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**\*Cabinet minutes of the meeting on 5 October 2011 to follow under separate cover.**

# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of the Extraordinary Meeting of the Council held at Knowle, Sidmouth, on Wednesday, 27 July 2011**

### **Present:**

#### Councillors:

Peter Halse (Chairman)  
Frances Newth (Vice Chairman)

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

#### Honorary Aldermen:

Ron Mudge  
Dr Waterworth  
Tony Wilkinson

#### Officers:

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

### **Apologies**

#### Councillors:

David Atkins	John Jeffery
Ray Bloxham	Geoff Pook
Graham Brown	Steve Wragg

H A Margaret Rogers

The meeting started at 6.00 pm and finished at 6.33 pm.

**\*22 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 (Bob Peachey, Tony Reed, Mike Green, Vivienne Ash, Ann Liverton, Graham Liverton, Ray Franklin and Sara Randall Johnson) were proposed en bloc by Councillor Peter Halse and seconded by Councillor Frances Newth.

The nominees were each introduced by Councillors and the Chairman who made individual reference to the service they had rendered to the Council and their valued contribution. They were congratulated and presented with an Honorary Alderman scroll and medallion by the Vice Chairman and invited to address the Council.

**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:-

Vivienne Ash  
Ray Franklin  
Mike Green  
Ann Liverton  
Graham Liverton  
Bob Peachey  
Tony Reed  
Sara Randall Johnson

(The resolution was passed by not less than two-thirds of the Members of the Council voting thereon.)

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. All newly appointed Honorary Aldermen were given a standing ovation. In summary, the Chairman said that the Council would not see their like again.

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

**EAST DEVON DISTRICT COUNCIL**  
**Minutes of the Meeting of the Council held at**  
**Knowle, Sidmouth, on Wednesday, 27 July 2011**

**Present:**

Councillors:

Peter Halse (Chairman)

Frances Newth (Vice Chairman)

Mike Allen

Roger Boote

Peter Bowden

Graham Brown

Peter Burrows

Derek Button

Bob Buxton

Geoff Chamberlain

David Chapman

Maddy Chapman

Iain Chubb

Trevor Cope

David Cox

Deborah Custance Baker

Alan Dent

Paul Diviani

Christine Drew

Vivien Duval Steer

Jill Elson

Martin Gammell

Steve Gazzard

Roger Giles

Graham Godbeer

Pat Graham

Steve Hall

Tony Howard

Mike Howe

Stuart Hughes

Douglas Hull

John Humphreys

Ben Ingham

Stephanie Jones

Sheila Kerridge

David Key

Jim Knight

Andrew Moulding

John O'Leary

Helen Parr

Ken Potter

Philip Skinner

Pauline Stott

Peter Sullivan

Brenda Taylor

Ian Thomas

Graham Troman

Phil Twiss

Chris Wale

Mark Williamson

Tim Wood

Eileen Wragg

Claire Wright

Tom Wright

Honorary Alderman:

Ann Liverton

Graham Liverton

Ron Mudge

David Scott

Dr Waterworth

Tony Wilkinson

Officers:

Mark Williams, Chief Executive

Richard Cohen, Deputy Chief Executive

Denise Lyon, Deputy Chief Executive

Rachel Pocock, Corporate Legal & Democratic Services Manager

Diana Vernon, Democratic Services Manager

**Apologies**

Councillors:

David Atkins

Ray Bloxham

Graham Brown

John Jeffery

Geoff Pook

Steve Wragg

H A Margaret Rogers

The meeting started at 6.50 pm and finished at 8.00 pm.

**\*23 Opening prayer**

The Chairman introduced Reverend Cate Edmonds who opened the meeting with readings from the scriptures and a prayer.

**\*24 Public question time**

Sue Saunders, founder member of the Littlehams' Associations, Residents and Friends group (LARF), spoke of the value of community groups and volunteers. Although appreciating the difficult financial decisions that the Council had to make, she questioned the Council's policy of charging voluntary groups for use of Council-owned land. The Leader of the Council spoke in response, acknowledging the value of volunteers, and advising that he would discuss the issue with the Portfolio Holder – Environment and the Chief Executive.

Richard Eley, Chairman of the Sidmouth Chamber of Commerce, raised the issue of East Devon's car parking charges which were also of concern to the Exmouth Chamber. He advised that local traders had received complaints from customers and believed that the cost of car parking deterred visitors. He compared charges in East Devon with those in West Dorset where, he advised, charges had remained static for a number of years, trade had increased but car park revenue was similar to that of this council. In response the Portfolio Holder – Environment advised that the Council planned a major review of car parking charges and equipment across the district; the local Chambers of Commerce would be invited to comment. The Leader added that the Council's reliance on income streams could not be under-estimated. He confirmed that representations would be taken into account during the car park review together with information on charges made in other districts.

**\*25 Minutes**

The minutes of the annual meeting of the Council held 25 May 2011 were confirmed and signed as a true record. (The minutes of the ordinary meeting of the Council held on 13 April 2011 had been signed at the annual meeting but had been included in the minute book for ease of reference.)

**\*26 Customer Service Excellence Award**

The Chairman congratulated the Head of Environment and the Environmental Health Team for receiving the Customer Service Excellence Award.

**\*27 Long Service Awards**

The Chairman awarded Long Service Awards to the following East Devon District Council staff. He spoke of their individual careers and their valued contribution to the Council.

	Length of service	Section
<b>Tony Martin</b>	10 years	Civil Enforcement
<b>Diana Brown</b>	10 years	Electoral Registration
<b>Linda White</b>	20 years	Electoral Registration
<b>Janet Taylor</b>	20 years	Housing Needs
<b>Neil Brown</b>	25 years	Streetscene West

**\*28 Questions**

No questions had been submitted for consideration.

**\*29 Minutes of Executive Board and Committees**

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

Cabinet	Minutes	1-22,23-43
Development Management	Minutes	76-83,84-88,1-5
Planning Inspections	Minutes	11-12, 1-2
Audit and Governance	Minutes	1-8
Licensing & Enforcement	Minutes	1-4
Licensing & Enforcement Sub	Minutes	36-37,38-39,1-3,4-5,6-9

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

The Cabinet (minute 29) had noted or accepted the following Overview/Scrutiny Committees' recommendations with or without amendment.

Overview and Scrutiny Committee	Minutes	1-10
Housing Review Board	Minutes	66-80, 1-16

**Arising from consideration of the above minutes:-**a) Overview and Scrutiny Committee – 9 June 2011

Councillor Derek Button's apologies to be added to the list of apologies given for the meeting.

b) Development Management Committee – 14 June 2011

Councillor Derek Button had asked for his vote against the Broadclyst Old Baptist Church application to be recorded.

Councillor Peter Burrows to be added to the list of those present.

**\*30 Changes to Membership on Committees, Forum and Panels**

The proposed increase in membership of the Local Development Framework Panel was discussed. The opposition groups proposed that membership should be increased to 9 so that a third member of the opposition could be included on the Panel. The proposal was put to the vote and lost. It was then proposed that the membership be increased to 8 as set out on the agenda. This proposal was put to the vote and carried. Nominations for additional members were invited and put to the vote.

Councillor Mike Allen, Chairman of the Panel assured all Members that they were welcome to attend meetings of the Panel and could contribute to the debate. He reminded Members that the Panel did not have decision-making powers but rather brought forward recommendations for further consideration.

- RESOLVED**
- (1) that Councillors Alan Dent and Helen Parr be included as members on the Local Development Framework Panel; the membership being increased from 6 to 8 to provide a wider geographical spread of Panel members and to ensure that any absences or declarations of interest do not temporarily deplete the Panel to an unworkable size;
  - (2) that Councillors Mike Howe and Tom Wright replace Councillors Christine Drew and Phil Twiss on the East and Mid Devon Crime and Disorder Scrutiny Panel (Councillors Howe and Wright being current members of the Overview and Scrutiny Panel);
  - (3) that the Council representative on the Exeter Science Park Board of Directors be the Portfolio Holder – Economy;
  - (4) that the Council be represented on South West Council by the Leader (with the Portfolio Holder – Corporate Services being the deputy representative) – South West Councils had changed its structure and now required only one representative. The new structure also included a new Employers' Panel which replaced the previously separate South West Provincial Council.

**\*31 EDDC's Participatory Budgeting processes**

The Council's Section 106 Officer, Sulina Tallack, introduced and presented a DVD made by South West Councils on EDDC's Participatory Budgeting processes. She advised that Participatory Budgeting was a democratic and fair process. She explained the purpose of Section 106 agreements was to mitigate the impact of approved development and that monies were used to support the provision of local play/recreational services/facilities.

The best practice case study included on the DVD had been selected by South West Councils to showcase effective community engagement at neighbourhood level. The objective was to highlight excellent partnership working with communities and other service providers. The EDDC case study featured had been filmed at one of the Council's events at Millwey Rise in Axminster where residents voted on their new play area.

**\*32 Thelma Hulbert Gallery, Honiton**

The Council's Youth Champion introduced Angela Blackwell, Curator, who outlined the range of Youth activities at the Thelma Hulbert Gallery and showed a DVD of animations created by local schools at the Gallery.

Angela invited all Councillors to visit the Gallery and enjoy the exhibitions, refreshment area and shop.

The Chairman thanked Sulina and Angela for their informative presentations, their dedication and for the excellent work being carried out on behalf of local communities.

Chairman .....

Date.....

**EAST DEVON DISTRICT COUNCIL**  
**Minutes of a Meeting of the Cabinet**  
**held in the Council Chamber, Knowle, Sidmouth**  
**on Wednesday, 3 August 2011**

**Present:**

**Councillors:**

Paul Diviani (Leader/Chairman)  
Andrew Moulding (Vice Chairman)

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

**Also  
Present:**

**Councillors:**

Geoff Chamberlain  
Maddy Chapman  
Trevor Cope  
Vivien Duval Steer  
Martin Gammell  
Peter Halse  
Sheila Kerridge

Frances Newth  
Helen Parr  
Pauline Stott  
Phil Twiss  
Tim Wood  
Tom Wright

**Also  
present:**

**Officers:**

Mark Williams, Chief Executive  
Richard Cohen, Deputy Chief Executive  
Simon Davey, Head of Finance  
Simon Smale, Head of Environment  
Rachel Pocock, Corporate Legal & Democratic Services Manager  
Matt Dickins, Planning Policy Manager  
Diana Vernon, Democratic Services Manager

**Apologies**

**Councillors:**

Chris Wale

**Non-Cabinet  
Members:**

Derek Button  
David Chapman  
Alan Dent  
Steve Gazzard  
Steve Hall  
Stuart Hughes  
Mark Williamson

Denise Lyon, Deputy Chief  
Executive

The meeting started at 5.30 pm and ended at 6.05 pm.

\*44 **Public Questions**

The Leader welcomed all present; no questions were raised by members of the public.

