - c) To consider rural economic issues as a counterbalance to the Growth Point and urban related initiatives.
2. that a report be prepared to assess an effective and transparent engagement strategy with the EDDC business community.

**\*101 Notes of the Seaton Regeneration Programme Board 10 September 2015**

Members received and noted the Seaton Regeneration Programme Board meeting of the 10 September 2015.

**\*102 Notes of the Exmouth Regeneration Programme Board 15 September 2015**

Members received and noted the Exmouth Regeneration Programme Board meeting of the 15 September 2015.

In response to an issue raised about the loss of some individual local businesses, Cabinet was advised by the Chairman that the area was being regenerated for the wider benefit of Exmouth. There was significant inward investment as a result – including the £4M Water sports centre. In addition to water sport facilities, the Centre would include a training area, retail, restaurant/cafe, public realm and outdoor theatre space and cycle hub. The facility could only be delivered with adequate and appropriate access arrangements in place, including the realignment of the road (being discussed with Devon County Council). Changes along the seafront were inevitable but the Chief Executive gave assurance that the Council respected its legal relationship with its seafront tenants and was undertaking legal processes appropriately. There had been inaccurate reporting in the press; Councillors should refer to the Council's press releases on its website for accurate information.

**103 Addressing Anti-social Behaviour linked with Personal Water Craft (PWC) in the Exe estuary**

The report sought Cabinet approval to identify monies and match fund a contribution of up to £15,000 towards a new fit for purpose Harbour Patrol Boat on the River Exe.

There had been issues of user conflict over the years and consideration was being to how best to address this. Byelaws were in place but were in need of review – it was suggested that public space protection orders could be more effective in certain cases but either option would need systems in place to enforce them. Members were reminded of the existing partnership arrangements with Teignbridge District Council and Exeter City Council. There was also the potential to add developer contributions made for habitat mitigation. It was suggested that a more holistic approach, relevant to all partners, would be most effective in addressing the problems in the Exe estuary and as the best way to conserve and protect this valued asset.

During the debate the following issues were raised:

- Antisocial behaviour in the Exe estuary was a long-standing problem.
- A faster boat would be most effective.
- What craft should be used to negotiate the estuary and marshlands?
- Who would pilot the boat? Exmouth Lifeboat volunteers?
- The three partner authorities working together was a welcome approach.
- Shelly beach was not covered by byelaws; all local byelaws should be reviewed as they needed to be relevant and up-to-date.
- A beach manager would help enforce the byelaws/public space protection orders and could impose fines/penalties.
- Future provision of additional slipways for various vessel types and dependent on the state of the tide would dissipate the concentration of water users at one slipway.
- The Beach Safety Officer was leading work on developing a beach plan.

**RECOMMENDED:**

1. that a supplementary estimate of between and £10,000 and £15,000 be approved to contribute to the purchase of a suitable craft to carry out enforcement of byelaws on the water in the Exe estuary;
2. that annual running costs be identified separately and incorporated into the annual budget setting process.

**REASON:**

To better resource and enforce the estuary byelaws and ensure that water users are safe and protected from inconsiderate use of powered craft within the estuary and the 10-knot speed limit is properly enforced.

This would benefit the Exe Estuary as an area that is safe to use as an important leisure resource within the district and encourage water users to come to Exmouth. This would also maintain the estuary as an important international wildlife site.

**\*104 Branscombe Public Conveniences**

The report sought approval for the Council to surrender its lease of land in Branscombe car park – the land had been used to build public conveniences. The proposal was to surrender the lease back to the landowner who would continue to provide and refurbish the public toilet facility for the next six years.

**RESOLVED:**

1. that the surrender of the lease on land at Branscombe beach car park on which the council built public conveniences be endorsed;
2. that the payment of a £25,000 dowry on surrender of the Council's lease to ensure public toilet provision into the future be approved;
3. that it be noted that the toilets would be refurbished and provided in the current building for the next six years. After that they would be provided from other suitable locations on the Branscombe car park site.

**REASON:**

To alleviate the impact on the local community and visitors of the council's decision to close the facilities.

**\*105 Shelter adjacent the Longboat cafe, Budleigh Salterton**

The report sought authority to vary the resolutions made by Cabinet on 2 May 2012, which were:

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

The three Budleigh Salterton Ward Members welcomed and supported the proposal.

**RESOLVED:**

1. that a six year sub-lease be agreed for the store behind the shelter adjacent to the Longboat Cafe for an annual rent of £750 pa, on such terms as may be agreed by the Deputy Chief Executive;
2. that a sub-lease be granted for the remainder of the public shelter to Budleigh Salterton Town Council for a term of 125 years at a peppercorn rent (as resolved on 2 May 2012), continue

**REASON:**

The Council would retain its current interest in the Lease to the cafe and discharge the ownership and maintenance of the Shelter to the Town Council.

**\*106 Monthly Performance reports – August 2015**

The Chief Executive gave an update report setting out performance information for August 2015. This allowed Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

There were four indicators that were showing excellent performance:

1. Percentage of planning appeal decisions where the planning inspector has disagreed with the Council's decision
2. Percentage of non-domestic rates collected
3. Days taken to process Housing Benefit/Council Tax Benefit new claims and change events
4. Creditor days – percentage of invoices paid in 10 working days

There was one performance indicator showing as concern:

1. Working days lost due to sickness absence – absence was being carefully monitored.

The Portfolio Holder – Sustainable Homes and Communities congratulation members of the Housing Benefit and Council Tax Benefit teams. She also acknowledged the Council's support of local businesses.

**RESOLVED:**

that the progress and proposed improvement action for performance measures for August 2015 be noted.

**REASON:**

The performance reports highlighted progress using a monthly snapshot report; SPAR report on monthly performance indicators and system thinking measures in key service areas including Development Control, Housing and Revenues and Benefits.

**Attendance list**

**Present:**

Andrew Moulding	Deputy Leader/Strategic Development and Partnership (Deputy Leader in the Chair)
Paul Diviani	Leader

**Portfolio Holders:**

Tom Wright	Corporate Business
Iain Chubb	Environment
Jill Elson	Sustainable Homes and Communities
Phil Twiss	Corporate Services
Philip Skinner	Economy
Ian Thomas	Portfolio Holder Finance

**Cabinet Members without Portfolio**

Geoff Pook  
Eileen Wragg

**Cabinet apologies:**

Mike Allen  
Matt Booth  
David Chapman  
Simon Grundy  
Ben Ingham  
Mark Williamson

**Also present:**

**Councillors:**

Megan Armstrong  
Brian Bailey  
David Barratt  
Peter Bowden  
Colin Brown  
Peter Burrows  
Maddy Chapman  
Alan Dent  
Peter Faithfull  
Cathy Gardner  
Roger Giles  
Pat Graham  
Ian Hall  
Steve Hall  
Marcus Hartnell  
Douglas Hull  
Geoff Jung  
Bill Nash  
Cherry Nicholas  
John O'Leary  
Helen Parr  
Marianne Rixson  
Pauline Stott  
Brenda Taylor

**Also present:**

**Officers:**

- Mark Williams, Chief Executive
- Richard Cohen, Deputy Chief Executive
- Simon Davey, Strategic Lead - Finance
- Henry Gordon Lennox, Strategic Lead – Legal, Licensing and Democratic Services
- Karen Jenkins, Strategic Lead – Organisational Development and Transformation
- Donna Best, Principal Estates Surveyor
- Diana Vernon, Democratic Services Manager

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

## **Minutes of a Meeting of the Overview Committee held at Knowle, Sidmouth on 22 September 2015**

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

The meeting started at 6.00pm and ended at 9.00pm.

#### **\*6 Chairman's introduction**

The Chairman welcomed the committee members to the meeting and asked for nominations for Vice Chairman, as, for personal reasons, Councillor Mike Allen wished to retire as Vice Chairman. Councillor Graham Godbeer was nominated as Vice Chairman for the meeting.

#### **\*7 Public speaking**

There were no public speakers at this point of the meeting.

#### **\*8 Minute confirmation**

The minutes of the Overview Committee held on the 30 June 2015, and of the joint meeting with the Scrutiny Committee on 11 August 2015, were confirmed as a true record.

#### **\*9 Declarations of Interest**

No declarations were made.

#### **\*10 Urgent item**

The Chairman agreed that a presentation from Andy Wood, East of Exeter Project Director on What an Enterprise Zone was and what the application for the Exeter and East Devon Enterprise Zone was all about would be discussed as an urgent under minute 13 below.

#### **\*11 Local Government Boundary Committee for England Electoral Review Programme (LGBCE) 2015-2019**

Members noted that at its meeting on 15 July 2015 Cabinet requested that the Committee undertake the initial investigation and scoping work to ensure that the Council had assessed possible options prior to the LGBCE electoral review commencing in September 2016. The report presented by Chief Executive highlighted the key issues that would arise and sought approval to the proposed online survey.

The Chief Executive confirmed that the Boundary Commission would expect a reasoned argument and analysis for any proposals made by the District Council. The view of Cabinet was that they wanted the Overview Committee to lead on this process.

Debate on the issue also included:

- Boundary Commission had extensive powers to decide on a Council's size;
- What was the most appropriate size for the Council going forward;
- This was a separate process from that being undertaken for Devon County Council, to which EDDC had commented upon;
- Housing developments in the district, particularly at Cranbrook and elsewhere would affect the Electoral Review;
- The workload for each councillor had increased in line with elector expectations, especially with regard to planning, and this was difficult to manage;
- Council Plan would be an important piece of evidence for the Boundary Commission;
- If time allowed, perhaps two surveys could be carried out.

- RESOLVED 1. that the contents of the report and the comments made at the meeting be noted and incorporated into the survey;
2. that a survey be undertaken of members' views and the results be reported together with an initial discussion proposal relating to Council size.

**\*12 Economic Development**

The Committee received a presentation from Andy Wood, East of Exeter Projects Director on the proposal for an Exeter and East Devon Enterprise Zone. There were currently 25 Enterprise Zones nationally which supported 540 businesses and had attracted 19,000 jobs and £2.2bn of private investment.

There were benefits to both business and the community from a successful Enterprise Zone application. The government had recently called for further zones, there were five proposals in the Heart of the South West area which were being assessed by the LEP Panel; the Growth Point proposal was in second place to Huntspill Energy Park. Members noted that the East of Exeter Growth Point was not experiencing the same level of delivery of jobs compared with the large number of new homes being delivered. The Enterprise Zone application was in response to this imbalance. The application also had the benefit of keeping the profile of the Growth Point high.

Debate on the issue also included:

- Concern was expressed on the affect on business opportunities in other parts of East Devon due to lower business rates in the Enterprise Zone;
- The affect a successful bid could have on the Local Plan;
- Concern about possible distortion of economic policy in the district and that the application had not yet been discussed at Council.

Andy Wood, East of Exeter Project Director was thanked for his report.

The Committee received the report of Rob Murray, Economic Development Manager. This set out the background to his work since his appointment to the post in May 2015. His work so far included providing economic input to the council's departments, developing projects to meet the needs of local business and developing joint work programmes with the Economic Development teams of neighbouring authorities (Exeter and Heart of Devon/EHOD).

The programme of work presented was very substantial for a small economic development team and it had only been possible for a small part of the programme to be implemented so far. It was noted that a full report on economic issues would be prepared by Rob Murray, Alison Hayward and Richard Cohen towards the end of the year.

Debate on the issue also included:

- addressing member wish for greater involvement in economic issues in the district should be addresses;
- importance of resourcing economic development in East Devon properly and including this in discussions on the budget, which would start in October;
- realistic goals and time frames need to be given to the economic development service;
- Business Taff was no longer considered to be required or the best way to improve communication with business in East Devon.

It was requested that Rob Murray circulate his presentation to members.

**RECOMMENDED**

1. that the top three agreed aims and outcomes for economic development in East Devon be:
  - a) To establish a robust, representative and transparent process of business engagement.
  - b) To improve the Council's knowledge of local business needs across all sectors and provide a clear process for businesses to feedback into EDDC.
  - c) To consider rural economic issues as a counterbalance to the Growth Point and urban related initiatives.
2. that a report be prepared to assess an effective and transparent engagement strategy with the EDDC business community.

**\*13 Overview forward plan**

The Committee discussed items for the forward plan, and agreed the following topics to be scoped before further consideration on how to proceed:

**RESOLVED**

That the forward plan include:

17 November 2015 – Council Plan and Economic Development.

13 January 2016 – Draft service plans and budget 2016/17 jointly with Scrutiny Committee.

26 January 2016 – Discussion on planning policy and how this should be dealt with within the Council, possibly through a separate planning policy committee. Also Coastal Flooding and the Exmouth Beach Management Plan.

22 March 2016 – Sustainability.

**Attendance list**

**Councillors Present:**

Peter Bowden (Chairman)

Mike Allen

Matthew Booth

Peter Faithfull

Graham Godbeer

Pat Graham

Ian Hall

Rob Longhurst

Christopher Pepper

**Councillors Also Present:**

David Barrett

John Dyson

Jill Elson

Marcus Hartnell

Ben Ingham

Geoff Jung

Marianne Rixson  
Philip Skinner  
Pauline Stott  
Tom Wright

**Officers**

Mark Williams, Chief Executive  
Richard Cohen, Deputy Chief Executive  
Andrew Wood, East of Exeter Project Director  
Rob Murray, Economic Development Manager  
Chris Lane, Democratic Services Officer

**Councillor Apologies:**

Maria Hale  
John Humphreys

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

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Scrutiny Committee held at Knowle, Sidmouth on 30 July 2015**

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

The meeting started at 6.00pm and ended at 8.40pm.

**\*8 Public speaking**

There were no public speakers at this point of the meeting.

**\*9 Minute confirmation**

The minutes of the Scrutiny Committee held on the 25 June 2015 were confirmed as a true record.

**\*10 Declarations of Interest**

No declarations were made.

**\*11 NHS Northern, Eastern and Western Devon Clinical Commissioning Group decision on community hospital beds**

The Chairman had brought this recent decision to the attention of the committee. NHS NEW Devon CCG had agreed to consolidate and reduce the total number of overnight inpatient beds at community hospitals in the District. This meant that:

- Community hospitals at Axminster, CREDITON and Ottery St Mary will no longer have overnight inpatient beds
- Ottery St Mary hospital will have 15 overnight stroke rehabilitation beds
- Overall consolidation meant that ten overnight units would reduce to seven units.