\*45 **Declarations of interest**

No declarations of interests were made.

\*46 **Minutes**

The minutes of the meeting of the Cabinet held on 13 July 2011 were confirmed and signed as a true record, subject to Councillor Derek Button being included in the list of apologies given.

\*47 **Exclusion of the Public**

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

\*48 **Forward Plan**

The contents of the Forward Plan for the period 1 August to 30 November 2011 were noted. The Forward Plan format and content had been reviewed; the new version would be presented to the next meeting.

\*49 **Matters referred to the Cabinet**

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

\*50 **Minutes of the meetings of the Overview and Scrutiny Committees**

The Cabinet noted the minutes of the meeting of the Overview and Scrutiny Committee held on 7 July 2011.

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

**Overview & Scrutiny Cttee Minute 14** Mike Howe and Tom Wright had been proposed for membership of the East and Mid Devon Crime and Disorder Scrutiny Panel at the meeting of the Council on 27 July 2011; the proposal was accepted.

**O & S Min 16** that a report giving a simple breakdown of quantifiable costs associated with the shared working pursued with South Somerset District Council be provided to the Overview and Scrutiny Committee, to bring together information previously published.

**O & S Min 17** that the new management structure be noted.

**O & S Min 19** that the Overview and Scrutiny Committee forward plan be updated and reflect the work and scheduled meetings of the Task and Finish Forums.

\*51 **Financial monitoring report 2011/12 – Month 3**

Members considered the financial monitoring report presented by the Head of Finance. This gave a summary of the Council's overall financial position for 2011/12 at the end of month 3 (30 June 2011). He advised that the General Fund Balance was being maintained at or above the adopted level, that the Housing Revenue Account Balance was similarly being maintained at or above the adopted level (subject to the savings identified in the report being adopted) and that the Capital Reserve was sufficient to balance this year's Capital Programme.

However, as at previous meetings, the Head of Finance advised that there was insufficient funding for future Capital Programmes based on current spend levels. The Financial Strategy which would be referred to the Cabinet's next meeting would include possible options/actions to support a Capital Programme beyond the current financial year.

- RESOLVED**
- (1) that the variances identified as part of the Revenue and Capital Monitoring process up to Month 3 be noted with no action recommended other than that set out in (2) below;
  - (2) that savings identified by the Head of Housing in order to bring the Housing Revenue Account Balance back to the recommended level be agreed.

**REASON** To keep the Council's finances under monthly review, including considering whether any corrective actions were required. The savings identified by the Head of Housing would bring the Housing Revenue Account Balance back to above the recommended level and allow for unforeseen expenditure.

\*52 **Maximising the local economic benefits from the Growth Point development programme**

Members considered the report from the Exeter and East Devon Growth Point Team presented by the Deputy Chief Executive, Richard Cohen. The report set out the five major strategic developments planned in the West End of East Devon and their economic benefits:

- Cranbrook new community
- Exeter Science Park
- Skypark
- Inter-Modal Freight Terminal
- Further expansion of Exeter International Airport

Members were reminded that around £90m public sector investment had been secured to help deliver these projects and that it was anticipated that this would help attract over £1bn private sector investment over the next 15 to 20 years. Economic benefits would include potentially 10,000 new jobs across a broad range of different sectors over time.

Members were asked to consider two initiatives detailed in the report which would help to maximise local economic benefit from the development programme, namely:

1. A local procurement portal
2. An apprenticeship, employment and training programme to address skills shortages for the construction phase of the Growth Point developments.

**\*52 Maximising the local economic benefits from the Growth Point development programme**

The local procurement portal would initially serve the Growth Point but had potential to expand to benefit the wider East Devon area. It was anticipated the Council's Procurement Officer would provide valuable input. The East Devon Business Forum would be invited to consider ways of increasing employer awareness of the portal and its potential.

The apprenticeship, employment and training programme would provide a welcome opportunity for young people to develop the necessary skills to take advantage of the range of construction jobs that were already being created in the Growth Point Area. The Deputy Chief Executive assured Members that as well as Bicton and Exeter colleges being partners to the scheme, local education institutions were being made aware of the scheme and opportunities available.

- RESOLVED**
- (1) that the local procurement portal and National Skills Academy for Construction initiatives be endorsed;
  - (2) that the next steps for establishing the portal and construction academy approaches be noted.

**REASON** To maximise the local economic benefits flowing from the development programme that can be delivered in a cost effective manner. The initiatives will build on the established track record of partnership working in the Growth Point area.

**\*53 Homelessness Strategy 2008/2013 – up-date**

The Portfolio Holder – Sustainable Homes and Communities presented the report of the Head of Housing outlining progress made so far in implementing the approved Homelessness Strategy action plan and highlighting the improved performance of the housing advice, options and homeless prevention service, together with other significant homeless issues. She emphasised the value of investment made in implementing steps to prevent homelessness, including advice and positive help.

Members recognised the importance of having a robust Homelessness Strategy and systems in place to tackle homelessness particularly during times of recession. The Portfolio Holder congratulated the housing team for their efforts and the results achieved.

- RESOLVED**
- (1) that the progress made on the implementation of the EDDC Homelessness Strategy 2008/2013 be noted;
  - (2) that the developments and improvements in the Homelessness and Housing Options Service be endorsed.

**REASON** To keep the Homelessness Strategy under review to ensure that it continued to effectively address homelessness issues.

**\*54 Dog Control Order**

Members considered the report of the Head of Environment in respect of the Dog Control Order to exclude dogs from part of the Winter's Lane Playing Field in Ottery St Mary, previously agreed by Council. Members were advised that Ottery St Mary Town Council had now reconsidered the matter and issues around the location of the access to the exercise area and the perceived impact of the area itself on local residents, and now requested that the Order was not now made.

In response to concerns raised by the Cabinet, the Head of Environment advised that the Winter's Lane Playing Field was generally well 'policed' by local dog walkers but gave assurances that the standard of cleanliness would be kept under review by his team.

The cost of disposal of dog waste and alternative solutions would be considered by the Recycling and Refuse Partnership Board.

**RESOLVED** that no Dog Control Order excluding dogs from Winter's Lane Playing Field in Ottery St Mary be made.

**REASON** To meet the request from Ottery St Mary Town Council.

**\*55 Exemption from Standing Orders – up-date to Town Centre Health Check and Retail Study**

Members considered the report of the Planning Policy Manager seeking approval for an exemption from Standing Orders in order to appoint consultants to undertake an up-date to the East Devon Retail Study of 2008 for the reasons given in the report.

**RESOLVED** that the request for an exemption under Standing Order 1.13 to enable the appointment of GVA to up-date the Town Centre Health Check and Retail Study be approved, with delegated authority being given to the Head of Economy to define the precise nature of the work up to a maximum cost of £10,000.

**REASON** Up-to-date evidence base on retail and town centre health issues was required to define and defend planning and economic policy. It was justifiable to appoint the firm which carried out the 2008 study to undertake the up-date based on their past experience, sound knowledge of the local retail scene and proven quality of their work.

\*56 **Exemption from Standing Orders – Local Development Framework  
Habitat Regulations Assessment**

Members considered the report of the Planning Policy Manager seeking approval for an exemption from Standing Orders in order to appoint consultants to provide essential evidence for the preparation and mandatory Habitat Regulations Assessment of the Local Development Framework Core Strategy Development Plan Document. The reasons for the preferred consultants were given in the report.

**RESOLVED** that the request for an exemption under Standing Order 1.13 to enable the appointment of Footprint Ecology to complete the work described in the report be approved, with delegated authority being given to the Head of Economy to define the precise nature of the work.

**REASON** To obtain the necessary analytical and recommendatory evidence to ensure compliance with the requirements of the Habitat Regulations regarding the preparation of the Local Development Framework Core Strategy. It was justifiable to appoint the named consultants due to their experience of working with the Council and its partners, the proven quality of their work and the need to meet the tight time frame.

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

**EAST DEVON DISTRICT COUNCIL**  
**Minutes of a Meeting of the Cabinet**  
**held in the Council Chamber, Knowle, Sidmouth**  
**on Wednesday, 7 September 2011**

**Present:**

**Councillors:**

Paul Diviani (Leader/Chairman)  
Andrew Moulding (Vice Chairman)

Iain Chubb  
David Cox  
Jill Elson  
Graham Godbeer  
Stephanie Jones  
Chris Wale

**Also  
Present:**

**Councillors:**

Roger Boote  
Peter Bowden  
Bob Buxton  
Geoff Chamberlain  
Deborah Custance Baker  
Vivien Duval Steer  
Martin Gammell  
Steve Gazzard  
Steve Hall

Mike Howe  
Frances Newth  
Helen Parr  
Geoff Pook  
Pauline Stott  
Phil Twiss  
Tim Wood  
Tom Wright

**Also  
present:**

**Officers:**

Mark Williams, Chief Executive  
Richard Cohen, Deputy Chief Executive  
Denise Lyon, Deputy Chief Executive  
Simon Davey, Head of Finance  
John Golding, Head of Housing  
Karen Jenkins, Corporate Organisational Development Manager  
Rachel Pocock, Corporate Legal & Democratic Services Manager  
Diana Vernon, Democratic Services Manager

**Apologies**

**Councillors:**

Ray Bloxham  
Ian Thomas

**Non-Cabinet  
Members:**

Trevor Cope  
Alan Dent  
Peter Halse  
Jim Knight  
Mark Williamson

The meeting started at 5.30 pm and ended at 7.35 pm.

**\*57 Public Questions**

No questions were raised by members of the public.

**\*58 Declarations of interest**

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Cllr Paul Diviani	64	Personal	Personal business dealings with Investec

**\*59 Minutes**

The minutes of the meeting of the Cabinet held on 3 August 2011 were confirmed and signed as a true record.

**\*60 Exclusion of the Public**

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

**\*61 Forward Plan**

The contents of the Forward Plan for the period 1 September to 31 December 2011 were noted and minor amendments made. The Forward Plan format and content had been reviewed since the last meeting of the Cabinet; the intention was to ensure that the document clearly reflected the Council's key priorities.

In answer to a request for an up-date on the proposed 4<sup>th</sup>/5<sup>th</sup> tier restructure, the Chief Executive advised that this would largely be dealt with during the budget setting process.

**\*62 Matters referred to the Cabinet**

There were no matters referred to the Cabinet by the Overview and Scrutiny Committee or the Council. The meeting of the August Overview and Scrutiny Committee had been cancelled; the minutes of the meeting of 1 September 2011 would be referred to the next meeting of the Cabinet.

**\*63 Recycling and Refuse Partnership Board Minutes**

Members received and noted the minutes of the meeting of the Recycling and Refuse Partnership Board held on 10 August 2011.

The Portfolio Holder – Environment and Chairman of the Partnership Board gave Members details of the imminent Beer Road-show Day when the cardboard and plastic bottle pilot scheme would be launched. The Portfolio Holder – Finance drew Members' attention to the findings of the Accountancy and Audit Review which concluded that the Council had achieved value for money through its recycling and refuse initiative. There had been a significant increase in recycling rates.