Consultation was carried out over several months, and in their press statement, the New Devon CCG made clear that comment made during the consultation had been taken into account, but the decision had been made to ensure that everyone had the same level of access to services. None of the community hospitals would close because of the decision.

James Goddard, a member of a hospital support group for Ottery St Mary, voiced his concern to the committee about the inflexibility of the consultation process undertaken by the CCG and a lack of consistency of CCG representatives at meetings.

Philip Algar, an Ottery St Mary resident, outlined the previous options the CCG had put forward at the start of the consultation process, and evidenced those as proof that there was no intention of retaining inpatient beds at the hospital in Ottery St Mary. He also stated that the original objective to save money had become an exercise to channel money into "care at home" schemes.

Claire Wright, Devon County Councillor, asked the Scrutiny Committee to do all it could to represent the views of many across the District; the view being that the decision made by the CCG was not in the best interests to serve the community.

Councillor Douglas Hull, Ward Member for Axminster, voiced his dismay at the decision after all the hard work by local people in Axminster to keep inpatient beds at the hospital.

The Deputy Leader, as Ward Member for Axminster, advised the committee of the work by Neil Parish MP to fight against the decision. He read out in full a letter by the MP outlining the many stages of the consultation, including the independent report by Sir John Evans, and the work undertaken by local groups in trying to keep the inpatient beds in place. The

Deputy Leader also informed the committee that, as the preferred provider for care would be moving to the Royal Devon and Exeter NHS Foundation Trust, it was premature to take such a decision on bed numbers across the WAKELY area until the new provider contract was in place. He also highlighted from the independent report that 16 beds in the WAKELY area would achieve the same savings as the CCG decision, but provide a better service for the local communities in that area.

The Chairman spoke about his shock at the decision made in light of the consultation and the independent report, recounting passionately the hard work undertaken over the past months by a number of individuals, which appeared to have been ignored.

A representative from the New Devon CCG had been asked to attend, but no representative was available. A further meeting on the decision is due to take place at Devon County Council by the Devon Health and Wellbeing Scrutiny Committee on 14 September 2015.

### **RESOLVED**

1. That the Scrutiny Committee recognises the extremely valuable and popular service provided by the community hospitals in East Devon;
2. The Scrutiny Committee regrets the failure of the NEW Devon Clinical Commissioning Group:
  - a. to take proper account of the views of East Devon District Council, and of many residents and community groups in East Devon, who strongly opposed proposals to discontinue the provision of minor injuries service and to reduce or remove the in-patient beds at East Devon community hospitals;
  - b. to take proper account of the views of the stakeholder group, under the chairmanship of Sir John Evans, which produced a comprehensive report, commissioned by NEW Devon Clinical Commissioning Group, on East Devon community hospitals;
  - c. in deciding to reduce the number of in-patient beds at Exmouth Hospital, and Honiton Hospital, and to close all the in-patient beds at Axminster Hospital and Ottery St Mary Hospital, and to cease the minor injuries service at Axminster Hospital, Ottery St Mary Hospital, Seaton Hospital and Sidmouth Hospital;
  - d. Publish detailed financial costing to justify its closure of services despite frequent requests to do so.

### **RECOMMENDED**

1. that Cabinet agrees to write to the Chairman of the Devon County Council Health and Wellbeing Scrutiny Committee expressing its concern at the failure of process by NEW Devon Clinical Commissioning Group in reaching its decision on 16 July, and asks that the matter be considered at the Devon County Council Health and Wellbeing Scrutiny Committee on 14 September 2015;
2. that Cabinet agrees to write to Neil Parish, MP, and Hugo Swire, MP expressing its concern at the failure of process by NEW Devon Clinical Commissioning Group and asks that they raise the matter with the Health Secretary as a matter of urgency, and ask him to seek to overturn the decision.

**\*12 Financial Plan and Draft Transformation Strategy 2015 - 2021**

The committee were asked to consider the long term budget situation, specifically with the Financial Plan setting out the shape of future delivery within a balanced budget. Twinned with this plan, the Draft Transformation Strategy set out key themes that will help the council improve the delivery of services, including delivering new ways of working underpinned with new technologies.

Councillors debated aspects including:

- Considering a larger percentage of New Homes Bonus to better boost revenue. This could be considered following the government spending review later in the year, in case there was a risk of government reduction or removal of that funding stream;
- Assumption was that spend on Exmouth regeneration would be received back in capital receipt;
- Review of CCTV in Exmouth would be considered alongside the assessment of refurbishment of Exmouth Town Hall;
- Costs for relocation were not present in the plan until certain decisions had been taken, in accordance with the cautious approach adopted in the production of the financial plan;
- The medium term budget figures did change on a daily basis but the overall message of a deficit if no action was taken still remained;
- Some aspects of “Worksmart” were measureable but many could not be assessed until services were operating from new premises - then comparison to existing operating levels could be made;
- Ethos of transformation strategy needs to be clear that working assets does not solely relate to financial issues, but also to community need.
- If any reductions to committee membership were to be considered then this should include Cabinet

**RECOMMENDED**

That Cabinet accept Financial Plan and Draft Transformation Strategy.

**\*13 Sickness absence**

Overview and Scrutiny Committee previously identified for a future report on sickness absence, following review of the performance indicator on the number of days lost due to sickness.

The report previously presented to Cabinet on the 17 June 2015 highlighted the increase in days lost being directly related to a higher number of long-term cases in the current year. The report set out the varying reasons for absence and the work undertaken by the HR team through formal absence review meetings and proactive approaches to encourage staff to stay healthy.

Councillors debated:

- Public sector was more risk adverse and had to follow national guidelines and sick pay terms, as opposed to a private sector approach which could more easily terminate employment;
- Publicity on the number of days lost to sickness absence was inevitable as the report before the committee was a public document;
- The council worked closely with UNISON and there is a culture of commitment by staff;
- “Happy, Healthy, Here” initiative was proactive in keeping staff in work;
- There was no evidence that work related stress was linked to staff having too high a workload. Most stress and depression absence related to personal issues;

- Additional cost could arise for longer term sickness absence but generally, teams are robust and rally to cover work for shorter absences.

The Chairman reminded the committee that Council staff were the Council's greatest resource, and monitoring aspects such as sickness absence was key.

### **RESOLVED**

1. that the committee accept the report on sickness absence;
2. that the committee continue to be kept informed on the levels of sickness absence;
3. that comparative data, where available from other authorities, is included in future updates to the committee.

### **\*14 Media Protocol**

Cabinet agreed a revised media and publicity protocol on 17 June 2015. The protocol sets out the principles and standards of communications, including the promotion of council business.

The committee discussed the protocol and raised communication issues including:

- Ensuring that the protocol is followed as it makes clear what is expected from both officers and councillors;
- Respect that individual councillors may want to contact the press directly and should not be discouraged from doing so;
- Contact with Ward Members by officers prior to contacting the press was key to ensure that those Ward Members are prepared;
- Consider option of Ward Member adding comment to drafted press releases where appropriate;
- Lessons had been learnt on recent examples where communication had not been up to expectation.

### **RESOLVED**

That the Scrutiny Committee endorses the Media Protocol

### **RECOMMENDED**

1. That the communications service should apply equally to all councillors and committees, not just the Cabinet;
2. That early and consistent involvement of Ward Members in work across the Council is encouraged as part of the working culture of officers.

### **\*15 Local Elections 7 May 2015**

The Chief Executive presented his report outlining the issues that arose out of the combined Parliamentary, District, Town and Parish Council elections that took place on the 7 May 2015.

The report set out the learning points for future elections, including:

- two polling places reviews to be carried out to identify possible alternative locations for polling stations
- clear expectation to neighbouring Returning Officers on the delivery of verified votes
- review the count venue
- posting results online as soon as possible after the declaration

The committee discussed the report and made comments, including:

- methods of dealing with voters who have attended the incorrect polling station;
- clarification on fund sources for operating the election and electoral registration;
- impact of voter registration online on workload for officers. The Electoral Commission have acknowledged that the lack of a check facility online impacted on staff nationally, and will have in place a facility in future to allow a voter to check online that they are registered, to avoid duplication of registration as occurred with this election;
- Ward members and town and parish councils are encouraged to give feedback on polling places review;
- Regulations permit the use of licensed premises providing that alcohol is not served in the area used as a polling station during the hours of polling;
- Procedures have been put in place to ensure proof reading is validated;
- A second polling places review may take place following work by the Boundary Commission for local elections in 2019;
- Revisit guidance to candidates to make clear what can and cannot be done in relation to attendance at polling stations;
- Count venue alternatives will not save money, due to the cost of hire. A quicker count can be achieved with more count staff in a larger venue, but this also increases cost;
- Clerks of towns and parishes are informed by email of the count results and there is an expectation that they will then publish a notice locally;
- Confidence in the count supervisor team in providing an accurate result;
- Excellent work and good nature of all the staff involved in running the election and count despite the huge scale of the task;
- Additional staff at polling stations does incur additional cost.

#### **RESOLVED**

1. that the Scrutiny Committee endorses the report by the Chief Executive on the local elections 7 May 2015;
2. that the Scrutiny Committee recognises the hard work of all staff involved in the running of the national and local elections on 7 May 2015;
3. that a brief financial statement on how the elections are funded be provided to the committee.

#### **\*16 Forward Plan**

The Scrutiny Committee's forward plan was updated.

#### **Attendance list**

##### **Committee Members present:**

Roger Giles (Chairman)

Alan Dent (Vice Chairman)

Dean Barrow

Maddy Chapman

David Foster

Cathy Gardner

Simon Grundy

Marcus Hartnell

Bill Nash

Cherry Nicholas

Val Ranger

Marianne Rixson

Brenda Taylor

**Other Members present:**

Susie Bond  
Jill Elson  
Peter Bowden  
Ben Ingham  
John Dyson  
Douglas Hull  
Ian Hall  
Eileen Wragg  
David Barratt  
Steve Hall  
Tom Wright  
Andrew Moulding  
Mathew Booth  
Ian Chubb  
Paul Diviani  
Peter Faithfull

**Officers present:**

Mark Williams, Chief Executive  
Simon Davey, Strategic Lead Finance  
Karen Jenkins, Strategic lead Organisational Development and Transformation  
Debbie Meakin, Democratic Services Officer

**Committee Members apologies:**

David Chapman  
Alison Greenhalgh

**Other Members apologies:**

Mark Williamson  
Pauline Stott  
Paul Carter

Chairman .....

Date.....

## **AST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Scrutiny Committee held at Knowle, Sidmouth on 17 September 2015**

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

The meeting started at 6.00pm and ended at 8.53pm.

**\*17 Public speaking**

There were no public speakers at this point of the meeting.

**\*18 Minute confirmation**

The minutes of the Scrutiny Committee held on the 30 July 2015, and of the joint meeting with the Overview Committee on 11 August 2015, were confirmed as a true record.

**\*19 Apologies**

In receiving the apologies for the meeting, the Chairman, on behalf of the committee, wished a speedy recovery to Committee member Councillor David Chapman, following recent surgery.

**\*20 Declarations of Interest**

No declarations were made.

**\*21 Beach Huts**

On 7 January 2015 Cabinet made a number of resolutions in relation to beach huts. The public were invited to give their views on the proposals by means of an online questionnaire. The Committee considered the Cabinet report and consultation responses. The Chairman and Vice Chairman had also attended a meeting of the Asset Management Forum on the issue prior to this meeting.

Mr Lacey from Seaton, who used a beach hut on the West Walk at Seaton, asked the committee to consider:

- Scope for more beach hut sites, which would help reduce the waiting list and increase income
- Look to a site only option for lease, with the option for individuals to purchase the hut and maintain it
- That it was inefficient and costly to offer up 5 year leases
- Different approach on consultation as the current process had been unsatisfactory

Mr Smith, a Seaton resident, advised the committee that:

- The decision to include NNDR rates was already in place
- A 25 year lease option was not popular, nor was open bidding
- The current arrangement should continue

Mr Hunt, representing a beach hut user group at Budleigh Salterton, asked the Committee to examine the waiting lists as there were individuals signing up for multiple lists.

Mr Taylor, a resident of Axminster who rents a hut at Seaton, asked the Committee to be mindful of:

- Pensioners on a limited budget and the importance of the social element of beach hut use to their lives
- Terms of lease need to be clear
- Sealed bids were not popular

Tom Griffiths, former operator of a beach hut and deck chair concession in Sidmouth, asked the Committee to consider:

- Separate consideration of locations, as each was different
- Sharing of huts amongst families
- Not to use Clifton Beach for additional sites as it was unsuitable due to the nature of the site
- Second storey beach huts to maximise availability in site

The Portfolio Holder for Economy made clear to the committee the role of the Asset Management Forum in considering both the best use of council assets and the social benefit for local communities and visiting tourists. He passed on the apologies from the Chairman of Asset Management Forum, Councillor Geoff Pook, who could not be present for the discussion due to a previous engagement.

Coastal Ward Members shared with the Committee their experiences in their Ward in respect of the demand for beach huts and the responses to the proposals and consultation. Local meetings had taken place, where the Chairman of Asset Management Forum had attended. Many alternative proposals had been brought forward by local residents.

Common issues raised by Ward Members and the committee included:

- Balancing the raising income against pricing people out of renting a site
- Welcoming the time and trouble taken by the Asset Management Forum in attending local public meetings and listening to local views
- Need to consider the complexities of offering the management of beach huts and sites to a town or parish level, including the administrative burden both in time and cost
- Need to listen to town and parish councils on what they would like to achieve or take on, with some towns feeling that not enough discussion on the proposals took place at that level before the consultation began
- Look at increasing sites where local conditions allowed it and where there was clear market demand
- Look at concession options to allow family sharing, and variation in letting terms to permit options for visitors, such as weekly or daily letting for a percentage of sites
- Site only removed a large cost to the Council in erecting, maintenance and dismantling of huts
- Modest increases in charges could bring about sensible returns

The Committee also considered previously circulated research undertaken by Councillor Marianne Rixson, which covered beach huts in neighbouring seaside areas. Although some comparisons could be drawn, the offer in other areas had been maximised to the luxury end of the market in terms of providing electricity and water to the huts. The research did demonstrate that other authorities had maximised their assets for a particular market.

The Chairman raised concern at the level of research undertaken in the original review by CIPFA in that environmental impact had not been taken into consideration, or stakeholders such as Natural England approached at that stage of the asset review. In response, the Deputy Chief Executive explained that CIPFA had not been charged with research in those aspects as this would form part of the process in later formulation of proposals. Development Management officers are involved with the Asset Management Forum on a regular basis as asset proposals are drafted.

The Committee were keen for consideration to be taken into account in the proposals in key areas such as:

- That moving to site only leases did not disadvantage any section of the community in dealing with their own maintenance of a hut, such as the elderly or disabled
- That ways of managing the lettings should permit the maximum use of the huts throughout the season, which in turn would bring increased social and economic benefits to each location
- Economy of scale needed to be taken into account if offering the service to a town or parish level – at present the Council services covered all aspects of it, from administration to the Streetscene involvement in erection and dismantling of huts
- If moving to a site only proposal, the existing huts should still be viewed as an asset and offered for sale as an income opportunity.

## **RECOMMENDED**

### **that CABINET**

1. consider the requirements of all the community in line with equalities legislation in considering any proposals relating to beach huts;
2. check the validity of waiting lists for beach huts and sites, and that their management be reviewed;
3. confirm to tenants of beach huts and sites that the current arrangements remain in place for 2016;
4. review the hire charges for beach huts and sites on an annual basis;
5. review the decision to establish the £19k sinking fund per annum;
6. consider the difference between town and parish locations be given bearing in mind equality and best value requirements;
7. consider further discussions with town and parish councils on the options of undertaking the management of beach huts;
8. consider increasing the number of sites available and review more diverse letting arrangements;
9. In bringing forward any proposals, consider the wider environment and economic issues.

## **RESOLVED**

1. That the Scrutiny Committee endorses the decision by Cabinet that all beach hut tenants be responsible for their own National Non Domestic Rates payments where applicable;
2. That the Committee receive a progress report on the beach huts and sites proposals by March 2016.

**\*22 Performance Monitoring for first quarter 2015/16**

The Chairman outlined continued efforts to remove unexplained acronyms and have relevant comments, with work by the Democratic Services Officer in discussing the comments with the Strategic Management Team.

The Committee considered the quarterly report, highlighting the following:

- Positive start to the number of affordable dwellings being provided;
- Looking to continued improvement in design of homes in line with guidance from the Commission for Architecture and Built Environment (CABE);
- Establish if the Engineering Projects Manager role has been filled;
- With a variation showing on the indicator for the Thelma Hulbert Gallery, establish what suggestions came out of a recent Think Tank on the topic;
- Comparison data with neighbouring authorities showed a similar level in number of days lost due to sickness absence to this authority;
- Number of random licence checks had been identified as an indicator that needed adjustment to take into account regular high workload in the first quarter;
- Concern showing on the roll out of smartphone and mobile working for Streetscene already had action in place to resolve but would be taken to the STRATA Joint Scrutiny Committee to help pursue the issue further.

**\*23 Election funding financial statement**

The Committee had previously received a financial statement as requested, following a report by the Chief Executive to the July meeting on the local elections in May.

Councillor Ranger re-iterated her point that when election scenarios are rare, in this case with all three elections, it was important to fully review the process, which included the costs.

The Democratic Services Officer advised the committee of the continued work on the preparation of the detailed accounts. She recommended that, once complete, the accounts could be viewed by any Member and, if there was still concern, explore further through the scrutiny channels if the Committee agree to pursue this.

Councillor Ranger asked if the prepared accounts could show the cost of reprinting the postal ballot issue and report this figure back to the Committee.

**\*24 Scrutiny Forward Plan**

The Scrutiny Committee's forward plan was updated to include an additional report on proposals for changes to how the Committee undertake work, on the back of recent training provided by Westminster City Council received by the Chairman and Vice Chairman. This would go to the October meeting.

In addition, updates on the Tree Task and Finish Forum, and beach hut proposals, would be added to the plan.

**Attendance list**

**Committee Members present:**

Roger Giles (Chairman)

Alan Dent (Vice Chairman)

Maddy Chapman

Simon Grundy

Marcus Hartnell

Bill Nash

Cherry Nicholas

Val Ranger

Marianne Rixson

**Other Members present:**

Phillip Skinner

Pauline Stott

Jill Elson

Peter Bowden

Ben Ingham

John Dyson

David Barratt

Brian Bailey

Dawn Manley

Geoff Jung

John Humphreys

Steve Hall

Tom Wright

Andrew Moulding

Mathew Booth

Peter Faithfull

**Officers present:**

Donna Best, Principal Estates Surveyor

Richard Cohen, Deputy Chief Executive

Henry Gordon Lennox, Strategic Lead - Legal, Licensing & Democratic Services

Debbie Meakin, Democratic Services Officer

**Committee Members apologies:**

Dean Barrow

David Chapman

Cathy Gardner

Brenda Taylor

**Other Members apologies:**

Geoff Pook

Iain Chubb

Paul Diviani

Eileen Wragg

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

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a joint meeting of the Overview and Scrutiny Committees held at Knowle, Sidmouth on 11 August 2015**

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

The meeting started at 6.00pm and ended at 7.20 pm.

**\*1 Election of Chairman**

Councillor Peter Bowden was elected Chairman of the joint meeting.

The Chairman welcomed Councillors to the joint meeting and reminded the Overview and the Scrutiny Committee Members that voting on any proposed recommendations would be conducted separately for each committee.

**\*2 Appointment of Vice Chairman**

Councillor Roger Giles was appointed Vice Chairman of the joint Committee.

**\*3 Public speaking**

There were no public speakers.

**\*4 Declarations of Interest**

No declarations were made.

**\*5 Exclusion of the public**

**RESOLVED:**

that the classification given to the documents to be submitted to the Cabinet be confirmed; there were no items which officers recommended should be dealt with in Part B.

**\*8 Moving and improving consultation**

The Chairman advised that purpose of the meeting was to seek views on the proposed consultation on the services to be provided at the Honiton and Exmouth offices. Views were sought on the consultation methodology, the questions in the questionnaire, and anything additional Members felt was required to obtain a robust feedback to inform the future provision of services at the two sites and across the district.

The joint committees' agenda papers had included the report and appendix (draft questionnaire and guidance notes) that had been referred to the Cabinet meeting of 15 July 2015.

Karen Jenkins, Strategic Lead – Organisational Development and Transformation outlined that, following the Council's decision to relocate, this consultation exercise provided an opportunity to hear what residents think about which services should be based at Honiton and Exmouth and how the locations of EDDC surgeries might be reviewed or changed when the Council was no longer based in Sidmouth.

The Strategic Lead highlighted that it was important to remember that this consultation would provide the Council with a snapshot in time, and that, overtime, the pattern of customer demand would change especially as the Council was working towards more and more of the Council's services being made available on a self-service, online basis. The Strategic Lead went on to outline that day to day the Council used systems thinking principles to inform where it sets up surgeries and for what type of enquiry – systems thinking meant that customer demand was monitored to understand types and numbers of customer queries.

The approach to the consultation was a prescriptive one. The questionnaire would be sent to 3000 council taxpayers (randomly selected from the Land and Property Gazetteer database) which would allow the Council to statistically extrapolate the results to the wider population. Responses of over 400 from the random mail-out would be considered statistically reliable. Members were advised that best practice in consultation surveys was to recognise a margin of error of (plus or minus) 5% - resulting in a 95% level of confidence in respect of the way the rest of the population would answer the survey questions. Increasing the number of respondents to over 400 would only increase the margin of error by + or – 3% but would significantly add to the costs.

The Strategic Lead outlined that even without any consultation whatsoever the Council could easily assume that if it was no longer based in Sidmouth, customers who currently visit the Knowle offices every year would want the Council to provide a surgery based in the town. The approach being proposed was therefore proportionate in terms of cost.

The questionnaire would also be sent to a broad range of stakeholders and partners to meet the Council's equalities and best value duties. Later in the process, the equality groups would also be consulted through the design stages of the reception and public areas in the new offices and for the refurbishment of the Exmouth Town Hall. In addition, the consultation questionnaire would be available on the Council's website for interested people - not included within the postal invitation – to provide feedback.

The recipients of the paper questionnaire would be given the option to complete the survey on-line as an alternative. Each questionnaire sent by post would have a unique identifying number so that it would be possible to send out reminder letters should there be a need to boost the return rate and also so that a check could be made on the on-line responses to avoid a consultee responding more than once.

The results from the random sample would be reported separately from the feedback received from other stakeholders.

The anticipated cost of the consultation was £4500 – to be started in September with results collated by the end of November/early December.

### **Methodology – general approach**

Issues raised by the committees in considering the methodology of the consultation process included:

- What was there to stop people completing the on-line survey more than once?  
Officer response: The 'confidence level' of 95% was in respect of the random mail-out as each had a unique identifying number. On-line respondents who do not include the unique identifier will be assumed to be self-selecting and their answers will be analysed separately as their results cannot be extrapolated to the whole population.
- Could the self-selecting respondents use a unique identifying number (such as from the council tax bill) to prove that they have only responded once? There would also be benefit in this approach, as the data would indicate the respondents' location within the district.  
Officer response: This suggestion would be explored with Strata officers for future consultations.

- The diversity of the population across East Devon meant that someone living in Exmouth would have a different viewpoint in respect of service delivery from someone living in the rural east of the district. Should the survey be split into rural and urban?

Officer response: Adopting the prescribed methodology meant that results would be representative. The random nature of the survey was essential for the methodology to work. However, as the proposed questionnaire included demographical questions in respect of age group, gender, disabilities and location, the Council would have an option to weight numerical data if necessary (in accordance with best practice) to help achieve accurate levels of representation of certain groups in the district. Differences in responses from towns would be identified as the consultees would be asked to indicate which town they live in.

Similarly, a town-by-town survey would significantly increase costs.

- There might be gaps in the pattern of responses – for example young people being under-represented.

Officer response: This would be addressed if such a problem was identified.

- There was some potential for misrepresentation and it might be useful in the first instance to trial a small sample so that any misunderstanding in the questionnaire wording could be amended.

Officer response: this is not considered necessary as the consultation document itself has received wide input from officers and members.

- If more than 400 responses were received from the random mail-out, will these be included?

Officer response: All responses with the unique identifier will be used.

- There was a need, when inviting on-line responses, to take into account the inadequacy of broadband in many rural areas.

Officer response: The Council was aware of broadband not-spots and gapping provision.

### **Background information on moving and improving (introduction to questionnaire)**

The background information included:

- why the Council was consulting
- why there was to be a move from the current offices in Sidmouth
- the aims of the relocation
- why the move was to Honiton and Exmouth
- services to be provided at each site
- a list of services that would be increasingly provided without the need to visit the offices in person

The introduction would include an explanation of the Council's general duty to secure continuous improvement in the way it delivers its functions – having regard to a combination of economy, efficiency and effectiveness/best value – and would invite ideas and suggestions.

Issues raised by the Committees in considering the introduction to the questionnaire included:

- The statements explaining the Council's current and planned position could distract from the consultation and suggest that the decisions have already been made. Officer response: There was a need for some historical context but most of the introduction was about moving forward. The introduction would retain reference to 'best value' as the Council needed to explain its approach.
- People needed to be energised into completing the questionnaire – the introduction was too long and wordy and used council-speak (such as the names of the services) rather than Plain English. Much of the detail in the introduction was irrelevant to the average person. Instead, it should say that the office move was to modern offices, which were well positioned with good transport links. The detail should also include which services the Council provides and the ones for which it does not have responsibility. It should also explain what the questionnaire wording means by access and differentiate between direct visits, telephone contact and email. Officer response: The comments were noted - the introduction would be edited using Plain English.
- A motivating statement at the start of the introduction would be helpful. Much of the rest of the detail could be included at the end of the document for those interested. Officer response: The covering letter would be drafted in a way that would motivate people to read on and complete the survey.
- Think about how the press can be involved and support the process. Officer response: Consideration had already been given as to how the consultation would be publicised to engage the wider population – in addition to the mail-out – and offer the on-line opportunity.
- What was the basis for listing the proposed services to be delivered from Exmouth and Honiton?

Officer response: The decision would be informed by the consultation but the proposed service delivery was based on the need to provide key face-to-face services from Exmouth subject to the constraint of space. An early view is that it seems sensible for all corporate services to be based in Honiton but the survey will inform this. The decision would be monitored by analysing demand. Members were reminded that service delivery would not only be from the two sites but would also be delivered across the district on-line and through mobile working and surgeries. Wording could be changed from 'services that would be available in Honiton/Exmouth' to 'services that would be provided from Honiton/Exmouth to emphasise that service delivery was not just face-to-face but other options, including by telephone, were available. Service leads were responsible for delivery and continually monitored and reviewed their services based on demand. This was the Council's embedded way of working.

- How would surgeries work? Officer response: The council already runs surgeries from existing facilities and there would be on-going opportunity to review this provision based on feedback and demand.

### **Questionnaire**

This was discussed page by page – issues raised included:

- This was a real opportunity for excellent consultation but the exercise was in danger of falling into a trap of telling the public what the Council was already planning. This constrained the questions and limited real actionable feedback. The questions needed to be constructed so they were not just asking respondents to agree with the Council's plans.  
Officer response: this was agreed but it was also necessary for the consultation to outline how the Council thought it could create best value in organising its services and this required setting out some thinking that people could comment on.
- Open questions would reduce the response rate as generally, people are put off by writing – a better response would be achieved through tick-boxes/a checklist of options.  
Officer response: the survey would be amended to reflect this.
- Lists of towns – which needed to include Cranbrook - at Q3 and disabilities at Q7 would be more helpful if put in alphabetical order.
- Question 9 should include the opportunity to suggest where surgeries were needed.
- Could the descriptions/wording at Questions 5 and 6 be re-worded?
- It would be better to put Section B (About you) at the end of the questionnaire. It was general practice to include demographical information at the end of a questionnaire. Swapping the order of Section B with Section C might avoid respondents from being discouraged from completing current Section C (Moving and Improving).
- Q8 should include how the respondent accesses services – for example by phone, on-line, email or by personal visit.