\*64 **Treasury Management – Investments Portfolio review**

The report of the Head of Finance set out the performance of the Council's investment portfolio. Since 1988, the Council had engaged Investec Asset Management to manage its portfolio of medium to long term investments. The report reminded Members of the agreed Annual Treasury Management Strategy which had the over-riding objective for all investments of minimising risks whilst maximising returns.

Investec had been invited to the meeting to give a presentation on their performance on behalf of the Council and their future proposals. Andrew Farrell, Investec's Investment Fund Manager advised on overall performance since 1988 and gave details of the Council's current portfolio and recent performance within a global context. He anticipated modest growth in the near future but advised that returns could be increased by diversification of the Council's investment portfolio to include corporate bonds and use of derivatives.

The Leader thanked Mr Farrell for his enlightening presentation. He recognised the importance of the Council being able to respond quickly to changes in the financial market.

Members discussed the advantages of exploring financial manager options and the need for the Council's portfolio to be managed proactively whilst minimising risk.

- RESOLVED**
- (1) that a full review of options available be carried out with the Treasury Management external investment contract being put out to competitive tender;
  - (2) that the Chief Executive in consultation with the Head of Finance be given delegated authority to appoint a specialist consultant to prepare the tender document and analyse results when returned.

**REASON** The Cabinet considered it appropriate to review the current external fund arrangements.

65 **Financial Strategy (2012 onwards)**

Members considered the report of the Head of Finance together with the proposed Financial Strategy for 2012 onwards. The Strategy would provide a financial framework for the way the Council would structure and manage its finances over the next five years to reflect its priorities. Members noted that the Strategy included the five year Medium Term Financial Plan which set out detailed assumptions and estimates as the basis for financial projections and to help determine future direction. A prudent approach had been adopted but Members were reminded that the budget planning process involved uncertainties and that these were increasingly difficult to predict over a longer period. Members were aware of future revenue and capital budget shortfalls and the need for action in this respect was acknowledged.

Members were reminded that the Council had delivered a balanced budget in the current year through taking positive steps before the budget was agreed in February 2011. It was predicted that there would be annual shortfalls in the revenue budget which would be addressed through the budget process. The report set out suggested ways of meeting this shortfall over the next 5 years. This included procurement efficiencies, better use of technology, asset management savings and changes to the planning charging rates. The latter would achieve savings in year one (2012/13).

65 **Financial Strategy (2012 onwards) cont/..**

The key message in respect of the Revenue Budget was that resources were very tight and the budget could only be balanced through making savings and increasing income.

The core Capital Budget had already been approved. This reflected a minimal programme to meet immediate needs. The Cabinet recognised that some borrowing to invest would be necessary.

**RECOMMENDED** that the Financial Strategy (2012 onwards) be adopted.

**REASON** Members recognised that it was good practice in managing Council finances to produce a Financial Strategy that looked at the future direction of the Council's budgets. This included spending plans and allocation of resources to reflect Council priorities. Looking at the budget over a longer period enabled action to be taken to influence the direction and shape of future service delivery.

**Note:** A future report will reflect amendments to the Medium Term Financial Plan model with the increase in planning tariff being shown as a saving in year one of the Plan only - not year-on-year.

\*66 **Financial monitoring report 2011/12 – Month 4**

Members considered the financial monitoring report which gave a summary of the Council's overall financial position for 2011/12 at the end of month 4 (31 July 2011). Current monitoring indicated that

- The General Fund Balance was being maintained at or above the adopted level.
- It was estimated that the Housing Revenue Account Balance would be maintained at or above the adopted level. (However the Portfolio Holder – Sustainable Homes and Communities raised concern about future funding shortfall due to changes in Supporting People arrangements and welfare reform which could effectively cut benefits and would impact on the HRA).
- There was sufficient Capital Reserve to balance this year's Capital Programme.
- Income from car parking and the Thelma Hulbert Gallery was below budget and reflected a trend which required further analysis.

**RESOLVED**

- (1) that the variances identified as part of the Revenue and Capital Monitoring process up to Month 4 be noted;
- (2) that in respect of the Thelma Hulbert Gallery's expected income shortfall, further information be provided to the Cabinet to enable analysis of trends, to consider future options and to review the Gallery Business Plan;
- (3) that close monitoring be undertaken of car park income, with the Cabinet being kept up-to-date.

**REASON** To keep the Council's finances under monthly review, including considering whether any corrective actions were required; car parking and the Thelma Hulbert Gallery income trends had raised concerns.

**\*67 Proposal to increase Land Charges fees to recover a proposed investment in information technology**

Members considered the report of the Corporate ICT Manager in respect of a requirement to replace the main IT system used within Land Charges to improve customer service, achieve efficiencies of working and reduce running costs. The report set out the proposed new software details, costs savings and benefits and recommended that the cost be met by raising search fees. This would achieve recovery of the capital investment within 18 months.

The Cabinet was asked to consider waiving the usual Standing Order requirement for three tenders due to the benefits of using the specified software.

- RESOLVED**
- (1) that Land Charges fees be increased as set out in the report to fund the IT investment,
  - (2) that exemption be made to Standing Orders on procurement of systems to allow the selection of IDOX in order to realise the benefits outlined in the report.

**REASON** To enable the Land Charges section to be more efficient in order to stay competitive in the market.

**\*68 Performance monitoring report until July 2011**

Denise Lyon presented the performance information for the 2011/12 financial year until July 2011.

The information indicated that all measures showed satisfactory performance, with the Benefits Team showing outstanding performance.

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

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

**69 Review of Polling Districts, Polling Places and Polling Stations**

Members considered the report of the Electoral Services Officer in compliance with a requirement of the Electoral Administration Act 2006 (Section 16) which required each authority to carry out reviews of Polling Districts, Polling Places and Polling Stations.

- RECOMMENDED**
- (1) that all East Devon Polling Districts remain unchanged;
  - (2) that all East Devon Polling Places remain unchanged;
  - (3) that East Devon Polling Stations remain unchanged with the exception of the venues currently used at the East Devon Business Centre and the three Polling Stations in Exmouth for the reasons given in the report.

69 **Review of Polling Districts, Polling Places and Polling Stations cont/..**

- REASON**
- No reason was found to recommend the alteration of boundaries within the district of East Devon as there were no significant changes to population distribution;
  - The definition of Polling Places as laid down was sufficient to cover all requirements under the Electoral Administration Act 2006;
  - Submissions by Parish and Town Councils, Parish and Town Clerks, Presiding Officers at each Station and advice tendered by disability access groups recommend changes to specific Polling Stations.

\*70 **Exclusion of the Public**

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

\*71 **Appointment of barristers – waiver of Contract Standing Orders**

Members considered the report of the Corporate Legal and Democratic Services Manager seeking the Cabinet’s ratification for waiving Contract Standing Orders to select an individual barrister based on their track record without seeking three written quotations due to the tight timetable in respect of specified public local inquiries.

**RESOLVED** that Contract Standing Orders be waived to ratify the appointment of counsel for the forthcoming public inquiries, referred to in the report, without the requirement for three quotations.

**REASON** To support the need to quickly secure representation at the forthcoming inquiries.

\*72 **Exemption from Standing Orders – former Otterton public conveniences**

Members considered the report of the Principal Estates Surveyor seeking approval for an exemption from Standing Orders to appoint Clinton Devon Estates’ preferred agent to expedite the marketing of the former Otterton public conveniences for the reasons given in the report.

**RESOLVED** that exception from Standing Orders be approved to enable the appointment of Harrison Lavers and Potbury to act on behalf of the Council in the disposal of the former Otterton Public Convenience site.

**REASON** To enable the Council to appoint the preferred agent of Clinton Devon Estates for the reasons given in the report. .

**\*73 Exemption from Standing Orders – Office re-location**

Members considered the joint report of the Principal Estates Surveyor and Richard Cohen, Deputy Chief Executive seeking approval for an exemption from Standing Orders to appoint consultants to expedite the commencement of the relocation project for the reasons given in the report. The consultants would refresh and up-date the work carried out on the project last year.

- RESOLVED**
- (1) that the request for an exemption to Contract Standing Orders in respect of the appointment of Kensington Taylor to assist with the commencement of the Office re-location project be approved;
  - (2) that Kensington Taylor be appointed to undertake the work detailed in the report, with delegated authority being given to the Deputy Chief Executive to define the precise nature of the work up to the maximum cost specified in the report.

**REASON** To expedite the commencement of the relocation project and make most of time and efficient use of existing experience.

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

**EAST DEVON DISTRICT COUNCIL**  
**Minutes of a Meeting of the**  
**Overview and Scrutiny Committee held**  
**at Knowle, Sidmouth on 7 July 2011**

<b>Present:</b>	<b>Councillors:</b> John Humphreys (Vice-Chairman in the Chair) Mike Allen Peter Bowden Peter Burrows David Chapman Deborah Custance Baker Vivien Duval Steer Mike Howe	Sheila Kerridge John O'Leary Brenda Taylor Graham Troman Tim Wood Eileen Wragg Tom Wright
	<b>Officers:</b> Debbie Meakin – Democratic Services Officer Mark Williams - Chief Executive	
<b>Also Present</b>	<b>Councillors:</b> Bob Buxton Iain Chubb Trevor Cope Jill Elson Steve Hall Steve Gazzard Pauline Stott Christine Drew	Frances Newth Ray Bloxham Tony Howard Andrew Moulding Stephanie Jones Paul Diviani Peter Halse Phillip Skinner
<b>Apologies:</b>	<b>Committee Members:</b> Graham Brown Roger Giles Stuart Hughes David Key Claire Wright	<b>Councillors:</b> Derek Button Geoff Chamberlain Douglas Hull Steve Wragg

The meeting started at 6.30pm and ended at 8.11pm.

**\*11 Chairman Opening Remarks**

The Chairman gave Councillor Stuart Hughes apologies and the Committee agreed for Councillor Tim Wood to act as Vice-Chairman for the meeting. He reminded Members of the Overview and Scrutiny training being held at the close of the meeting.

**\*12 Public Question Time**

There were no questions from the public.

**\*13 Declarations of Interest**

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Mike Allen	16	Personal	Employed by South Somerset District Council

**\*14 Urgent Item – Membership of East and Mid Devon Crime and Disorder Scrutiny Panel**

The Chairman allowed an urgent item to be brought forward to deal with the Membership of the Scrutiny Panel. Debbie Meakin, Democratic Services Officer, reminded Members of the Panel's work scrutinising the work of the East and Mid Devon Community Safety Partnership. Since agreement at Annual Council, it had come to light that two existing members of the Panel are not members of the Overview and Scrutiny Committee, which is a requirement of the protocol of the Panel. Two Members volunteered, citing experience in the field.