In summing up the Chairman thanked Members and advised that their comments would be taken into account. He asked the Committees to agree to the proposed course of action – namely that the methodology be supported and that the introduction and questions be reviewed in line with comments raised during the meeting.

The Strategic Lead – Organisational Development and Transformation thanked members for their valued input. She advised that the document would be reviewed, up-dated and put to Cabinet.

The Overview and Scrutiny Committees voted separately on the proposals and each Committee unanimously supported the resolution and recommendations.

### **RESOLVED**

that the Committees noted and understood the methodology to be used for the consultation process.

### **RECOMMENDED**

1. that the introduction to the survey be reviewed and edited in line with comments raised by the Committees during the debate.
2. that the questions within the questionnaire be reviewed and re-ordered in line with comments raised by the Committees during the debate.

**Attendance list**

**Overview Committee members present:**

Mike Allen  
Matthew Booth  
Peter Bowden  
Peter Faithfull  
Graham Godbeer  
Maria Hale  
John Humphreys  
Rob Longhurst  
Christopher Pepper

**Scrutiny Committee members present:**

Dean Barrow  
Maddy Chapman  
Cathy Gardner  
Roger Giles  
Alison Greenhalgh  
Cherry Nicholas  
Marianne Rixson

**Other Members present:**

David Barratt  
Jill Elson  
Pauline Stott  
Tom Wright

**Officers present:**

Mark Williams, Chief Executive  
Richard Cohen, Deputy Chief Executive  
Henry Gordon Lennox, Strategic Lead – Legal, Licensing and Democratic Services  
Karen Jenkins, Strategic Lead - Organisational Development and Transformation  
Diana Vernon, Democratic Services Manager

**Committee Members apologies:**

**Overview**

Ian Hall

**Scrutiny**

David Chapman  
Alan Dent  
David Foster  
Simon Grundy  
Marcus Hartnell  
Bill Nash  
Val Ranger

**Other Member apologies:**

Iain Chubb  
Paul Diviani  
Andrew Moulding

John O'Leary  
Phil Twiss

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

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Housing Review Board held at Knowle, Sidmouth on 10 September 2015**

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

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

Before the meeting began Councillor Pauline Stott, Chairman of the Board welcomed all those present and invited everyone to introduce themselves. She particularly welcomed the two new independent community representatives and the new tenant/leaseholder representative to their first Board meeting.

#### **\*17 Public Speaking**

There were no questions raised by members of the public.

#### **\*18 Minutes**

The minutes of the Housing Review Board meeting held on 18 June 2015 were confirmed and signed as a true record.

#### **\*19 Declarations of Interest**

Angela Bea: Personal Interest - Housing tenant

Mike Berridge: Personal Interest - Family member lives in a Council owned property; Housing tenant.

Joyce Ebborn: Personal Interest - Housing tenant

Cllr Ian Hall: Personal Interest – Family member lives in a Council owned property and uses Home Safeguard

Cllr Douglas Hull: Personal interest – Family member lives in a Council owned property.

Cllr Knight: Personal interest – Family member lives in a Council owned property. He is also a Devon County Council councillor and a member of the Fire Authority

#### **\*20 Matters of urgency**

There were no matters of urgency identified.

#### **\*21 Exclusion of the Public**

##### **RESOLVED:**

To agree any items to be dealt with after the public (including press) have been excluded. There was one item that officers recommended should be dealt with in Part B.

#### **\*22 Forward Plan**

The Strategic Lead, Housing, Health and Environment presented the forward plan and advised Members that the forward plan would help act as a reminder of agenda items to come forward to future meetings. Members were reminded that they could add further issues to the next forward plan by informing him or the Democratic Services Officer.

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

#### **\*23 Summer budget – rent reduction implications**

The Strategic Lead – Housing, Health & Environment's report explained the impact of one of the announcements contained in the Summer Budget on the Council's Housing Revenue Account (HRA) Business Plan, as well as the financial implications nationally. Government announced a 1% reduction in rents per annum for four years as part of the budget to assist

towards achieving the savings required on the welfare budget. The Strategic Lead – Housing, Health & Environment reported that he would be objecting to the proposal. The detrimental impact on the HRA Business Plan was outlined in the report. If the proposals are taken forward by Government, the Business Plan needed to be reviewed over the coming months and proposals would be brought forward to bring it back into balance throughout the 30 year period.

The Portfolio Holder – Sustainable Homes and Communities outlined her efforts to lobby against the changes. She had met with two local MPs who were seeking a meeting with the Housing Minister to explain the implications. The Board suggested that the Strategic Lead, Housing, Health and Environment be invited to attend any meeting that was arranged with Government ministers.

The Board agreed that it was important that the differences between a local authority HRA business plan and a typical housing association business plan were understood. They felt that the Government should be lobbied hard and agreed to send a letter from the HRB to the Housing Minister, as well as the Chancellor.

**RECOMMENDED:**

1. that consideration be given to the implications of the Summer Budget on the Council's Housing Revenue Account Business Plan and initial responses to the proposals be endorsed.
2. that a letter be sent to the Housing Minister and the Chancellor from the Housing Review Board strongly objecting to the rent reduction proposals.
3. that the Strategic Lead, Housing, Health and Environment be invited to attend any meetings arranged with Government ministers.

**\*24 Gas servicing contract extension**

The Property and Asset Manager's report requested approval to extend the existing gas servicing contract for a further six months until 31 March 2016. Officers and tenants were happy with the performance and service provision of the current contractor. The current contract term was from 1 October 2010 for a four year period with the option to extend by up to two years on an annual basis. Officers were currently in discussion with Mid Devon District Council with the intention of pursuing a joint tender approach to the contract when it comes up for renewal in 2016.

**RECOMMENDED:** that the existing gas-servicing contract be extended until 31 March 2016.

**\*25 Fire safety update**

The Property and Asset Manager's report updated the Board on how the Council was meeting current fire regulations in tenants' homes and communal areas. This generally focused around the outcomes of the Fire Risk Assessments that were undertaken on all blocks of flats and community centres. The report also proposed a more structured approach for the future to ensure a target timeframe when it was expected works would be completed on sites requiring additional fire protection measures.

It was noted that some garages were being used to store large amounts of paint and possible inflammables and these posed a potential fire hazard. Estate management teams would be made aware of this and members were asked to notify the Strategic Lead, Housing, Health and Environment of any specific examples.

**RECOMMENDED:**

1. that the ongoing progress in relation to fire safety measures and improvement works that were taking place across the housing stock be noted.
2. that a 5 year programme of works in relation to fire safety with an agreed annual budget of £250,000 be approved.
3. that fire stopping works on all void properties (where appropriate) be approved.

**\*26 Shared house, Exmouth**

The Board received an update report from the Property and Asset Manager on the current position and progress being made for the delivery of a shared house in Exmouth. The Board had previously received a report in June 2013 outlining the proposal and business case to purchase the property. The current completion date for necessary works was the end of December 2015, with tenants being in place in January 2016. Officers explained the licence agreements that would be in place and that allocations would be made through Devon Home Choice. A request was made for extra Right to Buy funding to go forward on this project.

**RECOMMENDED:** that additional Right to Buy receipts be used to fund the project if required.

**RESOLVED:** that the information report be noted.

**\*27 Draft annual report to tenants 2014/15**

Consideration was given to the draft of the annual report to tenants. The Portfolio Holder – Sustainable Homes and Communities commented on the excellent report, which demonstrated how much work was undertaken on tenants' homes and how this money contributed to the local economy. She also congratulated the community development workers for all their excellent work on the estates.

The report would be sent to all tenants with the December copy of Housing Matters magazine, be available on the Council's website from late October and it would also be emailed to all staff and councillors.

**RESOLVED:** that the draft annual report to tenants 2014/15 be noted.

**\*28 Homes and Communities Agency Regulatory Standards**

The Strategic Lead - Housing, Health and Environment's report set out the latest advice on regulatory standards issued by the Homes and Communities Agency. This allowed the Board to have an understanding of the regulators' advice on standards expected in social housing, and the approach taken by the Homes and Communities Agency when regulating the sector.

**RESOLVED:** that the contents of the advice on regulating standards in social housing be noted.

**\*29 Financial monitoring report**

The Board was presented with a summary of the overall financial position on the Housing Revenue Account, HRA Capital Programme and the Business Plan for 2014/16 at the end of month four (July 2015).

Regular monitoring was intended to highlight any areas of concern or unforeseen expenditure in the HRA and associated capital programme, enabling 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 remained healthy.

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

**\*30 Performance digest**

The Housing Review Board noted and discussed the performance indicator report for the first quarter of 2015/16. This also included a report from the SPAR reporting system, which the Strategic Lead - Housing, Health and Environment explained to the Board.

**RESOLVED:** that the performance indicator report for the first quarter of 2015/16 be noted.

**\*31 Grounds maintenance task and finish forum final report**

The Chairman presented the final report of the grounds maintenance task and finish forum. She thanked all the officers and members involved with the TaFF and gave particular thanks the Housing Land Surveyor.

**RECOMMENDED:**

1. that the grounds maintenance service provided by Streetscene be recognised as good value for money
2. that the amount paid to Streetscene Services from the Housing Revenue Account for grounds maintenance remain unchanged
3. that the Estate Management Service Review Group remit be extended to ensure tenant involvement in the grounds maintenance service
4. that the current system should continue with regards to not charging future freeholders/leaseholders of right to buy properties for a grounds maintenance services.
5. that an update report on garden licences be brought to a future meeting of the Housing Review Board.

**\*32 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 item in private session (Part B).

**\*33 Extension request, Exmouth**

The Strategic Lead - Housing, Health and Environment's report asked the Board to consider issues in relation to the tenants in Pound Lane, Exmouth. Throughout the discussion the importance of receiving a statement of need from a Devon County Council (DCC) Occupation Therapist and a DCC commitment to provide additional funding if required was regarded as critical. DCC were also urged to ensure that a full time care worker would be covered during holiday and sickness absence. Officers agreed to investigate the suggestion that a business was being operated from an adjacent property.

**RECOMMENDED:**

1. that it be agreed that the household detailed in the report are suitably housed.
2. that, in accordance with our Adaptations Policy, a statement of need be requested and obtained from a Devon County Council Occupational Therapist in order to consider the provision of any alterations that are needed, and a financial contribution if the work required exceeded £30,000,
3. that the offer of sound proofing to the relevant area of the property be endorsed.

**Attendance list**

**Present:**

Cllr Pauline Stott (Chairman)  
Cllr Megan Armstrong  
Cllr Ian Hall  
Cllr Douglas Hull  
Cllr Jim Knight

Co-opted tenant members:

Angela Bea  
Mike Berridge  
Joyce Ebborn

Officers:

Sue Bewes, Landlord Services Manager  
Natalie Brown, Information & Analysis Officer  
Emma Charlton, Housing Projects Officer  
Amy Gilbert, Property and Asset Manager  
John Golding, Strategic Lead - Housing, Health and Environment  
Marian Hitchcock, PA to Strategic Lead Housing, Health & Environment and Housing  
Andrew Mitchell, Housing Needs & Strategy Manager  
Paul Lowe, Housing Enabling Officer  
Giles Salter, Solicitor  
Alethea Thompson, Democratic Services Officer  
Melissa Wall, Housing Projects Officer  
Mandy White, Accountant

Also present:

Cllr Jill Elson, Portfolio Holder – Sustainable Homes and Communities  
Cllr Peter Faithfull  
Cllr Eileen Wragg

**Apologies:**

Harry Roberts – tenant  
Pat Rous – tenant (Vice Chairman)  
Cllr Brenda Taylor

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

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 4 August 2015**

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

The meeting started at 10.30am and ended at 3.53pm (the Committee adjourned for lunch at 12.35 and reconvened at 2pm).

#### **\*23 Minutes**

The minutes of the Development Management Committee meeting held on 14 July 2015 were confirmed and signed as a true record.

#### **\*24 Declarations of interest**

Cllr David Barratt; 15/1354/CPL, 15/1506/FUL, 15/1420/FUL; Personal interest; Sidmouth Town Councillor.

Cllr Matt Coppel; 15/0642/MRES; Personal interest; Newton Poppleford & Harpford Parish Councillor.

Cllr Peter Burrows; 15/0909/OUT; Personal interest; Seaton Town Councillor.

Cllr Chris Pepper; 15/0049/V106 & 15/1565/V106; Personal interest; Broadclyst Parish Councillor.

Cllr Chris Pepper; 15/0049/V106; Personal interest; Director and Governor of Broadclyst Community Primary School.

Cllr Matt Coppel; 15/0642/MRES; Personal interest; Newton Poppleford & Harpford Parish Councillor.

Cllr Paul Carter; 15/0655/MFUL; Pecuniary interest (left the Chamber during discussion and did not vote); Employed by the Donkey Sanctuary.

Cllr Paul Carter; 15/0049/V106; Personal interest; Applicant had previously served on Ottery St Mary Town Council at the same time as the Councillor.

Cllr Mike Howe; 15/0793/OUT; Personal interest; Bishops Clyst Parish Councillor and applicant was known to the Councillor.

Cllr Matt Coppel declared that he felt he was predetermined in respect of application 15/0642/MRES and would abstain from the vote on the application.

#### **\*25 Urgent item - High Court decision on changes to the National Planning Practice Guidance**

With the Chairman's agreement, the Development Manager updated the Committee on a recent High Court decision in relation to changes to the National Planning Practice Guidance (NPPG). In December 2014, the Committee had considered a report on Government's changes to the NPPG which had taken away the right to secure tariff style contributions below set thresholds and replacing on-site affordable housing provision with contributions for developments between 6 and 10 units in designated rural area. In light of the recent high court decision the changes to the NPPG have been quashed with the relevant paragraphs in the NPPG to be removed. Agreement was now sought to revert back to the previous policy position in respect of affordable housing in terms of securing on-site provision. The Committee was advised that further work was required with regard to re-introducing the collection of open space contributions given implications from the Community infrastructure Levy and the pooling of contributions. A report detailing the implications and options to be presented to the next Committee meeting

**RESOLVED:**

1. that, in light of the recent High Court decision on changes to the National Planning Practice Guidance, the Council revert back to its previous policy position of securing on-site affordable housing on sites between 6-10 units in rural areas, in place of the off-site contributions, and back to the thresholds set out in Policy H4 for Affordable Housing (5 and 10 dwellings depending upon location);
2. that a further report detailing the Council's position on open space contributions, in light of the recent High Court decision on changes to the National Planning Practice Guidance, be presented at the next Committee meeting.

**\*26 Planning appeal statistics**

The Committee received and noted the Development Manager's report setting out appeals recently lodged and four appeal decisions notified, of which three had been dismissed.

The Development Manager drew Members' attention to the appeal allowed at land south of Ballard Down, Smallridge, Axminster for two dwellings - sustainability reasons for refusal had been overruled. In his decision notice, the Inspector had taken the view that the Council did have a five year housing land supply as this had not been challenged by the appellant. The Committee was advised that this view was not consistent with other recent appeal decisions, which had concluded that full weight could not currently be given to the Council having a five year housing land supply until the Local Plan Inspector is satisfied with the housing figures proposed in the New Local Plan.

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

**RESOLVED:**

that the applications before the Committee be determined as set out in Schedule 5 – 2015/2016.

**Attendance list**

**Present:**

Committee Members

Councillors:

David Key (Chairman)

Mike Howe (Vice Chairman)

Mike Allen

David Barratt

Susie Bond

Colin Brown

Peter Burrows

Paul Carter

Matt Coppel

Alan Dent

Steve Gazzard

Alison Greenhalgh

Simon Grundy

Ben Ingham

Chris Pepper

Mark Williamson

Officers

Henry Gordon Lennox, Strategic Lead – Legal, Licensing and Democratic Services  
Chris Rose, Development Manager  
Shirley Shaw, Planning Barrister  
Hannah Whitfield, Democratic Services Officer

Also present

Councillors:

Graham Godbeer  
Dean Barrow  
Val Ranger  
Philip Skinner  
Phil Twiss

**Apologies:**

Committee Members

Councillors:

Steve Gazzard  
Alison Greenhalgh

Non-Committee Members

Councillor Andrew Moulding

Chairman .....

Date.....

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 8 September 2015**

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

The meeting started at 12pm and ended at 3.53pm (the Committee adjourned for lunch at 12.32pm and reconvened at 1.30pm).

The Vice Chairman, Councillor Mike Howe, chaired the meeting in the absence of the Chairman, Councillor David Key. The Committee agreed for Councillor Alan Dent to assume the role of Vice Chairman for the meeting.

#### **\*28 Minutes**

The minutes of the Development Management Committee meeting held on 4 August 2015 were confirmed and signed as a true record, subject to Councillors Alison Greenhalgh and Steve Gazzard being removed from the list of attendees at the meeting (both had sent their apologies for non-attendance).

#### **\*29 Declarations of interest**

Cllr Peter Burrows; 15/0909/OUT, 15/1195/MOUT, 15/1381/FUL & 15/1393/FUL; Personal interest; Seaton Town Councillor

Cllr Peter Burrows; 15/1393/FUL; Personal interest; Applicant owned a property adjacent to the Councillor's residence.

Cllr Mark Williamson; 15/1781/FUL; Personal interest; Exmouth Town Councillor

Cllr Alison Greenhalgh; 15/1781/FUL; Personal interest; Exmouth Town Councillor

Cllr David Barratt; 15/0192/FUL & 15/1560/FUL; Personal interest; Sidmouth Town Councillor

Cllr Mark Williamson; 15/1781/FUL; Personal interest; Exmouth Town Councillor

Cllr Paul Carter; 15/0923/OUT; Personal interest; Ottery St Mary Town Councillor

Cllr Mike Allen; 15/0643/MFUL; Personal interest; Applicant's father was an acquaintance.

Cllr Jim Knight; 15/1195/MOUT; Pecuniary interest: Grazes horses on the site.

Cllr Mike Howe advised that in accordance with the code of good practice for Councillors and Officers dealing with planning Matters as set out in the Constitution he was declaring that he had been lobbied on application 15/0643/MFUL.

#### **\*30 Planning appeal statistics**

The Committee received and noted the Development Manager's report setting out appeals recently lodged and nine appeal decisions notified, of which eight had been dismissed.

The Development Manager drew Members' attention to an appeal dismissed on land surrounding Walnut Cottages, Clyst St Mary, for the installation of ground mounted photovoltaic solar arrays. The Inspector had upheld the reason for refusal relating to the loss of best and most versatile agricultural land.

The four appeals dismissed for applications in Ebford were also highlighted. The Inspector had upheld highway safety and landscape amenity refusal reasons, however had not upheld the reason relating to the settlement being unsustainable. The Development Manager advised that the emerging Local Plan did not identify Ebford as one of the settlements considered to be sustainable. He commented that the decisions were disappointing for the Council and for local residents who had also put a lot of effort into fighting the appeals.

**\*31 Implications of changes to Government guidance on Infrastructure contributions through planning obligations**

The Committee considered the Development Manager's report outlining the main changes to Government guidance as a result of a recent high court decision and the implications of this in terms of decision making on planning applications and infrastructure provision. Members had received a verbal update on the main changes at their previous meeting.

The Development Manager outline the key implications of the main changes to the guidance which included:

- being able to secure financial contributions towards open space, where necessary to mitigate impact of the development, for all new dwellings;
- securing an education contribution, where necessary to mitigate impact of the development, on developments consisting of 5 dwellings or more; and
- securing on site affordable housing for developments in accordance with thresholds set out in the adopted Local Plan.

Members were advised that changes had been made to the unilateral undertaking template to ensure that no more than five contributions were pooled for any one piece of infrastructure/project (this was in accordance with Community Infrastructure Levy (CIL) regulations).

**RESOLVED:**

- 1. that the Development Management Committee notes the high court decision and the implications of this as outline in the committee report;**
- 2. that the Development Management Committee agrees that for new applications received from 9 September 2015 planning obligations be sought for open space contributions (where necessary to mitigate the impact from the development) from all planning applications seeking the provision of additional dwellings;**
- 3. that the Development Management Committee agrees for new applications received from 9 September 2015 planning obligations be sought for education contributions (where necessary to mitigate the impact from development) from developments of 5 dwellings or more;**
- 4. that the Development Management Committee agrees that for new applications received from 9 September 2015 on-site provision of affordable housing be secured in accordance with the thresholds in Policy H4 of the adopted Local Plan.**

**\*32 Local Plan and five year housing land supply update**

Local Plan

Following the Committee's request that they receive an update on the emerging Local Plan at each meeting, the Service Lead – Planning Strategy and Development Management verbally updated Members on the current position. Prior to the meeting a report of additional work, following the July 2015 hearing sessions, and proposed changes to the Plan resulting from follow on work, had been circulated to the Committee. The Service Lead advised that the Local Plan Inspector had contacted the Council in the last few days to advise that those that had attended the housing sessions at the Hearing had been given the opportunity to comment on the latest housing papers (comments were to be received by the end of September). The Inspector had indicated that he did not envisage the need for a further hearing session and that the Council should prepare to carry out a six week consultation on the main modifications to the Plan from early October. It was hoped that during or shortly after the consultation the Inspector would be in a position to advise when the final report would be received.

In response to questions raised, the Service Lead advised that:

- The additional work/information in respect of the habitat regulations had been sent to Natural England prior to being submitted to the Inspector and they had verbally advised that they were content with what had been provided; written confirmation was awaited.
- The Hill Barton and Greendale Business Parks would be dealt with through the Villages Development Plan Document. There had been some views previously expressed that they should receive Built-up Area Boundaries (BUABs) - this had not been the intention, however the criteria for BUABs was currently being consulted on and therefore dependant on the comments received the scope potentially could be expanded to include these sites.
- There were a range of indicators used for assessing the sustainability of the Local Plan and these could be viewed on the Council's website.

Five Year Housing Land Supply update

Prior to the meeting, the Committee had received a copy of a report being presented to Audit and Governance Committee on 24 September outlining the methodology used to calculate the Council's five year housing land supply position, including details of the evidence and information used to inform the assessment. The report also sought to explain the recent change in supply position – an up to date five year housing land supply could now be demonstrated (5.39 years and on adoption of the Local Plan this would rise to 5.86 years) and considered the implications of this. The current and future reporting arrangements were also outlined. Members noted that the latest housing monitoring report had been appended to the report, which updated on the current supply of housing in the district and the five year housing land supply position.

Although officers could now demonstrate a five year housing land supply, the Service Lead cautioned as to the amount of weight that could be given to this until the SHMAA, a key piece of evidence, had been fully considered as part of the Local Plan examination.

In his absence, Councillor Peter Burrows read out an email from Committee member Councillor Ben Ingham commenting on the report and advising that a number of people had contacted him raising particular concern about recommendation 4. He did not agree with Reason for the Recommendations, advising that East Devon communities wished to see controlled development and that the housing figure for the Plan period was unjustified.

Comments made during discussion on the report included:

- The report was very much welcomed, although it was a shame it had not been received a few months earlier.
- The report set out a clear methodology of how the five year housing land supply was calculated and contained a comprehensive inventory of sites as requested.
- A commitment to regular reporting on the five year housing land supply was important.
- The Committee should be making decisions on planning applications based on the most up to date information available, therefore as a five year land supply could be demonstrated a greater weight should be applied. In response the Service Lead advised a number of Inspectors considering recent appeals had made the point that at this stage of the Local Plan examination only limited weight could be applied, however the Committee were the decision makers and therefore ultimately it was up to them to decide how much weight should be given.
- It was suggested that a 'reasonable' weight should be given due to the Council now being able to demonstrate that it had an adequate supply.

**RESOLVED:**

**that the Audit and Governance Committee be advised that the Development Management Committee endorse the first three recommendations set out in the report on the five year housing land supply. In respect of the fourth recommendation the Development Management Committee, in light of the latest position, would like to see the recommendation amended to refer to 'reasonable' weight being given to the Council having a five year housing land supply, subject to a constant review of the position and regular updates to the Committee at each of their meetings.**

**\*33 Applications for Planning Permission and matters for determination**

**RESOLVED:**

that the applications before the Committee be determined as set out in Schedule 6 – 2015/2016.

**Attendance list**

**Present:**

Committee Members

Councillors:

Mike Howe (Chairman)

Alan Dent (Vice Chairman for the meeting)

Mike Allen

David Barratt

Colin Brown

Peter Burrows

Paul Carter  
Alison Greenhalgh  
Simon Grundy  
Chris Pepper  
Mark Williamson

Officers

Ed Freeman, Service Lead – Planning Strategy and Development Manager  
Alison Hayward, Regeneration & Economic Development Manager  
Chris Rose, Development Manager  
Shirley Shaw, Planning Barrister  
Graeme Thompson, Planning (Policy) Officer  
Hannah Whitfield, Democratic Services Officer

Jeremy Upfield, DCC Highways

Also present

Councillors:

Peter Bowden  
Paul Diviani  
Marcus Hartnell  
Geoff Jung  
Jim Knight  
Andrew Moulding  
Marianne Rixson

**Apologies:**

Committee Members

Councillors:

Susie Bond  
Matt Coppell  
Steve Gazzard  
Ben Ingham  
David Key

Non-Committee Members

Councillors:

Matt Booth  
Brenda Taylor

Chairman .....

Date.....

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 6 October 2015**

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

The meeting started at 2pm and ended at 5.11pm.

#### **\*34 Minutes**

The minutes of the Development Management Committee meeting held on 8 September 2015 were confirmed and signed as a true record.

#### **\*35 Declarations of interest**

Cllr Susie Bond; 15/1571/FUL; Personal interest; Acquaintance of the applicant's father  
Cllr Paul Carter; 15/1081/COU, 15/1258/MFUL, 15/1486/FUL; Personal interest; Ottery St Mary Town Councillor

Cllr Paul Carter; 15/1486/FUL; Personal interest; Applicant had been an Ottery St Mary Town Councillor

Cllr Alison Greenhalgh; 15/1222/MFUL; Personal interest; Exmouth Town Councillor

Cllr Alan Dent; 15/1628/OUT; Personal interest; Budleigh Salterton Town Councillor

Cllr Mark Williamson; 15/1222/MFUL; Personal interest; Exmouth Town Councillor

Cllr Matt Coppell declared that he felt he was predetermined in respect of application 15/1258/MFUL and would abstain from the vote on the application.

#### **\*36 Matters of urgency**

The Chairman agreed for the Development Manager's report to be taken as an urgent item in order to update Members on an appeal by way of judicial review of the Committee's decision in relation to land east of Orchard Cottage, The Avenue, Exton (15/0239/FUL).

#### **\*37 Exclusion of the public**

##### **RESOLVED:**

that the classification given to the urgent report (minute \*36) – LGA 1972 Schedule 12A Para 5 – information in respect of which a claim for legal professional privilege could be maintained in legal proceedings, be confirmed.

#### **\*38 Planning appeal statistics**

The Committee received and noted the Development Manager's report setting out appeals recently lodged and ten appeal decisions notified, of which seven had been dismissed.

The Development Manager drew Members' attention to an appeal allowed for the construction of 25 dwellings at land west of Woodbury Road, Clyst St George. The Inspector had considered that the proposal represented a sustainable form of development and that any slight adverse effects would not significantly outweigh the benefits. The outcome was disappointing for local residents who had put a lot of effort into fighting the appeals.

The Development Manager also highlighted two appeals on land at Weeks Farm, Talaton, one for the construction of 10 and the other for 25 dwellings. The Inspector had considered that the benefits in terms of delivering affordable housing weighed against the limited

services/facilities available in the village were balanced. However, the Inspector dismissed the appeal on the basis that the legal agreements did not provide adequate mitigation measures for the development. The Development Manager advised the Committee that there had been a subsequent appeal decision for a development in Talaton where an Inspector had concluded that Talaton was not sustainable village (this decision would be reported to the next Committee meeting).