**RESOLVED** that Councillors Mike Howe and Tom Wright be proposed at Council for membership of the East and Mid Devon Crime and Disorder Scrutiny Panel.

**\*15 Cabinet Agenda**

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

**\*16 Review of the Joint Integration Committee**

The Chief Executive presented his report, in response to the request for a review at the previous meeting of the Committee.

The report outlined the lifetime of the Joint Integration Committee (JIC) from the adopted recommendation on 9 December 2009 to explore formal working with South Somerset District Council to the last scheduled, but cancelled, meeting of 28 October 2010. The report outlined the estimated £3.792m net shared saving for the two authorities if the Strategic Alliance Programme Plan had been implemented.

The Chief Executive updated the Committee on a planned meeting between the Leaders of the Councils on 11 July 2011 to review the sharing to date. Both authorities appeared content with a shared Chief Executive. He also outlined the shared Emergency Planning Officer; and the possible review into treasury management for EDDC, due to SSDC producing a better return using in-house management of funds.

A concern was expressed that the report did not show all the costs involved (such as those relating to redundancy costs for the former SSDC Chief Executive).

**\*16 Review of the Joint Integration Committee (continued)**

The Chief Executive reminded Members that the information had been previously detailed at Executive Board and full Council. The redundancy cost in question had been 40% to EDDC at approximately £165,000 with payback of 28 – 29 months over the maximum five year term of the shared Chief Executive post. He outlined, as set out in his report, his guidance to officers not to spend undue time on the work for the JIC, including minimal meetings with opposite numbers at SSDC to identify how each service was run, test against each authority and prepare the business plan for a shared service.

The debate also covered:

- Advantages in a shared Chief Executive being able to assess good practice and apply to other authority;
- Consider joint consultation responses for better impact;
- DCLG guidance that sharing approach welcomed for efficiencies and good practice;
- Shared business plan work helped shaped the proposals for the last budget;
- Learning about SWAP from SDDC an advantage to enable a cost effective audit provision;
- LED discussions with SSDC led to them running the Goldenstones Swimming Pool complex at Yeovil;
- Other sharing that was being considered was minimal but covered ICT infrastructure potential savings along with DCC involvement; and procurement.

The Leader confirmed his scheduled meeting with the new Leader of SSDC and assured Members he would convey Members' view to date. He also explained that Exeter City Council were more inclined to discuss working with the Council, in light of projects such as the New Growth Point and Cranbrook. He was satisfied with the assurances that the Chief Executive gave and encouraged Members, in light of this being a new Council with a new membership, to move forward on the matter.

**RESOLVED** that a report covering a simple breakdown of quantifiable costs associated with the shared working pursued with SSDC be provided to the Overview and Scrutiny Committee, to bring together information previously published.

**\*17 New Management Structure**

The Chief Executive outlined the new Management Structure, using the South Somerset District Council departmental structure as a comparison. He enlightened Members of his rationale for the structure, based on moving away from a silo culture and on the positive experience of the then Corporate Director Denise Lyon working on systems thinking reviews without direct line manager responsibility but with authority to “pull” on officers as required. The Deputy Chief Executives, working with the Chief Executive, are preparing a document, the Draft Corporate Projects Timetable, to fit alongside the Cabinet forward plan, that shows the projects underway and how they relate to the Heads of Service and the Council's objectives. Heads of Service had responded well to the new structure, taking into account how their service related to the wider project work and direction of the Council.

\*17 **New Management Structure (continued)**

Members discussed how reporting would work with the new structure, using the Exmouth Regeneration Board as an example, to pull officers as needed for focused project work whilst carefully managing the day-to-day workload.

Members also discussed:

- Production of a management responsibility guide which demonstrates how each of the Strategic Management Team relate to each other;
- Concerns about “pulling” officers from day to day service delivery for project work and care in not adversely impacting on service delivery;
- Suggestion to add another line in management structure to link the two Deputy Chief Executives;
- New structure allows flexibility and to be response to new projects and changing customer demand.

In answer to a question, draft proposals for tiers four and five management had been prepared and would be brought to Members in due course.

**RESOLVED** that the new Management Structure be noted.

\*18 **Update from Portfolio Holder for Corporate Business**

The Chairman welcomed Councillor Ray Bloxham, Portfolio Holder for Corporate Business to the meeting to update the Committee on his work to date and his future vision.

Councillor Bloxham followed up on the earlier item on the Management Structure to show how the seven Portfolio Holder remits were aligned to the Management Team, and in turn how the Member Champions related to the Portfolios. The rationale behind the change, with three Portfolios operating on a strategic level, was to look across the Council as a whole and move away from silo working to improve delivery.

Current work of the Corporate Business Portfolio Think Tank covered a review of the Corporate Strategy – working up proposals to present to Cabinet, followed by a period of consultation with the public and stakeholders. He also outlined his current concerns about customer satisfaction generally with planning, outside of the established customer being the applicant; and how to improve the release of section 106 funds for communities. Future work would include looking at what sort of authority did the Council aspire to be, and what affects the Council’s reputation.

Members discussed various local issues with section 106 funds, and the helpful discussion was welcomed by the Portfolio Holder. The issues around the terms of the section 106 agreement were debated and the Chief Executive highlighted some of the areas that had to be clearly negotiated.

The Chairman thanked the Portfolio Holder for updating the Committee.

\*19 **Forward Plan**

Members were updated on additions to the Forward Plan since the agenda was published, which would be reflected in an updated version on the next agenda. Portfolio Holders will be contacted to secure meeting dates for providing updates on their work.

Members learnt that four Task and Finish Forums had been set up, two from the Housing Review Board. The dates of meetings for the Leisure East Devon TaFF and the Ward Member satisfaction with the planning service TaFF were provided. Councillor Peter Bowden outlined the scope for the planning TaFF and the reasons for scoping, at the present time, to the Ward Member involvement in the planning process.

A request was made for the scope of a future Health review to include how the withdrawal of PCT funding would impact on the voluntary sector.

**RESOLVED** that the Overview and Scrutiny Forward Plan be updated and reflect the work and scheduled meetings of the Task and Finish Forums.

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

**EAST DEVON DISTRICT COUNCIL**  
**Minutes of a Meeting of the**  
**Overview and Scrutiny Committee held**  
**at Knowle, Sidmouth on 1 September 2011**

**Present:**

**Councillors:**

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

**Officers:**

Denise Lyon – Deputy Chief Executive and Monitoring Officer  
Debbie Meakin – Democratic Services Officer

**Also Present**

**Councillors:**

Christine Drew	Paul Diviani
Iain Chubb	Pauline Stott
Jill Elson	Phil Twiss
	Tim Wood

**Apologies:**

**Committee Members:**

Graham Brown  
Peter Burrows  
Brenda Taylor  
Claire Wright

**Councillors:**

Ray Bloxham  
Geoff Chamberlain  
Trevor Cope  
Steve Gazzard  
Stephanie Jones  
Frances Newth  
Andrew Moulding  
Phillip Skinner  
Steve Wragg

The meeting started at 6.30pm and ended at 6.52pm.

**\*20 Public Question Time**

There were no questions from the public.

The Chairman put a question to the Portfolio Holder for Environment, asking why the Council was not a member of the Coastal Issues Special Interest Group, part of the Local Government Association. He felt that it was important for the District to be involved, at a relatively small cost of £300 per annum. The Chairman was content for the Portfolio Holder to respond at the next meeting, as an update from the Portfolio Holder was due on that date.

\*21 **Minutes**

The minutes of the Overview and Scrutiny Committee held on 1 July 2011 were confirmed as a true record, with the inclusion of Councillor Tom Wright as present at the meeting.

\*22 **Declarations of Interest**

No interests were declared.

\*23 **Cabinet Agenda**

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

\*24 **Quarterly Monitoring of Performance – 1<sup>st</sup> Quarter 2011/12**

The new format performance report set out the key issues identified and how they are being addressed, including:

- **Benefits Customers not knowing when their payments are due.** A calendar has been designed to give a clear indication of when payments are made throughout the year and this will shortly be sent to benefit customers;
- **Demands for Streetscene services at weekends not always able to be met due to 5 day working arrangements.** Seven day working trial underway showing greater responsiveness of service and savings in overtime costs but there are issues being stretched on some days. Trial to be reviewed in November;
- **Our ‘what matters’ survey for recruitment provides an average score of 7.8 out of 10.** Issues relate to the lack of an on-line application form and these are currently being addressed in conjunction with ICT. Other issues relate to confusion for applicants who had been told by the manager not to hand in their notice but also to provide a start date. This is being addressed through further training;

Members studied the performance data for the first quarter, with particular attention to the “concern” flagged indicators:

- **Proportion of Councillors trained in regulatory functions** – the training for Audit and Governance had been delayed due to trainer availability, but is planned for September so meeting the target by the end of the next quarter;
- **Demands for Streetscene services at weekends** – Members raised the issue of using the probation service to provide some labour, especially as they probation service claim to be looking for such opportunities. The probation service had been used in the past; and their use had been discussed previously, but there had been concerns over how to resource and budget for the supervising such teams as well as ensuring the work done was of sufficient standard. The issue of resource was a common one for work involving volunteers, in providing the supervising and monitoring of work. Members gave both positive and negative examples of past use of the service.
- **Businesses want more support on order to benefit the economy of the District** – The Leader advised that a strategy was being formulated covering businesses and visitors in relation to the local economy, and would be presented in due course.

**\*24 Quarterly Monitoring of Performance – 1<sup>st</sup> Quarter 2011/12 (cont.)**

The Chairman of the Housing Review Board and the Portfolio Holder for Communities updated the Committee on the work towards the self-financing arrangements to manage and maintain the housing stock. The Committee were urged to attend the next meeting of the Housing Review Board on the 8 September to hear the business case being presented by consultants.

Members also discussed issues around the refurbishment times for housing stock. All homes met the “decent homes standard” but issues around access to the homes, especially when tenants refused access for such work as bathroom or kitchen replacement, were also discussed.

- RESOLVED**
1. that an update on possible use of the probation service for Streetscene work be provided to the Committee by the next meeting;
  2. that the performance management report for the first quarter of 2011/12 be noted.

**\*25 Forward Plan**

Members noted the additions to the forward plan for the Committee.

The meeting on the 27 October was highlighted and Members were requested to forward any questions for Devon and Cornwall Constabulary to the Democratic Services Officer if required.

A future item on section 106 agreements and planning gain monies was agreed by the Committee; along with a future item on the new ECC bathing directive and how that impacted on the responsibilities of the Council.

- RESOLVED** that the Overview and Scrutiny Forward Plan be updated accordingly.