**\*39 Cranbrook Plan Development Plan Document – feedback from scoping consultation**

The Service Lead – Strategic Planning and Development Management present to the Planning Policy Manager's report providing feedback to the Committee on an initial consultation on the potential future content of the Cranbrook Plan Development Plan Document (DPD). The DPD would be a formal policy document informed by the ongoing work and outputs of the ongoing Cranbrook master planning work.

The Committee noted that representations had been received from 23 individuals and organisations during the consultation. A summary of the comments received were appended to the committee report. The comments received covered a wide range of matters relating to both the potential form and issues the DPD might contain and also specific policy detail.

The report outlined the next stages of work relating the production of the DPD, which included the need for supporting technical assessments and at a later stage the Committee would be presented with an issues and options report relating to the expansion of Cranbrook. When adopted, after going through Examination, the DPD would be used as a key formal planning document for use in determining Cranbrook planning applications.

The Service Lead updated the Committee that there were no financial or legal implications arising from the report.

**RESOLVED:**

that the Development Management Committee notes the feedback received during the consultation on the scoping of the Cranbrook Development Plan Document in respect of the potential content of the Plan.

**\*40 Local Plan update**

At the previous meeting the Service Lead – Strategic Planning and Development Management had advised the Committee that the Local Plan Inspector had given those that attended the housing sessions of the last Hearing the opportunity to comment on the latest housing papers. The deadline for receiving comments had now passed and these had been collated and sent to the Inspector.

At the Inspector's request, the Council had prepared and sent a table of main modifications to the Plan, primarily since the last Hearing session. A response was expected from the Inspector later that week with the main modifications which would be consulted on for six weeks. It was still hoped that the Inspector's final report would be received by the end of the year and that the Plan would be adopted in early 2016.

**\*41 Applications for Planning Permission and matters for determination**

**RESOLVED:**

that the applications before the Committee be determined as set out in Schedule 7 – 2015/2016.

**\*42 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 and referenced at Minute 159 in respect of the urgent item), is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B)..

**\*43 Appeal by way of judicial review – 15/0239/FUL, Orchard Cottage, The Avenue, Exton**

Members considered the Development Manager's report advising of an appeal by way of judicial review received against a decision taken on 16 June 2015 by the Development Management Committee to grant permission for the erection of a new dwelling on land east of Orchard Cottage, The Avenue, Exton (15/0239/FUL).

**RESOLVED:**

that the recommendation as set out in the confidential Committee report be agreed.

**Attendance list**

**Present:**

Committee Members

Councillors:

Cllr David Key (Chairman)

Mike Howe (Vice Chairman)

Mike Allen

David Barratt

Susie Bond

Colin Brown

Peter Burrows

Paul Carter

Matt Coppel

Alan Dent

Alison Greenhalgh

Chris Pepper

Mark Williamson

Officers

Ed Freeman, Service Lead – Planning Strategy and Development Management

Alison Hayward, Regeneration & Economic Development Manager

Chris Rose, Development Manager

Shirley Shaw, Planning Barrister

Hannah Whitfield, Democratic Services Officer

Also present

- Councillors:
- Megan Armstrong
- Paul Diviani
- Peter Faithful
- Geoff Jung
- Steve Hall
- Rob Longhurst
- Andrew Moulding
- Philip Skinner
- Pauline Stott
- Tom Wright

**Apologies:**

Committee Members

- Councillors:
- Steve Gazzard
- Simon Grundy
- Ben Ingham

Chairman .....

Date.....

## EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Standards Committee held at Knowle, Sidmouth on Tuesday, 29 September 2015

### Attendance list at the end of the document

The meeting started at 10.00am and ended at 10.30am

- \*1 Public speaking  
There were no questions asked.
- \*2 Minutes  
The minutes of the meeting of the Standards Committee held on 20 January 2015 were confirmed and signed as a true record. The Chairman welcomed the Committee and others present and invited everyone to introduce themselves.
- \*3 Declarations of interest  
There were none.
- \*4 Annual report 2014/15  
Members considered the review of the work of the Standards Committee during 2014/15, which outlined:
  - the key areas of work for committee members
  - the standards training
  - local review of our processes since the Localism Act 2011 changes
  - analysis of Code of Conduct complaints.

In response to a question from a member, the Monitoring Officer confirmed that a report on the Review of Public Speaking Arrangements was on the Forward Plan for the Standards Committee meeting on 26 January 2016, when the Service Lead – Planning would be invited to attend to.

It was noted that there was still future work required on the wording in the Code of Practice on planning matters, in respect of lobbying. The Monitoring Officer confirmed that this would be brought back to the Committee for its consideration at their January meeting.

The Chairman thanked the Monitoring Officer for his report.

**RESOLVED:** that the review of the 2014/15 year be noted.

- \*5 Complaint update  
The Committee considered and noted the report of the Monitoring Officer, which provided an update for the Committee on new Code related cases received since 1 May 2015. Members noted that there was one Sub Committee hearing to be arranged in the near future which it was suggested that new members may wish to attend to better understand the process and what to expect when asked to sit on Hearings Sub Committee.

**RESOLVED:**

that more detail be included in respect of the complaint outcomes in future complaint update reports to the Committee to enable Members to understand why a particular outcome had arisen.

\*6 Update on Member Welcome/Refresher Programme

The Democratic Services Manager presented a report on the Member Welcome Programme, which updated members of the Standards Committee on its on-going delivery following the May 2015 elections and noted the review processes in place.

In response to a request for any additional information/learning that should be provided in the January 2016-onwards Forward Programme for Member Development, Committee Members requested that consideration should be given to include a non-Councillor member of Standards Committee to inform and contribute within a Code/Standards learning session. The Democratic Services Manager reported that additional standards training could be added to the post January 2016 Member Development Programme.

In response to a question regarding Member appraisals for existing Councillors, the Democratic Services Manager reported that she was in the process of undertaking personal development review appraisals for Councillors elected in May 2015. When these had been completed, she would invite longer standing Councillors to attend a review. A Member Development Working Party would be held in November to which Standards Committee members were invited to attend.

Members wished to thank Democratic Services for their hard work in preparing and delivering the Member Development programme.

**RESOLVED:**

1. that the 6-month member welcome/refresher programme be noted (including the opportunities provided in respect of Code of Conduct and Standards);
2. that members of the Standards Committee be invited to a meeting of the Member Development Working Group meeting in November when feedback from the councillor questionnaire on the programme would be considered;
3. that an independent or parish co-opted member of the Standards Committee be invited to help deliver a Code of Conduct session for councillors and local council representatives in early 2016.

\* 7 Update on Officer roles and membership of the Committee

The Committee considered the report of the Monitoring Officer, which advised that certain co-opted members of the Committee would not be able to remain on the Committee after May 2016 and to seek the Committee's approval to commence recruitment for their replacement. The Monitoring Officer explained the process for recruitment and confirmed that the Interviewing Panel would consist of himself and the Chairman with possibly one other additional member of the Committee,. The Monitoring Officer advised that the Deputy Monitoring Officer was now in post and that both positions were there to advise Members on standards related issues.

The Chairman wished to thank Mr Ray Davison and Councillor Courtney Richards for their contribution to the work of the Standards Committee over the last 8 years.

**RESOLVED:**

1. that it be noted that one of the independent members and one of the town/ parish representatives will not be able to sit on the Committee after May 2016;
2. that authority be delegated to the Monitoring Officer to commence and progress the recruitment process for their replacement;
3. that it be noted that the Deputy Monitoring Officer role is carried out by the Principal Solicitor.

\*8 Forward Plan

The Committee noted the contents of the forward plan and future meeting dates.

The following items would be included for consideration at January's meeting:

- Whistleblowing policy
- Revised wording on lobbying in the Code of Practice on planning matters
- Review of public speaking arrangements and how the lobbying advice in the Code of Practice on planning matters works in practice
- Review of Code of conduct complaints procedure
- Complaints update
- Forward Plan

The following items would be included for consideration at March's meeting:

- Recording councillor attendance at meetings
- Review of the following:
  - Employee Code of Conduct
  - Relationship between officers and member protocol
- Complaints update
- Forward Plan.

**Attendance list**

**Present:**

Councillors:

Stuart Hughes (Chairman)

Graham Godbeer

Douglas Hull

Dawn Manley

Pauline Stott

Co-opted non-voting members:

Cllr Courtney Richards, Co-opted Parish/Town Council member

Ray Davison, Co-opted Independent member

David Mason, Co-opted Parish/Town Council member

**Also present:**

Alison Willan, Independent Person

Councillors:

Susie Bond – substitute Committee member

Roger Giles

Tom Wright

**Officers:**

Henry Gordon Lennox, Monitoring Officer and Strategic Lead - Legal, Licensing & Democratic Services

Anita Williams, Deputy Monitoring Officer and Principal Solicitor

Diana Vernon, Democratic Services Manager  
Chris Lane, Democratic Services Officer  
Wendy Harris, PA to Strategic Lead Legal & Monitoring Officer

**Apologies:**

Cllr Alan Dent – substitute Committee member  
Tim Swarbrick, Co-opted Independent member  
John Walpole, Independent Person

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

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Audit & Governance Committee held in the Council Chamber at Knowle, Sidmouth on 24 September 2015**

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

The meeting started at 2.30pm and ended at 4:25pm

**\*15 Chairman's welcome**

The Chairman welcomes everyone to the meeting.

**\*16 Public Speaking**

There was no public speaking.

**\*17 Minutes**

The minutes of the Audit and Governance Committee meeting held on 25 June 2015 were confirmed and signed as a true record.

**\*18 Declarations**

None

**\*19 Statement of Accounts 2014/15 and Governance Statement**

The Financial Services Manager read the Council's Statement of Accounts for 2014/15. Following the audit, some changes had been made to improve the presentation of the Accounts but no amendments had affected the Council's reported financial position. A report by the Council's external auditors Grant Thornton detailed the work carried out and the audit conclusions.

The report compared the final position on the Council's Accounts with the position presented to members in June in the Outturn Report.

**a) Financial Statements**

The Audit and Governance Committee had delegated responsibility to approve the Statement of Accounts. The Financial Services Manager outlined the detail of the Accounts and highlighted key financial points.

**b) Annual Governance Statement**

The Council was required to approve an Annual Governance Statement to accompany the Statement of Accounts. The report detailed the processes in place within the Council's governance framework and in compliance with its adopted Code of Corporate Governance. The Statement highlighted a number of issues identified, including;

- The Audit and Governance Committee continued to keep an eye on the process to be put in place in order to regularly monitor a 5-year land supply for strategic planning purposes.
- In 2014/15 the Council was involved in two significant projects which had associated risks; office relocation and the proposal for an ICT shared service arrangement with Exeter City Council and Teignbridge District Council.
- The 2013/14 Grant Thornton Audit Finding Report included three recommendations on the Council's asset valuation process. These had been addressed in the preparation of the 2014/15 Accounts.

- Recent Tribunal / ICO decisions have highlighted the impact to the Council of increasing Freedom of Information requests and the ability to deal with these requests in a timely manner.
- Council members and officers had been continually updated and advised on the implications of reviews of the effectiveness of the Council's systems of internal control. Plans had been devised and put in place to ensure continuous improvement.

**c) Letter of Representation**

Members were asked to endorse the letter to Grant Thornton in respect of the audit of the Financial Statements for the year ended 31 March 2015 confirming the Council's position, documents produced and the sound processes in place.

**d) Report to those charged with Governance**

Barrie Morris, Grant Thornton, presented the Council's external audit report, which highlighted key issues arising from the Council's financial statements for the year ending 31 March 2015. This set out the adjustments and corrections made to the Council's accounts because of the audit and a proposed plan of recommendations for further improvement. The Chairman asked that a report be provided by the Strategic Lead Finance on the 'significant matter' of cash in transit.

Grant Thornton, based on their work and having regard to the specified criteria published by the Audit Commission, had concluded that the Council had put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ending 31 March 2015. Barrie stated how impressed he was with the way local government; nationally and locally, was coping with the financial pressures they find themselves in. He praised East Devon District Council for being innovative by identifying ways to ensure it had a strong future.

Discussions on the sickness absence included the provision of flu jabs offered to staff.

The Chairman thanked Barrie for his report.

**e) Assessment of Going Concern Status**

This report informed the Committee of an Assessment of the Council as a 'going concern' for the purposes of producing the Statement of Accounts for 2014/15. The concept of a '*going concern*' assumes that an authority, its functions and services would continue in operational existence in the near future.

The main factors which underpin this assessment were:

- The Council's current financial position
- The Council's projected financial position
- The Council's governance arrangements
- The regulatory and control environment applicable to the Council as a local authority.

**RESOLVED:**

1. that Members approve the 2014/15 Statement of Accounts.
2. that the outcome of the assessment made of the Council's status as a 'going concern' for the purposes of the draft Statement of Accounts 2014/15 be noted.

**\*20 Internal Audit Plan – Review of 2015/16 Quarters 1 & 2 - SWAP**

Members considered the report of the Principal Auditor (SWAP). The Committee agreed the 2015/16 Internal Audit plan at its June 2015 meeting. This report was the update position at the end of Quarters 1 and 2.

The Chairman thanked Moya for her report.

**RESOLVED:**

that the content of the Internal Audit Progress Report be noted.

**\*21 Partnership Review Year end 2014/1**

The Partnership Review information for the 2014/15 financial year allowed the Committee to monitor the status of partnerships. This followed the year-end officers' review of partnerships for 2014/15.

There are currently 13 partnerships. All the partnerships were active and met at least three times annually, some more often. There were no major current budget issues with any of the partnerships although most received some funding from EDDC.

**RESOLVED:**

that the current status of partnerships until March 2015 be noted.

**\*22 Analysis of consultants' fees 2014/15**

The report detailed capital and revenue spend on consultants and specialist advice for 2014/15. Discussions included the possible recruitment of officers with specialist knowledge in order to cut costs of using consultants.

**RESOLVED:**

that the details of expenditure on consultants in 2014/15 be noted.

**\*23 5-Year Land Supply update**

The Chief Executive highlighted the report and the outlined methodology used to calculate the Council's five-year housing land supply position, detailing what evidence and information was used to inform the assessment and how it was calculated. The report explained the recent change in position; a 5-year land supply could now be demonstrated. The report considered the implications of this change in position and the current and future reporting and responsibility arrangements within the current structure.