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

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a meeting of the Housing Review Board held at Knowle, Sidmouth on 8 September 2011**

**Present:**

Councillors:

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

Co-opted Tenant Members:

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

Co-opted Independent Community Representative:

Julie Adkin

Officers:

Simon Davey, Head of Finance  
Amy Gilbert, Support Services Manager  
John Golding, Head of Housing  
Giles Salter, Assistant Solicitor  
Alethea Thompson, Democratic Services Officer  
Mandy White, Senior Accountant  
Mark Williams, Chief Executive

Glenn Smith, Sector Treasury Services Limited

**Also Present:**

Councillors:

Jill Elson – Portfolio Holder for Sustainable Homes and Communities  
Stephanie Jones – Deputy Portfolio Holder for Sustainable Homes and Communities  
Geoff Chamberlain  
David Cox  
Paul Diviani  
Vivien Duval Steer  
Steve Gazzard  
John O’Leary  
Geoff Pook  
Brenda Taylor  
Phil Twiss

**Apologies**

Councillors:

Stuart Hughes  
Andrew Moulding  
Claire Wright  
Tom Wright

Tenants:

Pat Rous  
Yvonne Boone

Co-opted Independent Community Representative:  
Rob Finch

The meeting started at 6.00pm and ended at 8.20pm.

The Chairman welcomed all those present to the meeting and introduced Glen Smith, from Sector Treasury Services Ltd.

**\*17 Public Question Time**

There were no questions raised by members of the public.

**Camelot Castle**

Tenant member, Sue Saunders introduced the Camelot Castle which was being used to reach hard to reach groups. Tenant representatives of EDDC were duty bound by the Equality and Diversity Policy to try and involve tenants of all ages and those from minority groups. It was hoped that the castle would attract children, especially when they realised that there was a prize behind every door. Whilst the children were playing with the castle, tenants (the parents) could be approached and given leaflets and housing information about the various ways they could get involved in the management decisions about their homes.

**\*18 Minutes**

The minutes of the meeting of the Housing Review Board held on 23 June 2011, were confirmed and signed as a true record.

**Council own build** (minute 8, 23 June 2011 refers)

The Head of Housing reported that EDDC, through Partnership South West, had been successful in securing a grant from the Homes and Communities Agency (HCA) of £18,500 per unit for 10 units (the Council had bid for £20,000 per unit and for 20 units). It was noted that some very onerous grant conditions were attached. The Council was currently unable to commit to building more Council homes until the self-financing debt settlement had been finalised.

**Restructuring of tenant involvement** (minute 13, 23 June 2011 refers)

A tenant representative from the Housing Review Board, as well as a reserve was asked to be nominated to attend the newly formed Tenant Representative Group.

**RESOLVED:** that Sue Saunders represent the Housing Review Board on the Tenant Representative Group, with Pat Rous acting as reserve.

**\*19 Board Member Champions**

The Board received a verbal report from Sue Saunders on Board Member Champions. Originally the scheme had been aimed at tenant members of the Board. However, Sue felt that it was more appropriate for a tenant member and a councillor to share the role of HRB champion. This would be an excellent example of partnership working and by working together there was an opportunity to gain real understanding which would lead to well informed decision making.

It was noted that although HRB champions had been attached to each of the main housing teams, only one unit had actively involved their HRB champions. It was proposed that the Board Member Champions scheme should be revisited in light of the housing service restructure, and that a tenant member and a councillor would be attached to each of the main housing units. The unit managers would be encouraged to actively liaise with the HRB champions in their work.

**RESOLVED:** that Councillor Jim Knight be appointed as a Board Member Champion.

**\*20 Housing Review Board - Forward Plan**

The Board considered the forward plan presented by the Head of Housing. Two items had been added to the forward plan. These were:

- Tenancy strategy – the first draft would be presented at the next meeting
- East Devon Homes – the concept of a landlord services business unit.

The Portfolio Holder for Sustainable Homes and Communities reported the Exebank scheme had been put on hold until January 2012.

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

**\*21 Housing Revenue Account and self-financing of Council homes update**

The Chairman began by giving a brief history and explanation to those present on the Housing Revenue Account (HRA) and the self-financing of Council homes. The financial situation regarding Local Authority housing finance was very complex. The self-financing initiative brought welcome freedoms and flexibilities, however, not all of the risks and implications provided good news.

East Devon District Council's final debt settlement figure would be known around November/December 2011. It was acknowledged that the lower the level of debt the Council took on, the better the position it would be in when embarking on a new business plan. The Council had been lobbying hard to try and achieve the best possible settlement, but had not yet received a response from the Housing Minister.

**\*21 Housing Revenue Account and self-financing of Council homes update (cont'd)**

Consideration was also given to the report of the Head of Housing which presented an overview of housing finance issues. The Board had previously received a number of reports on the emergence and development of the HRA self-finance initiative. The report presented to the Board concentrated on the results of the updated financial modelling undertaken by Sector Treasury Services (formally Tribal) using the Council's rent roll; stock condition survey results; and existing budgets with known commitments. The report formed part of the Council's preparations for self-financing and highlighted a number of risks to be aware of in producing the new Business Plan and managing the housing business.

The results of the financial modelling indicated that using realistic current assumptions, the HRA Business Plan was viable in the long term (30 years) and capable of meeting the known stock investment programme.

Glenn Smith gave a presentation on the financial modelling undertaken by Sector which included some of the following key points:

- The HRA business plan was 30 year forecast.
- Forecasting had been made on known assumptions, and that as these changed, the forecast would need to be adjusted.
- One of the key data sources used was the recent stock condition survey results.
- The total initial debt was expected to be £86.1m.
- £87.3m debt had been allocated (this was the cap on borrowing).
- There was no obligation to repay the debt but there was a strong financial incentive to do so.
- The debt would start to be repaid from year 3.
- The amount repaid to the Government each year would vary.
- The tail heavy capital programme presented an exposure to risk.
- Baseline projections showed:
  - strong underlying cash flows
  - the capital programme delivered in full
  - debt repaid by year 26
  - peak debt in year 2
  - financial headroom built from year 2
- Inflation represented a key risk.
- Interest rates also presented a risk.
- Rising rent loss was a further risk.
- Cost control was important - monitoring and review of the business plan would be critical.
- Options for improving the position included:
  - re-profiling stock condition works
  - reviewing expenditure growth assumptions
  - exploring potential cost reduction measures
  - generating additional income
  - using other capital receipts to finance the HRA capital programme

\*21 **Housing Revenue Account and self-financing of Council homes update (cont'd)**

- The conclusions to be drawn were:
  - strong underlying cash flows
  - the baseline position showed growing headroom for additional borrowing after 2012/13 (year 2) as debt was repaid
  - baseline suggested there was potential to finance new build
  - exposure to inflationary cost increases was the main risk
  - there were further risks associated with interest rate exposure
  - risks were manageable
  - self-financing required active business planning to help identify and manage additional risks.

The Head of Housing explained that the self-financing regime presented a complete change of culture for the Board and for officers. There was a need to be far more robust in terms of business planning and treasury management. He would be bringing a treasury management report to a future Board meeting. Concern was expressed over the need to increase staff in order to manage finances and the Head of Housing reported that some allowance had been built into the model for additional support. The Council would be acting as a housing business and it was important to have the staff and specialist advice to manage this properly.

The next steps for the Council were to:

- Continue to prepare for self-financing
- Review the potential for re-profiling stock condition work to reduce risks associated with inflationary cost rises
- Seek specialist advice for managing interest rate exposure
- Consider using other capital receipts to finance the HRA capital programme
- Examine the scope for reducing revenue costs
- Explore options for generating additional income
- Establish processes for regular data gathering to update and maintain the HRA business plan
- Set up regular reporting arrangements for the HRA business plan and associated risks.

In conclusion, the Head of Housing reported that at the heart of the housing service was service delivery to the Council's tenants. It was critical that the Council got this right. The self-financing initiative offered excellent opportunities, but also presented significant risks relating to issues outside of the Council's control.

The Board thanked Glenn Smith for his report and presentation which was clear and delivered in plain English.

**RECOMMENDED:** that the recommendations in the Sector Treasury Services report be adopted as part of the Council's preparations towards self-financing of the Housing Revenue Account Business Plan.

**\*22 Responsive repairs and works to void properties – re-tendering contract**

Consideration was given to the report of the Head of Housing which updated the Board on the Council's preparations towards re-tendering the contract for responsive (day to day) repairs and work to void Council homes. The contract had to be let in accordance with European procurement rules and necessarily involved adherence to a complex process of advertising; pre-qualification questions; short listing; inviting to tender; tender evaluation and award of contract. The intention was that tenants and members would be involved in the evaluation of tenders with the consultant overseeing the process.

The Head of Housing reported that on 1 September 2011 a contract notice had been issued in the European Journal for the pre-qualification stage. Fifteen expressions of interest had so far been received. The next step was the invitation to tender and it was anticipated that a minimum of 5 companies would be invited.

The price and quality that was achieved would be critical. This information would be built into and reviewed through the new HRA business plan as it would impact upon it.

Members were keen to point out that this process was no reflection on the current contractor as they felt that the partnership arrangement worked very well. The European tender process was mandatory.

**RECOMMENDED:** that the approach being taken for the re-tendering of the responsive repairs and works to void properties contract be approved.

**\*23 Advantage South West**

Members considered the report of the Head of Housing which set out a summary of the activities of Advantage South West over the past year on behalf of the procurement club members. The Council was making greater use of the products and expertise of the partnership. Although savings to date had not fully covered the costs of the Council's membership there were other benefits of membership to the group. Greater savings would be seen during the year having switched kitchen supplier to the Advantage South West preferred supplier.

It was noted that this would also affect the HRA business plan.

**RESOLVED:**

- 1 that contents of the report be noted, and
- 2 that the Council's commitment to remain a member of Advantage South West be confirmed.

**\*24 Gas servicing contract**

The Board considered the report of the Housing Needs and Strategy Manager which provided them with an update on the gas servicing contract from October 2010, following the award of the contract to Robert Heath Heating Ltd. Although there had been a number of serious issues with the contractor at the start of the contract and their early performance was poor, there had been significant improvements in all areas of concern. The contract and the contractor's performance was now good and had been for the last few months.

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

**\*25 Systems Thinking measures**

The Board considered the report of the Head of Housing that provided information on Systems Thinking measures for the 4<sup>th</sup> quarter, January to March 2011. A purpose had been established during Check, which was 'to match the right people with the right home'. The redesign went live with a new system and operating principles on 5 May 2010.

The Portfolio Holder for Sustainable Homes and Communities congratulated staff on the essential work that had been done in regard to preventing people from becoming homeless.

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

Chairman .....

Date .....

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Development Management Committee held at the Council Chamber, Knowle, Sidmouth, on Tuesday 19 July 2011**

- Present:** Councillors:  
Mark Williamson (Chairman)  
Helen Parr (Vice Chairman)  
Derek Button  
Geoff Chamberlain  
Alan Dent  
Vivien Duval Steer  
Anthony Howard  
Mike Howe  
Stephanie Jones  
David Key  
Ken Potter  
Peter Sullivan  
Steve Wragg
- Ward Members:** Councillors:  
David Atkins  
Andrew Moulding
- Also Present:** Councillors:  
Paul Diviani  
Graham Godbeer  
John Humphreys
- Officers:** Ed Freeman, Development Manager  
Christopher Holland, Democratic Services Officer  
Andrew Seddon, Senior Solicitor  
Sulina Tallack, Section 106 Officer
- Apologies:** Councillors:  
Ray Bloxham  
Steve Gazzard  
Pat Graham  
Steve Hall  
Douglas Hull  
Ben Ingham  
Geoffrey Pook  
Phil Twiss

The meeting commenced at 2.00 pm and ended at 4.13 pm

#### **\*6 Minutes**

The minutes of the meeting of the Development Management Committee held on Tuesday 14 June 2011 were agreed and signed as a true record.

**\*7 Annual Update on Section 106 Planning Obligations**

The Committee considered the report of Sulina Tallack, Section 106 Officer which provided a summary of all newly signed planning obligations and unilateral undertakings registered in the last financial year, an overall summary of receipts and where any contributions had been spent.

Members noted that Planning Obligations, commonly known as Section 106 Agreements, were introduced following the Town and Country Planning Act 1990. Section 106 Agreements were legal agreements and were negotiated between a local authority and developers, and were intended to make a development proposal acceptable, where in the absence of such an agreement, planning permission would not be granted.

Since the last report to Committee, 197 new planning obligations and unilateral undertakings had been signed. They covered a range of purposes from affordable housing, to open space payments and highway works. It was noted that for various reasons developers did not implement all planning permissions and in such cases the associated Section 106 Agreement would also not be implemented. In addition, the Council required a unilateral undertaking to be submitted prior to a planning application being decided and some of the 197 agreements would fail if permission was refused or dismissed on appeal.

Members noted that during 2010/11 the Council received an income of £767,419.46 from Section 106 Agreements in order to implement specific projects defined in the Agreements. In the last financial year a total of £542,813.15 of Section 106 resources had been used for capital schemes with a revenue spend of £6,349.44, a combined total of £549,162.59. This had been for a wide range of purposes including travel planning and access improvements, affordable housing, community centre build, new play areas and a new bridge and cycle route. In some cases, schemes had been wholly implemented using one or more Section 106 contributions, whilst in other cases, the Section 106 contribution has enabled match funding to be secured.

Members noted that the Government had committed to the continued introduction of the Community Infrastructure Levy (CIL). The Levy came into force in April 2010. It allowed local authorities in England to raise funds from developers undertaking new building projects in their area. The money could be used to fund a wide range of infrastructure that was needed as a result of development. This includes transport schemes, flood defenses, schools, hospitals and other health and social care facilities, parks, district heating schemes, green spaces and leisure centres.

It was noted that the introduction of the Levy was discretionary, it would become mandatory in 2014. The Levy would remove the flexibility of site by site negotiations that the Section 106 regime afforded. Future work would need to be undertaken to get an operational Levy in place for the whole of East Devon District and to decide on which elements were still considered to be site specific and therefore remain a part of the traditional Section 106 negotiations.

Members commented on the complexity of the funding regime with Section 106 agreements, Unilateral Undertakings and the new Community Infrastructure Levy. It was acknowledged that a single levy would be less bureaucratic and simpler to understand.

**\*7 Annual Update on Section 106 Planning Obligations (cont'd)**

Some Members expressed concern over the often complicated legal language contained in the agreements which had been difficult for certain Parish Councils to understand. Responding, Andrew Seddon, the Council's Senior Solicitor commented that although he was happy to look at the terminology and language used in the agreements, the priority had to be a watertight legal agreement to secure and safeguard the funds required by Members.

Members commented that they had concerns over the new CIL regime and 'pooled pot' of monies which could be used anywhere in the District. Members were concerned that this approach could mean money from a major development in one town being used in another.

The Chairman and Members thanked Sulina Tallack for her detailed report and all her hard work with Section 106 Agreements.

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

**\*8 Planning Appeal Statistics**

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

**\*9 Applications for Planning Permission and matters for determination**

**RESOLVED:** that the applications before the Committee be determined as set out in Schedule 2 – 2011/2012 (attached).

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

<b>Councillor/ Officer</b>	<b>Ref. / Site</b>	<b>Type of interest (action taken)</b>	<b>Nature of interest</b>
Councillor Derek Button	General declaration	Personal (remain in Chamber to speak and vote)	Councillor was associated with Communities Before Developers as detailed in the Members' Register of Interests.
Councillor Steve Wragg	11/0946/FUL Dive Club, Royal Avenue, Exmouth	Prejudicial (left Chamber during voting and discussion)	Councillor was a former Member of the British Rail Club which formerly occupied the site
Councillor Steve Wragg	11/0880/FUL 18 Churchill Court, Lypstone	Prejudicial (left Chamber during voting and discussion)	Councillor was acquainted with applicant

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

**EAST DEVON DISTRICT COUNCIL**  
**Minutes of a Meeting of the Development Management**  
**Committee held at the Council Chamber, Knowle, Sidmouth,**  
**on Tuesday 23 August 2011**

- Present:** Councillors:  
Mark Williamson (Chairman)  
Helen Parr (Vice Chairman)  
Derek Button  
Geoff Chamberlain  
Alan Dent  
Vivien Duval Steer  
Anthony Howard  
Mike Howe  
Ben Ingham  
Stephanie Jones  
David Key  
Ken Potter  
Peter Sullivan  
Phil Twiss  
Steve Wragg
- Ward Members:** Councillors:  
Peter Bowden  
Christine Drew  
Graham Godbeer  
Sheila Kerridge  
Steve Hall  
Stuart Hughes  
Frances Newth  
Graham Troman
- Also Present:** Councillors:  
Ray Bloxham  
Iain Chubb  
Paul Diviani  
Steve Gazzard  
Honorary Alderman Tony Reed
- Officers:** Matt Dickins, Policy Manager  
Ed Freeman, Interim Development Manager  
Christopher Holland, Democratic Services Officer  
Andrew Seddon, Senior Solicitor  
Frank Woolston, Senior Policy Officer
- Apologies:** Councillors:  
David Atkins  
Douglas Hull  
Andrew Moulding  
Geoffrey Pook

The meeting commenced at 2.00 pm and ended at 8.05 pm

**\*10 Minutes**

The minutes of the meeting of the Development Management Committee held on Tuesday 19 July 2011 were agreed and signed as a true record subject to the correction of Councillor Vivien Duval Steer's name and addition of Councillor Phil Twiss' apologies.

**\*11 Local Development Framework Panel notes**

The notes of the meetings of the Local Development Framework Panel held on Tuesday 12 July 2011 and Tuesday 2 August 2011 were noted.

**\*12 Planning Appeal Statistics**

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

**\*13 Introduction of the Community Infrastructure Levy**

The Committee considered the report of the Head of Economy which was presented by Matt Dickens, Planning Policy Manager. The report noted that the Coalition Government was committed to the introduction of the Community Infrastructure Levy (CIL).

Members noted that the CIL allowed local authorities in England to raise funds from developers undertaking new building projects in their area. The money could be used to fund a wide range of infrastructure that may be needed as a result of development. This included transport schemes, flood defences, schools, hospitals and other health and social care facilities, parks, district heating schemes, green space and leisure centres and also local community facilities such as village halls.

It was noted that the charging authorities for the Levy were District Councils. Charging authorities wishing to charge the Levy must produce a charging schedule setting out the Levy's rates in the area. The Levy should normally be implemented on the basis of an up to date development plan

Alongside other new incentives the CIL provided a potentially powerful mechanism for ensuring the timely provision of infrastructure to support development. On 13 July 2011, the Cabinet agreed in principle that the Levy should be introduced in association with the Core Strategy/Local Plan. The report set out the main procedural issues that would need to be addressed and a likely timetable for establishing an operational Levy.

- RESOLVED:**
- 1) that the report be noted.
  - 2) that the report be brought to the attention of Parish and Town Councils for information.

**\*14 Devon County Council LDF – Waste Core Strategy, Issues and Options Consultation Report**

The Committee considered the report of the Planning Policy Team concerning Devon County Council's Local Development Framework Waste Core Strategy.

Matt Dickens, Planning Policy Officer, outlined the report and explained that the Council had been consulted by the County Council in respect of the Waste Core Strategy document. The County Council had asked for comments by 21 July 2011. It had not been possible to respond to the County Council before that date but they had been sent a copy of the report and responses and would be sent the minutes of the Development Management Committee.

Members were content that the responses outlined in the report were appropriate.

**RESOLVED:** that Devon County Council be advised that East Devon District Council response and comments be submitted as outlined in the report.

**\*15 Parish Plans**

The Committee gave consideration to the report of the Senior Planning Policy Officer concerning the Axmouth, Chardstock, Dalwood, Gittisham, Northleigh and Offwell Parish Plans which been produced by local residents. The report explained the position with regard to these Community Planning Initiatives, and recommended that they be formally endorsed by the Council as a helpful tool in informing future planning decisions.

- RESOLVED:**
- 1) that the Parish Plans be endorsed and used to inform decision making in the District and the production of the Local Development Framework.
  - 2) that the Parish Plan groups and relevant Parish Councils be congratulated on their work.
  - 3) that Frank Woolston, Senior Planning Policy Officer be congratulated on his hard work dealing with and collating the Parish Plans.