There was positive feedback by members for this report. They wished to thank Ed Freeman, Service Lead, Planning Strategy and Development for his thorough report which contained a wealth of quality information.

**RESOLVED:**

1. that the summary of the methodology used to calculate the 5-year housing land supply position be noted.
2. that the proposed reporting arrangements detailed in the report be agreed.
3. that the appended Housing Monitoring Report which demonstrated the current data showed that the Council could demonstrate a 5-year housing land supply be noted.

4. that members acknowledge that the current 5-year housing land supply position was a material consideration, and that the local plan inspector was currently considering the SHMAA be noted.

**\*24 Audit and Governance Forward Plan**

Members noted the contents of the Committee Forward Plan for 2015/16.

**RESOLVED:**

that the Forward Plan be noted.

**Attendance list**

**Present:**

Councillors

Mark Williamson (Chairman)

Dean Barrow (Vice Chairman)

John Dyson

Steve Gazzard

Steve Hall

Ben Ingham

Bill Nash

Geoff Jung

David Barrett

**Apologies:**

Cllr Paul Diviani

Cllr Andrew Moulding

Cllr Ian Thomas, Portfolio Holder Finance

Beth Levi, Management Information Officer

**Officers:**

Mark Williams, Chief Executive

Simon Davey, Strategic Lead – Finance

Laurelie Gifford, Financial Services Manager

Amanda Coombes, Democratic Services Officer

Moya Moore, Principal Auditor, South West Audit Partnership (SWAP)

Barrie Morris, Director, Grant Thornton

Ashley Allen, Senior Audit Manager, Grant Thornton

Chairman .....

Date.....

## EAST DEVON DISTRICT COUNCIL

### Minutes of a Meeting of the Licensing & Enforcement Committee held at Knowle, Sidmouth on Wednesday, 26 August 2015

Attendance list at the end of the document

The meeting started at 9.30am and ended at 11.20 am

\*6 Minutes

The minutes of the meeting of the Licensing & Enforcement Committee held on 24 June 2015, were confirmed and signed as a true record.

\*7 Declarations of interest

Councillor Steve Hall

Minutes 8 and 9

Disclosable Pecuniary Interest – private hire licence holder

Councillor Brian Bailey

Minute 8 and 9

Disclosable Pecuniary Interest – hackney carriage licence holder

Councillor John O’Leary

Minute 8, 9 and 10

Disclosable Pecuniary Interest – personal licence holder

\*8 Committee update – Licensing Act 2003, Gambling Act 2005 and General Licensing

The Licensing Manager presented his report - the following issues were highlighted and discussed.

1. Licensing Act 2003

Appendix A to the report set out the number of applications received, licences issued, notices given and the number of hearings held since the last update report was referred to the Committee.

The report included examples of work undertaken by the service in compliance with the Licensing Act 2003. These included a review of high-risk premises within East Devon, routine checks of the Devon County Show temporary events notices and checks to ensure that the showground complied with the Act, chairing a de-briefing session for the Honiton Sausage and Cider Festival, attendance at a licensed premises following noise complaints and provision of advice.

The Licensing Manager gave additional detail on how noise issues at Westpoint would be addressed in the future to avoid complaints.

2. Gambling Act 2005

Appendix B to the report set out the number of applications received, licences issued and notices given since the last update report was referred to the Committee.

As a result of the programme of visits to licensing premises and other premises where gaming was permitted, only a few Gambling Act offences had been detected. The Licensing Manager gave examples of proactive work carried out by the service.

He expanded on the issue of unregulated gaming machines in Exmouth, which reflected a national problem. He explained that the suppliers of the machines claimed that the machines were not gambling machines but with the support of the Gambling Commission, EDDC had pursued the matter and proved that the machines in question had a programmable element of chance and were therefore gambling machines, requiring a licence.

In reply to a question, the Licensing Manger advised that it was general practice for the supplier to check that the appropriate licences were in place. The supplier had to have an operating licence, with conditions, issued by the Gambling Commission. The Licensing Manager added that the machines in question had been removed from the premises, as they were not compatible with the site's alcohol licence. The machines now in place were those that required 100% skill, with no element of chance.

The Chairman thanked the licensing officers for their astuteness and drive to protect the Council's reputation.

### 3. Taxis

Appendix C to the report set out the number of applications received and licences issued since the last update report to the Committee.

The service had continued to use an effective education-based enforcement and monitoring approach in respect of Hackney Carriage and Private Hire drivers and vehicles. The Licensing Manager advised that a proposed increase to the taxi licensing fees had been agreed by Council on 29 July. As legally required, the proposed increases had now been advertised with the intention of implementation from 1 October 2015. The proposed increase was 6% but as there had been no increase for 3 years, it amounted to 2% a year. The increase would enable the service to recover the costs of issue, administration, control and enforcement of the Private Hire and Hackney Carriage licensing process.

Future licences would run for a year from the month of being granted, this would avoid the current arrangement of two work-intensive periods because work on licence issue and renewal would be more evenly spaced throughout the year.

### 4. General Licensing

Appendix D to the report set out the statistics relating to animal, skin piercing, scrap metal dealer licensing, and registrations since the last update report to Committee.

Appendix E to the report set out statistics relating to street trading since the last update report to Committee.

The Licensing Manager outlined the Sidmouth Folk Week procedures in respect of the sea front pitches and their inspection. Feedback in relation to the street trading from the general public overall had been very positive this year.

Traditionally, the Council used a 'light touch' in relation to regulation of amplified music during the Festival. However, with an increasing diversity of music styles, (in

addition to folk), this approach was becoming inadequate. Feedback from residents, visitors and Festival organisers raised concern about the proliferation of amplification that reflected a trend away from the original roots of the Festival. Complaints in respect of amplification of music on the Esplanade would be addressed prior to the commencement of Folk Week next year through improved liaison between licensing officers and the environmental health team. However, the Council would be obliged to adopt a consistent approach to amplified music and this could affect the folk musicians as well.

#### 5. Consultations

The next taxi liaison meeting would be held on Thursday 29 October 2015 – all members of the Committee were invited to attend.

#### 6. Member Training

There had been a one-day training seminar for members on Monday 8 June 2015 - provided by Philip Kolvin, QC. Some informal training had been provided by the Licensing Manager at the last meeting of the Committee in June. Members were invited to remain after the close of this meeting for further informal training. This would cover taxi licensing and the relationship between legislation, statutory guidance and policy. Members were reminded of the importance of licensing specific training, as without this they would not be eligible to take part in a licensing hearing.

#### 7. Taxi and Private Hire deregulation

The Licensing Manager reported that three aspects of hackney carriage and private hire licensing relating to licence duration and sub-contracting would come into effect on 1 October 2015. These deregulations change the law to achieve the following:

Hackney Carriage and Private Hire Driver licences – standard duration of three years although application could be made for a one-year licence.

Private Hire Operator licences – standard duration of five years, again with the ability to apply for a one-year licence.

Private Hire vehicles: sub-contracting – changes to current legislation in relation to the sub-contracting of bookings from one private hire vehicle operator to another. The changes applied in England and Wales except in London or Plymouth where different legislation applied.

It was noted that the licensing authority could continue to carry out annual driver licence checks to ensure drivers were 'fit and proper persons'.

RESOLVED: that the report be noted.

- \*9 Licensing Act 2003 – to seek approval to consult on the draft Licensing Policy.

The report gave an update on the review of the Council's Licensing Act 2003 Policy and sought Committee approval to commence the consultation process on the draft policy – updated in the light of recent changes in legislation and experience since 2011 when the policy was last reviewed. The Council was legally required to review its licensing policy in respect of all licensing applications (sale of alcohol, provision

of regulated entertainment and the provision of late night refreshment) at least every five years – and therefore an amended policy had to be adopted by 7 January 2016.

The draft Statement of Licensing Policy was attached as Appendix B to the report. The Chairman recommended that the Committee read the document that provided useful background and information, for example in relation to how hearings were conducted. He said although the Committee did not need to know all of the detailed delegations to officers, a broad knowledge was helpful in respect of processes and decision-making. He said that the Council had a good reputation for successful mediation, which reduced the number of applications needing to be referred to sub-committee hearings. The Chairman reminded the Committee that it was required to consider the licensing issues only in respect of the applications.

All feedback from the consultation would be logged against the relevant paragraph within the policy, with a response from the licensing service. This would be reported back to the Committee for detailed consideration before being referred to Council for approval in December.

In response to a question, the Licensing Manager advised that nationally few licensing authorities imposed late night levies or early morning restriction orders as these were difficult to regulate in rural districts and any urban regulation would equally have to be imposed on rural businesses.

RESOLVED:

that the draft Statement of Licensing Policy (Appendix B) be noted and the Licensing Service be given approval to start the formal public consultation process required by legislation.

\*10 Gambling Act 2005 - To seek approval to consult on the draft Licensing Policy

The Licensing Manager presented a report, which updated the Committee on the review of the Council's Gambling Act 2005 Policy and sought approval to commence the consultation process on the draft policy, which had been updated in the light of recent changes in legislation and experience over the past three years.

Under the Gambling Act 2005, it is the responsibility of the Council to develop and publish a Statement of Gambling Policy. The published policy then provides the framework for all decisions on applications relating to the Gambling Act 2005 and the way the authority carries out its functions in relation to the legislation. The Council adopted the current policy on 31 January 2013 and a fresh policy had to be adopted by 31 January 2016.

The main proposed changes from the current policy were listed in the report – some of which had been brought in by the Gambling Commission - which gives some guidance on individual and operators licences, as the Commission is responsible for their issue. Licensing authorities were responsible for issuing premises licences but they would refer to the Gambling Commission's useful guidance.

One significant change was in respect of geographic profiles, which involved gathering and presenting information about the East Devon area and any particular areas of concern within the locality.

Other key changes included the requirement for applicants to include local risk assessments within their application submission. The policy would address the current trend of an increase in unregulated lotteries and raffles, which were the responsibility of the licensing authority, and private club gaming and club machine permits following the outcome of the Tesco's 'members' club decision.

In response to a question, the Licensing Manager advised that a licensing authority would not turn down a licence application just because the venue had not secured planning approval – co-ordinating the permissions was the responsibility of the applicant. If the licensing authority was satisfied that the required licensing principles had been met, permission could not be refused.

RESOLVED:

that the Licensing Service be given approval to start the formal consultation process on the Council's Gambling Act 2005 Policy as required by legislation.

\*11 Street Trading Consultation – Designation of Streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982

The Licensing Manager presented a report, which set out the background to the Street Trading arrangements (including in respect of 'prohibited' and 'consent' streets) within East Devon and the proposal to provide more flexibility to accommodate growing public support for street trading – including Farmers', French and Christmas markets - whilst allowing the Council to retain its control on the issue of Street Trading consents. If the whole of the district was re-categorised as a consent area, street trading consents would still be required and would enable the Council to consult on an application before making a decision. Therefore, although there would be more flexibility and control, this was not blanket consent.

The report also explained Cabinet's instruction that town and parish councils within the district be consulted on the proposals before it was considered by the Licensing and Enforcement Committee. The Licensing Manager was working with the Council's Economic Development Manager and the Council's Engagement and Funding Officer to finalise a consultation document and the consultation process to be adopted.

The intention was to widen the consultation process to interested parties. This would give an opportunity for some businesses to air their concerns or support. In answer to concerns raised about markets affecting local businesses, the Licensing Manager advised that it was generally accepted that markets attracted visitors. He gave Honiton as a positive example.

Licensing authorities were required to set their fees and charges to cover its costs but not make a profit. Therefore, it could not charge higher fees simply to bring charges in line with business rates paid by town centre outlets. Currently private land (over which the public had access) could be used for stalls and 'pop up' businesses without permissions. Having district-wide consent would mean that the licensing authority would have increased control, requiring an applicant to apply for specific consent, even on private land.

The Chairman advised that the Council would set up a sub-committee to consider applications for 'street trading' where the applications could not be agreed through mediation or delegation. It was possible that conditions attached could give better

control over traders and layout. Each application would be considered on its own merit.

In respect of food stalls, these were regulated by Environmental Health at source where checks were carried out and registered with the relevant local authority.

The Licensing Manager referred to the increased responsibility implied by any change in arrangements and resource implications. He advised that additional staff resource would be required particularly during the first year of the changed processes when initial resistance from traders was likely to be significant.

**RESOLVED:**

that the Committee authorise public consultation on a proposal to:

- (a) Rescind the Council's passed resolutions to designate streets as 'Prohibited Streets' and
- (b) Replace all previous resolutions designating 'Consent Streets' with a new resolution to designate all 'streets' in East Devon as 'Consent Streets' as defined in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. Meaning all roads, footways, service areas (as defined by section 329 of the Highways Act 1980), beaches or other areas to which the public have access without payment in East Devon would be designated as 'Consent Streets' for the purposes of Street Trading.

\*12 Any other business

**RESOLVED**

that the policy in respect of age of taxi vehicles initial registration be referred for consideration and possible review to the next meeting of the Committee.

**Attendance list**

**Councillors present**

Steve Hall (Chairman)  
Jim Knight (Vice Chairman)  
Megan Armstrong  
Brian Bailey  
Dean Barrow  
Matthew Booth  
Colin Brown  
John Dyson (part)  
Alison Greenhalgh  
Geoff Jung  
Cherry Nicholas  
John O'Leary

**Officers present**

John Tippin, Licensing Manager  
Richard Cohen, Deputy Chief Executive (part)  
Neil McDonald, Licensing Officer  
Giles Salter, Solicitor  
Steve Saunders, Licensing Officer  
Diana Vernon, Democratic Services Manager

**Apologies:**

**Councillors:**

Maddy Chapman  
Pat Graham

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

# EAST DEVON DISTRICT COUNCIL

## Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Wednesday, 5 August 2015

Present: Councillors:  
Jim Knight (Vice Chairman in the Chair)  
Maddy Chapman  
Pat Graham

Also present: Councillors:  
Steve Hall

Apology: Councillor  
John O'Leary

Officers: Douglas Jackson – Licensing Officer  
Chris Lane – Democratic Services Officer  
Giles Salter – Solicitor  
Steve Saunders – Licensing Officer

The meeting started at 9.30 am and ended at 12.05 pm.