**\*16 Applications for Planning Permission and matters for determination**

**RESOLVED:** that the applications before the Committee be determined as set out in Schedule 3 – 2011/2012 (attached).

\*16 **Applications for Planning Permission and matters for determination (cont'd)**

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

<b>Councillor/ Officer</b>	<b>Ref. / Site</b>	<b>Type of interest (action taken)</b>	<b>Nature of interest</b>
Councillor Derek Button	General declaration	Personal (remain in Chamber to speak and vote)	Councillor was associated with Communities Before Developers as detailed in the Members' Register of Interests.
Councillor Helen Parr	General declaration	Personal (remain in Chamber to speak and vote)	Councillor was a member of the Council for the Protection of Rural England as detailed in the Members' Register of Interests.
Councillors Derek Button, Alan Dent, David Key, Phil Twiss,	11/0604/MFUL	Personal (remain in Chamber to speak and vote)	Councillors were members of the National Trust who had commented on the application
Councillors Peter Bowden and Derek Button,	10/2496/MFUL	Personal (remain in Chamber to speak and vote)	Councillors were acquainted through Council business with the applicant who is a Councillor of Poltimore Parish Council
Councillor Phil Twiss	10/2496/MFUL	Personal (remain in Chamber to speak and vote)	Councillor was acquainted thorough business with the applicant's consultants
Councillor Derek Button,	11/0559/VAR	Personal (remain in Chamber to speak and vote)	Councillor was a member of the Poltimore House Trust
Councillor Phil Twiss	11/0595/COU	Personal (remain in Chamber to speak and vote)	Councillor was acquainted with the applicant

\*16 **Applications for Planning Permission and matters for determination (cont'd)**

<b>Councillor/ Officer</b>	<b>Ref. / Site</b>	<b>Type of interest (action taken)</b>	<b>Nature of interest</b>
Councillors Frances Newth and Peter Sullivan	11/1142/OUT	Personal (remain in Chamber to speak and vote)	Applicant was fellow town Councillor of Sidmouth Town Council
Councillor Phil Twiss	11/0953/MFUL	Personal (remain in Chamber to speak and vote)	Councillor was acquainted with one of the interest parties speaking at the meeting

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

**EAST DEVON DISTRICT COUNCIL**  
**Minutes of a Meeting of the Development Management**  
**Committee held at the Council Chamber, Knowle, Sidmouth,**  
**on Tuesday 20 September 2011**

- Present:** Councillors:  
Mark Williamson (Chairman)  
Helen Parr (Vice Chairman)  
Derek Button  
Geoff Chamberlain  
Alan Dent  
Mike Howe  
Ben Ingham  
David Key  
Geoffrey Pook  
Ken Potter  
Peter Sullivan  
Phil Twiss  
Steve Wragg
- Ward Members:** Councillors:  
Peter Bowden  
Martin Gammell  
Steve Gazzard  
Steve Hall  
Sheila Kerridge  
Philip Skinner  
Tim Wood  
Eileen Wragg  
Tom Wright
- Also Present:** Councillors:  
Paul Diviani  
Roger Giles  
Claire Wright  
County Councillor Christine Channon  
Honorary Aldermen:  
Vivienne Ash  
Ray Franklin
- Officers:** Andy Carmichael, Assistant Development Manager  
Christopher Holland, Democratic Services Officer  
Andrew Seddon, Senior Solicitor
- Apologies:** Councillors:  
David Atkins  
Vivien Duval Steer  
Pat Graham  
Tony Howard  
Frances Newth  
Stephanie Jones  
Eileen Wragg

The meeting commenced at 2.00 pm and ended at 7.16 pm

**\*17 Minutes**

The minutes of the meeting of the Development Management Committee held on Tuesday 23 August 2011 were agreed and signed as a true record.

**\*18 Local Development Framework Panel notes**

The notes of the meetings of the Local Development Framework Panel held on Tuesday 16 and 30 August 2011 were noted.

**\*19 Planning Appeal Statistics**

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

**\*20 Consultation Response to the Draft National Planning Policy Framework**

The Committee considered the report of the Head of Economy which suggested a response to the Government consultation on the Draft National Planning Policy Framework.

Members noted that the Government had sought to simplify and condense its guidance on planning matters so that it was much easier for people to understand and feel more able to get involved in planning matters which had previously been the exclusive domain of specialists. The Draft National Planning Policy Framework was considered to be a broadly successful attempt at condensing over a thousand pages of guidance into 58 pages. However it was considered that there were some areas where clarification was required and where additional sections would assist communities in the understanding of the planning system and the issues and policies that should be applied.

Members asked that the response include the following additional points:

- Weight of Neighbourhood plans to also be significant
- Need to stress that Parish Plans should be given significant weight when considering applications
- Development should be based on 'balanced' decision making between sustainable development and economic needs.

- RESOLVED: 1)** that the Development Management Committee notes the report and that the Head of Economy in consultation with the Chairman and Vice Chairman be given delegated powers to respond to the consultation incorporating the comments detailed in the body of the report along with the additional comments made by Members
- 2)** that any further additional points raised by the LDF Panel be incorporated by the Head of Economy into the response as detailed in (1) above.

**\*21 Applications for Planning Permission and matters for determination**

- RESOLVED: 1)** that the applications before the Committee be determined as set out in Schedule 4 – 2011/2012 (attached).
- 2)** that under Section 100(A) (5) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B) when considering (in part) application 11/1251/MOUT – Land adjacent to and north of 53 Greenway Lane, Budleigh Salterton.

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

<b>Councillor/ Officer</b>	<b>Ref. / Site</b>	<b>Type of interest (action taken)</b>	<b>Nature of interest</b>
Councillor Mike Howe	11/1350/FUL Land at Hill Barton Farm, Farringdon	Personal (remained in Chamber to speak and vote)	Councillor was acquainted with applicant
Councillor Derek Button	11/1350/FUL Land at Hill Barton Farm, Farringdon	Personal (remained in Chamber to speak and vote)	Councillor was acquainted with applicant
Councillor Tom Wright	11/1251/MOUT Land adjacent and north of 53 Greenway Lane, Budleigh Salterton	Personal (remained in Chamber to speak)	Councillor rented an allotment on the application site

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

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Planning Inspections Committee held at the Knowle, Sidmouth on Friday 29 July 2011**

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

**Ward member:** Councillor Andrew Moulding

**Also Present:** Councillor Graham Godbeer, Portfolio Holder - Economy

**Officers:** James Brown, Senior Planning Officer  
Ed Freeman, Development Manager  
Rachel Pocock, Corporate Legal and Democratic Services  
Manager  
Hannah Whitfield, Assistant Democratic Services Officer

**Apologies:** Councillors:  
Ray Bloxham  
Geoff Pook

The meeting started at 12.23 pm and ended at 13.50 pm.

#### **\*3 Minutes**

The minutes of the meeting of the Planning Inspections Committee held on 24 June 2011 were confirmed and signed as a true record, subject to Councillor Helen Parr being removed as present at the meeting.

#### **\*4 Application referred to the Planning Inspections Committee**

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

- a. Raleigh: Application No: 10/2287/MFUL – Change of use and regarding of field to accommodate static caravans for holiday use with provision of new access and landscaping works at Ladram Bay Holiday Centre, Ladram Bay, Otterton

**RESOLVED:** APPROVED subject to conditions and a S106 agreement being first entered into securing the implementation of a detailed landscaping scheme and its future management and provision that all caravans within the application site be of an appropriate green/brown colour:

#### Conditions:

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

\*4 **Application referred to the Planning Inspections Committee cont...**

a. Raleigh: Application No: 10/2287/MFUL – Change of use and regarding of field to accommodate static caravans for holiday use with provision of new access and landscaping works at Ladram Bay Holiday Centre, Ladram Bay, Otterton

b.

2. No development shall take place until a plan showing tree and hedgerow protection methods and the positioning for associated fencing has been submitted to and approved in writing by the Local Planning Authority. Such protection measures should use guidance embodied with BS 5837 (2005) and must be implemented prior to any materials or machinery being taken on site. The fencing shall remain in the agreed positions until the completion of all works. No storage of materials or ground works shall take place within the fenced areas as agreed as part of the submitted plan.

Reason: To ensure the safeguarding of protected trees and the character and appearance of the area.

3. The use of the static caravans within the area defined for such purposes on the submitted site plan:

(i) shall be occupied for holiday purposes only;

(ii) shall not be occupied as a person's sole, or main place of residence;

(iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

(Reason - To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accordance with the Good Practice Guide on Planning for Tourism and Policies S5 (Countryside Protection) and TO4 (Caravan, Chalet and Camping Sites) of the East Devon Local Plan.)

4. No more than 42 mobile homes shall be placed on the land edged red on plan 6299 - 15 and dated 3 June 2011, at any one time.

(Reason - To protect the character and appearance of the landscape (designated an Area of Outstanding Natural Beauty) in accordance with Policies CO3 (Areas of Outstanding Natural Beauty) of the Devon Structure Plan and EN1 (Development Affecting Areas of Outstanding Natural Beauty) of the East Devon Local Plan .)

5. No lighting shall be installed within the development site unless in accordance with details that shall previously have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the area (designated as an Area of Outstanding Natural Beauty) and to prevent unnecessary light spill in accordance with Policies CO3 (Areas of Outstanding Natural Beauty) of the Devon Structure Plan and EN1 (Development Affecting Areas of Outstanding Natural Beauty) of the East Devon Local Plan.)

\*4 **Application referred to the Planning Inspections Committee cont...**

a. Raleigh: Application No: 10/2287/MFUL – Change of use and regarding of field to accommodate static caravans for holiday use with provision of new access and landscaping works at Ladram Bay Holiday Centre, Ladram Bay, Otterton

6. A scheme for the erection of bird boxes within trees surrounding the development site shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented within 1 year of the commencement of development and thereafter maintained.

Reason: The erection of bird boxes helps to enhance the ecological and biodiversity of the site in accordance with guidance in PPS9 and Policy EN6 (Wildlife Habitats and Features) of the East Devon Local Plan).

7. No development shall commence on site until a Construction Environmental Management Plan (CEMP) has been submitted to and agreed in writing by the Local Planning Authority. The CEMP shall address issues of surface water run off, waste soil, the storage of materials and fuels, and hours of operation. The development shall only be undertaken in accordance with the agreed Plan

Reason: To ensure protection of the heritage coast, avoid the potential for pollution incidents and to ensure that the development takes places at appropriate times to protect the environment from unnecessary noise and disturbance - in accordance with good practice and Policy EN15 (Control of Pollution) of the East Devon Local Plan).

8. No development shall take place until details of the foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before any caravan on the site is first occupied.

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

Reasons for approval:

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

Devon Structure Plan Policies

CO10 (Protection of Nature Conservation Sites and Species)  
CO13 (Protecting Water Resources and Flood Defence)  
TO3 (Tourism Development in Rural Areas)

East Devon Local Plan Policies

D4 (Landscape Requirements)  
TA7 (Adequacy of Road Network and Site Access)  
EN15 (Control of Pollution)  
EN6 (Wildlife Habitats and Features)

\*4 **Application referred to the Planning Inspections Committee cont...**

- a. Raleigh: Application No: 10/2287/MFUL – Change of use and regarding of field to accommodate static caravans for holiday use with provision of new access and landscaping works at Ladram Bay Holiday Centre, Ladram Bay, Otterton
2. The proposed development is only acceptable because of the wider economic and tourism benefits that would be generated by the development and the degree of mitigation (planting and landscaping works) both to the application site and the park as a whole to ensure that the countryside which is designated as an Area of Outstanding Natural Beauty is preserved and enhanced compared to the existing situation.
- b. Axminster Town: Application No: 11/0143/MFUL – Construction of 41 dwellings (including amendments to 05/2665/MFUL) at Land at Dukes Way, Axminster

**RESOLVED:** Delegated authority be given to the Head of Economy in consultation with the Chairman, Vice Chairman and Ward Members to APPROVE the application subject to conditions and subject to:

- Receipt of amended plans to show the boundary fence between the car park area at the rear of plots 1 – 9 and the rear of 26 and 28 Dukes Way at 1.8m in height;
- A new Section 106 agreement which aside from the requirements of the current agreement also secures the establishment of a management company to maintain all open spaces within the site including the surface water lagoon, gully and associated landscaping including the boundary hedge, and a maintenance regime for these areas including costings and appropriate clauses to ensure that the management company has adequate funds to undertake the works required under the maintenance regime.