### \*1 Minutes

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 22 April 2015, were confirmed and signed as a true record.

### \*2 Exempt Information

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

### \*3 Hackney Carriage Vehicle Suitability

Consideration was given to the report of the Licensing Officer which set out the District Council's policy that on initial licensing as a Hackney Carriage a vehicle should be no more than four years old from the date of first registration. Vehicles should not normally be licensed in the case of ordinary cars beyond eight years old and purpose built hackney carriages beyond ten years of age. Members were asked to consider licensing a vehicle as a hackney carriage which was 4 years and 5 months old. The vehicle was in good condition.

- RESOLVED** 1. that the application to licence a Vauxhall Insignia saloon registration number VO60OKZ as a hackney carriage vehicle, despite falling outside of the criteria required by East Devon District Council, be granted as an exception due to its good condition when presented to the Sub Committee for inspection. However, Members requested that due to some seat stains and general dirt, the vehicle be fully valeted and inspected by the Licensing Officers before a licence was granted;
2. that the Licensing & Enforcement Committee be requested to review the policy on hackney carriage vehicle suitability as it was now 21 years old and vehicle build quality had improved considerably in this period.

\*4 Exclusion of the Public

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

\*5 Hackney Carriage Driver's Licence Application

Consideration was given to whether an applicant was a fit and proper person to continue to be licensed as a 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 years for either/and/or dishonesty and violence. The overriding duty of the Sub Committee was protection of the public.

- RESOLVED** that, in consideration of the circumstances that members were made aware of at the meeting, Mr NA's Hackney Carriage Drivers application for a licence be refused. The circumstances were that he had been cautioned for soliciting another for the purposes of obtaining their sexual services as a prostitute in a street/public place on 25 May 2014, contrary to the Sexual Offences Act 2003 Sec 51A. It was considered that the applicant could not be trusted to carry vulnerable members of the public whilst carrying out duties as a hackney carriage driver.

Also the applicant had no employer, as a hackney carriage driver in the East Devon area, and lived in Bristol making it difficult to operate in East Devon as a hackney carriage driver.

In view of this set of circumstances it was considered that the applicant was not a fit and proper person to hold a hackney carriage drivers licence.

He was informed that he had 21 days right of appeal to the Magistrates Court.

- \*6 Hackney Carriage Driver's Licence Application  
Consideration was given to whether an applicant was a fit and proper person to continue to be licensed as a 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 years for either/and/or dishonesty and violence. The overriding duty of the Sub Committee was protection of the public.

**RESOLVED** that in consideration of the circumstances that members were made aware of at the meeting, Mr AB's Hackney Carriage Drivers licence be granted. It was considered that he was a fit and proper person to hold a hackney carriage drivers licence. He was reminded that as a hackney carriage driver he had a duty of care to the public. It was pointed out that if he was convicted on any further offences then he would have to make another appearance before the Sub Committee.

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 Wednesday, 19 August 2015

Present: Councillors:  
Steve Hall (Chairman)(Minutes \*5, & 6  
and 8 below only)  
Pat Graham  
Colin Brown(minute \*7 & 9 below only)  
John O'Leary

Apologies  
from Non  
Members of  
the Sub  
Committee: Councillor:  
Maddy Chapman

Officers: Douglas Jackson – Licensing Officer  
(Minute \*10 only)  
Chris Lane – Democratic Services Officer  
Giles Salter – Solicitor  
Neil McDonald – Licensing Officer (Minute  
\*8 only)  
Steve Saunders – Licensing Officer  
(Minute \*8 only)

The meeting started at 9.30 am and ended at 9.50 am.

- \*7 Minutes  
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 5 August 2015, were confirmed and signed as a true record.
- \*8 Declarations of interest  
Councillor Steve Hall  
Minute 50  
Disclosable Pecuniary Interest – private hire licence holder  
  
Councillor John O'Leary  
Minute 13  
Disclosable Pecuniary Interest – personal licence holder
- \*9 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.

- \*10 Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary

The Sub Committee gave consideration to an application for the grant of a premises licence where an agreed position had been reached and all parties had agreed that a hearing was unnecessary. The Chairman and Vice Chairman considered equality impacts when making their decision.

The Licensing Officer explained the background of the application and the negotiations that had been 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 the relevant statutory requirements.

**Name of premises and address:**

The Oddfellows, High Street, Exmouth, Devon, EX8 1NP.

**Agreed position reached by the parties:**

Following mediation the applicant, the Devon & Cornwall Constabulary and the Council's Environmental Health Service a local Councillor and three residents have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.

The application be approved as submitted subject to the following amendment and conditions:

1. Reduce the hours for licensable activities on a Wednesday and Thursday to 12 midnight with a 12:30am closing time.
2. The balcony will be closed to customers: Sunday – Thursday: 23:00 hours at the latest. Friday, Saturday and Bank Holiday Sundays: 01:30 hours at the latest.
3. The balcony will not be used for the purposes of Regulated Entertainment.
4. The terminal hour for off sales of alcohol will be 23:00 hours every day.
5. Customers will not be permitted into the garden with drinks Sunday – Thursday past 00:30 hours and on Fridays, Saturdays and Bank Holiday Sundays past 01:30 hours.
6. Regulated Entertainment indoors after 23.00 hours will be controlled by a sound limiter. The maximum noise levels will be set in agreement with the East Devon Environmental Health Service and will be reviewed from time to time as appropriate.
7. Door supervisors must be employed from 21:00 hours on a Friday and Saturday night (and on any other night when the premises are open for licensable activities past midnight) until the premises are closed and all customers have left.
8. Door supervisors will be used at a ratio of 1:100, with a minimum of two at any time.

9. A door staff register will be maintained at the premises to include details of date, name, SIA badge number and time on/off duty of all doorstaff.
10. CCTV must be installed, operated and maintained to the satisfaction of the Chief Officer of Police and Licensing Authority, subject to the ICO Code of Practice & relevant Data Protection Laws.
11. CCTV images must be retained for a minimum of 14 days and be produced on the request of the Police or Licensing Authority.
12. 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 must be informed immediately. Details of the malfunction must be recorded in the premises incident book.
13. Warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation.
14. All signs must comply with the requirements of relevant Data Protection laws.

\*11 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.

\*12 Hackney Carriage Vehicle Suitability

Consideration was given to the report of the Licensing Officer which set out the District Council's policy that on initial licensing as a Hackney Carriage a vehicle should be no more than four years old from the date of first registration. Vehicles should not normally be licensed in the case of ordinary cars beyond eight years old and purpose built hackney carriages beyond ten years of age. Members were asked to consider licensing a vehicle as a hackney carriage which was 4 years old on 1 August 2015. The vehicle was in good condition.

**RESOLVED** that the application to license a Hyundai car registration number BX11HRK as a hackney carriage vehicle, despite falling outside of the criteria required by East Devon District Council by 19 days, be granted as an exception due to its good condition and circumstances surrounding the application, when presented to the Sub Committee for inspection.

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

EAST DEVON DISTRICT COUNCIL  
Minutes of a Meeting of the Licensing &  
Enforcement Sub-Committee held at Knowle, Sidmouth on  
Wednesday, 26 August 2015

**Attendance list at the end of the document**

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

- \*13 Minutes  
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 19 August 2015, were confirmed and signed as a true record.
- \*14 Declarations of interest  
There were none.
- \*15 Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary  
The Sub Committee gave consideration to an application for the grant of a premises licence where an agreed position had been reached and all parties had agreed that a hearing was unnecessary. The Chairman and Vice Chairman considered equality impacts when making their decision.

The Licensing Officer explained the background of the application and the negotiations that had been 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 the relevant statutory requirements.

**Schedule:**

**Type of application:**

Application for the grant of a premises licence

**Name of premises and address:**

Broadhembury Memorial Hall, Broadhembury, Honiton, EX14 3NG.

**Agreed position reached by the parties:**

Following mediation the applicant and the Council's Environmental Health Service has agreed that it considers a hearing to be unnecessary if the following agreed position is approved.

The application be approved as submitted subject to the following amendment and conditions:

1. Reduce the hours for live and recorded music on Mondays to Thursdays to end at 12 midnight.
2. The licence holder must control the volume of regulated entertainment taking place at the premises, by the installation of a noise limiter, which shall be set by

and to the satisfaction of an Environmental Health Officer of East Devon District Council.

3. The licence holder must ensure that all doors and windows are kept closed during periods of regulated entertainment.

**Attendance list**  
**Councillors present**

Steve Hall (Chairman)  
Jim Knight

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

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

EAST DEVON DISTRICT COUNCIL  
Minutes of a Meeting of the Licensing &  
Enforcement Sub-Committee held at Knowle, Sidmouth on  
Wednesday, 9 September 2015

**Attendance list at the end of the document**

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

- \*16 Minutes  
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 26 August 2015, were confirmed and signed as a true record.
- \*17 Declarations of interest  
There were none.
- \*18 Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary  
The Sub Committee gave consideration to an application for the grant of a premises licence where an agreed position had been reached and all parties had agreed that a hearing was unnecessary. The Chairman and Vice Chairman considered equality impacts when making their decision.

The Licensing Officer explained the background of the application and the negotiations that had been 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 the relevant statutory requirements.

**Schedule:**

**Type of application:**

Application for the grant of a premises licence

**Name of premises and address:**

Pynes House, Upton Pyne, Exeter, EX5 5EF.

**Agreed position reached by the parties:**

Following mediation the applicant and the Council's Environmental Health Service has agreed that it considers a hearing to be unnecessary if the following agreed position is approved.

The application be approved as submitted subject to the following amendment and conditions:

1. Reduce the hours for live and recorded music on Mondays to Sunday to end at 23.00.
2. The licence holder must control the volume of regulated entertainment taking place at the premises, by the installation of a noise limiter, which shall be set by

Licensing & Enforcement Sub-Committee 9 September 2015  
and to the satisfaction of an Environmental Health Officer of East Devon District  
Council.

**Attendance list**  
**Councillors present**

Steve Hall (Chairman)  
Jim Knight

**Officers present**  
Neil McDonald, Licensing Officer  
Chris Lane, Democratic Services Officer

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

**EAST DEVON DISTRICT COUNCIL**  
**Minutes of a Meeting of the Licensing &**  
**Enforcement Sub-Committee held at Knowle, Sidmouth on**  
**Wednesday, 23 September 2015**

Attendance list at the end of the document

Please note that there was no recording of this meeting due to equipment failure.

The meeting started at 10.30 am and ended at 11.40 am

\*19 **Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 9 September 2015, were confirmed and signed as a true record.

\*20 **Application for the grant of a premises licence to allow the sale of alcohol off the premises at Spar Convenience Store., units 2-3 Ocean Blue, The Esplanade, Exmouth**

The Sub Committee gave consideration to an application for the grant of a Premises Licence to allow the sale of alcohol off the premises at Spar Convenience Store, Units 2-3 Ocean blue, The Esplanade, Exmouth.

The Sub Committee carefully considered the application for the licensable activities and the proposed hours of operation with a view to deciding whether the application promoted the licensing objectives, as required by the Licensing Act 2003. Government Guidance, the Council's own licensing policy and the Human Rights Act 1998 were also taken into account in making the 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 the town of Exmouth and its physical relationship with other residential and commercial properties in the vicinity.

The Sub Committee considered it relevant that no representations had been received from the police in relation to the Licensing Act objectives that had been the subject of representations, following mediation, which were, public safety, public nuisance, protection of children from harm. From this the Sub Committee concluded that the police did not consider that there were currently any significant problems associated with the current operation of the premises, or that there was likely to be if the application was granted.

At the start of the applicant's case, Counsel referred the Sub Committee to the background of the application. The applicants ran a family business; they already were the proprietors of a Budgens store in Exmouth. This was a well managed business. The applicants fully understood their responsibilities under the licensing act. The premise had undertaken test purchasing and an audit of its policies and had passed, with the applicants being shortlisted for retailer of the year. It was stated that the applicants' livelihood depended on their premises being well managed.

It was significant that the police had not made any representations.

The conditions under which the premise would be operated were as should be expected of a well managed business selling alcohol for off-sales; Digital CCTV system in line with local guidelines, automatic logs of refusal of sales, Challenge 25 proof of age policy and thorough staff training particularly relating to proxy sales.

The interested parties' case was from Mr Eastwood was on paper regarding public safety. The disposal of cans and bottles on The Esplanade linked to extended sale of alcohol.

Regarding the prevention of public nuisance, the application would provide an additional outlet for the sale of alcohol and the proprietor would be unable to prevent younger people from obtaining alcohol which could be purchased by an adult. Increased access to alcohol could lead to public nuisance.

Regarding the protection of children from harm, the proprietor would not be able to observe the users of alcohol, nor control its use where it is obtained by an older friend.

At the hearing Mr Eastwood added he was concerned for the increased use of alcohol and its use relating to nuisance and disturbance on the seafront. There were issues of nuisance in the town centre relating to drinking. A further premise in the location would cause alcohol nuisance to families and this could be disturbing to young children.

Counsel for the applicant then summarized the *Thwaites* case which centred on the supposition of the relation of alcohol to nuisance where there was no evidence of increased disturbance.

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, it was considered that the establishment would be well managed and controlled with good policies in place and adequate supervision from line management.

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

Whilst acknowledging the concerns expressed by the interested parties, the Sub Committee believed the concerns expressed in representations had been addressed by the hours of operation for the licensable activities and the conditions imposed which had been tailored to the size, characteristics and activities on the premises, and which the Sub Committee believe were necessary and proportionate.

**RESOLVED 1.**

that a grant of variation of the Premises Licence be made as follows:

- a) The extent of the areas within which the various activities will be permitted is as indicated by the legends on the applicants plan.
- b) Permitted hours for the various licensable activities will as set out in Appendix A.

the designated Premises Supervisor will be: Mrs Lucy Calland of 209 Exeter Rd Exmouth EX8 3DZ

**Attendance list**

**Councillors present:**

Steve Hall (Chairman)  
Brian Bailey  
Geoff Jung

**Apologies:**

Councillor Maddy Chapman

**Officers present:**

Giles Salter, Solicitor  
Neil McDonald, Licensing  
Chris Lane, Democratic Services

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