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out only in accordance with the schedule and samples of facing materials, finishes and hard surfacing set out and submitted in writing to the Local Planning Authority.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy CO6 of the Devon Structure Plan and Policy D1 of the East Devon Local Plan).

\*4

**Application referred to the Planning Inspections Committee cont...**

**b. Axminster Town: Application No: 11/0143/MFUL – Construction of 41 dwellings (including amendments to 05/2665/MFUL) at Land at Dukes Way, Axminster**

3. The landscaping scheme indicated on the approved plans shall be carried out in the first planting season after commencement of the development and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.  
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policy CO6 of the Devon Structure Plan and Policy D4 of the East Devon Local Plan).
4. The bridge to be constructed over the stream shall only be built in accordance with the approved drawings unless otherwise agreed in writing by the Local Planning Authority.  
(Reason - In the interests of visual amenity in accordance with Policy CO6 of the Devon Structure Plan and Policy D1 of the East Devon Local Plan ).
5. The development hereby permitted shall only be carried out in complete accordance with the submitted Construction Environmental Management Plan (CEMP).  
(Reason - In the interests of achieving satisfactory development in accordance with Policies S1 and CO6 of the Devon Structure Plan and Policies S7,D1,D2 and D4 of the East Devon Local Plan).
6. The gabions, the bridging of the stream and the surface water disposal system including the lagoon shall be carried out only in accordance with the approved plans.  
(Reason - In the interest of amenity and flood alleviation in accordance with Policy CO13 of the Devon Structure Plan and Policy EN20 of the East Devon Local Plan).
7. The development hereby permitted shall only be carried out in complete accordance with the details of street lighting hereby approved.  
(Reason - In the interests of visual amenity in accordance with Policy Co6 of the Devon Structure Plan and policy D1 of the East Devon Local Plan).
8. The garages and car spaces shall be kept available for parking at all times.  
(Reason - To ensure that adequate garaging/parking provision remains available in accordance with Policy TA9 of the East Devon Local Plan).

\*4

**Application referred to the Planning Inspections Committee cont...**

**b. Axminster Town: Application No: 11/0143/MFUL – Construction of 41 dwellings (including amendments to 05/2665/MFUL) at Land at Dukes Way, Axminster**

9. The ground level of the raised garden for plots 25 and 27, where it abuts adjoining properties, shall be not less than 2.0 metres from the highest part of the boundary fencing relating to Nos. 7 and 8 Swains Close.

(Reason - In the interests of maintaining the privacy of the adjoining properties in accordance with Policy CO6 of the Devon Structure Plan and Policy D1 of the East Devon Local Plan ).

10. The proposed roads, footways, footpaths, sewers, drains, retaining walls, embankments, service routes, surface water outfalls and visibility splays shall only be carried out in complete accordance with the approved plans.  
(Reason - To secure satisfactory development in accordance with Policy TR10 of the Devon Structure Plan and Policy TA7 of the East Devon Local Plan).

11. The following works, the details of which have been approved under 05/2665, shall be retained for the duration of the development;

The access road constructed up to base course level for the first 50 metres from its junction with the public highway.

(a) The ironwork to base course level.

(b) The site compound and car park.

(Reason - To ensure that adequate on-site facilities are available for all traffic attracted to the site during the construction period in the interest of the safety of users of the adjoining public highway and to protect the amenities of adjoining residents in accordance with Policy TR10 of the Devon Structure Plan and Policy TA7 of the East Devon Local Plan).

12. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:

1. The spine road and cul-de-sac carriageway including the vehicle turning heads shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;

2. The spine road and cul-de-sac footways which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;

- 3.

\*4

**Application referred to the Planning Inspections Committee cont...**

**b. Axminster Town: Application No: 11/0143/MFUL – Construction of 41 dwellings (including amendments to 05/2665/MFUL) at Land at Dukes Way, Axminster**

4. The street lighting for the spine road and cul-de-sac has been erected and is operational;

5. The car parking and any other vehicular access facility required for the dwelling by this permission has been completed;

6. The street nameplates for the spine road and cul-de-sac have been provided and erected.

(Reason - To ensure that adequate access and associated facilities are available for the traffic attracted to the site in accordance with Policy TR10 of the Devon Structure Plan and Policy TA7 of the East Devon Local Plan).

13. When once constructed and provided in accordance with Condition 10 above, the carriageway, vehicle turning head, footways, footpaths, shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority.

(Reason - To ensure that these highway provisions remain available in accordance with Policy TR10 of the Devon Structure Plan and Policy TA7 of the East Devon Local Plan).

14. Within twelve months of the first occupation of the first dwelling in agreed phase of the development all roads, footways, footpaths, statutory undertakers mains and apparatus, junction access retaining wall and visibility splay works shall be completed to the written satisfaction of the Local Planning Authority.

(Reason - To ensure that the access arrangements are completed within a reasonable time in the interests of the safety and amenity of residents in accordance with Policy TR10 of the Devon Structure Plan and Policy TA7 of the East Devon).

15. Before development is commenced measures, to be approved by the Local planning authority, shall be put in place to prevent any building materials, fuel or other chemicals or soil from entering the watercourse.

(Reason - In the interests of maintaining water quality in the stream in accordance with Policy CO13 of the Devon Structure Plan and Policy EN17 of the East Devon Local Plan).

16. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.

(Reason - For the avoidance of doubt.)

\*4

**Application referred to the Planning Inspections Committee cont...**

**b. Axminster Town: Application No: 11/0143/MFUL – Construction of 41 dwellings (including amendments to 05/2665/MFUL) at Land at Dukes Way, Axminster**

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within the Schedule Part 1 Classes A, B, or E for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than works that do not materially affect the external appearance of the buildings, or for the provision within the curtilage of any building or enclosure, swimming or other pool.

(Reason - The space available would not permit such additions without detriment to the character and appearance of the area or to the amenities of adjoining occupiers contrary to Policy D1 (Design and Local Distinctiveness of the East Devon Local Plan.)

Reasons for approval:

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

Devon Structure Plan Policies

ST1 (Sustainable Development)  
 ST5 (Development Priority 2001 to 2016)  
 ST18 (Affordable Housing)  
 ST18A (Mix and Type of Housing)  
 CO6 (Quality of New Development)  
 CO8 (Archaeology)  
 CO13 (Protecting Water Resources and Flood Defence)  
 TR1 (Devon Travel Strategy)  
 TR2 (Co-ordinating Land Use/Travel Planning)  
 TR7 (Walking and Cycling)  
 TR10 (Strategic Road Network)

East Devon Local Plan

S4 (Development within Built-Up Area Boundaries)  
 S7 (Infrastructure Related to New Development)  
 D1 (Design and Local Distinctiveness)  
 D2 (Sustainable Construction)  
 D4 (Landscape Requirements)  
 D5 (Trees on Development Sites)  
 EN8 (Proposals Affecting Sites Which May be of Archaeological Importance)  
 EN17 (Maintenance of Water Quality and Quantity)  
 EN20 (River and Coastal Flooding)  
 H2 (Residential Land Allocation)  
 H3 (Range and Mix of New Housing Development)  
 H4 (Affordable Housing)  
 TA1 (Accessibility of New Development)  
 TA3 (Transport Assessments/Travel Plans)

\*4 **Application referred to the Planning Inspections Committee cont...**

b. Axminster Town: Application No: 11/0143/MFUL – Construction of 41 dwellings (including amendments to 05/2665/MFUL) at Land at Dukes Way, Axminster

TA7 (Adequacy of Road Network and Site Access)  
TA9 (Parking Provision in New Development)  
RE3 (Open Space Provision in New Housing Developments)

2. The proposal does not adversely affect the privacy or amenity of neighbouring properties.
3. The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.
4. The proposal does not harm an identified archaeological site or deposit.
5. The proposal does not harm or give rise to a perceived threat form important trees on or adjacent to the site.
6. The proposal is contained within the defined built-up area boundary of the settlement.
7. The proposal makes adequate provision for the disposal of foul/surface water in the interest of flood/pollution prevention.
8. The proposal does not cause a significant flood risk.
9. The access to serve the proposal does not prejudice highway safety.

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

## EAST DEVON DISTRICT COUNCIL

### Minutes of a Meeting of the Planning Inspections Committee held at the Knowle, Sidmouth on Friday 2 September 2011

- Present:** Councillors:  
Mark Williamson(Chairman)  
Geoff Chamberlain  
Geoff Pook  
Ken Potter  
Peter Sullivan  
Phil Twiss
- Ward member:** Councillors:  
Peter Bowden  
Derek Button
- Officers:** Ed Freeman, Development Manager  
Paul Golding, Planning Officer  
Christopher Holland, Democratic Services  
Andrew Seddon, Senior Solicitor
- Apologies:** Councillors:  
Alan Dent  
Tony Howard  
David Key  
Helen Parr

The meeting started at 10.50 am and ended at 11.40 am.

\*5 **Minutes**

The minutes of the meeting of the Planning Inspections Committee held on 29 July 2011 were confirmed and signed as a true record.

\*6 **Application referred to the Planning Inspections Committee**

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

- a) Broadclyst: Application No: 11.0604/MFUL – Proposed solar farm, comprising the erection of solar arrays, equipment housing, fencing and ancillary equipment at Land West of Burrowton Cottage, Broadclyst for Low Carbon Solar UK

**RESOLVED:** that the application be APPROVED with delegated authority being given to the Head of Economy to draft and agree suitable conditions in consultation with the Chairman and Ward Members.

(Councillor Geoff Pook declared a Personal Interest in the application as he had a business interest in a similar operation)

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

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Licensing & Enforcement Committee Held at Knowle, Sidmouth on Tuesday, 30 August 2011**

**Present:** Councillors:  
Steve Hall (Chairman)  
Bob Buxton  
Madeleine Chapman  
Steve Gazzard  
Pat Graham  
Ken Potter  
Pauline Stott  
Tom Wright  
Mark Williamson

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

**Apologies:** Councillors:  
David Atkins  
Roger Boote  
John Jeffery  
Jim Knight  
Philip Skinner

The meeting started at 9.35 am and ended at 11.00 am.

- \*5 **Minutes**  
The minutes of the meeting of the Licensing & Enforcement Committee held on 14 June 2011, were confirmed and signed as a true record.
- \*6 **Committee update – Licensing Act 2003, Gambling Act 2005 and General Licensing**

Consideration was given to the report of the Licensing Manager, which provided Members with an update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005 and Taxi Legislation together with other general licensing matters. Members noted that the risk rating system was in the process of being reviewed and consideration was being given to allowing a 'waiting' score to premises that have not had a complaint history during the past three years. Members were advised that the Police Licensing Section would be reduced and one licensing officer would be allocated to cover both the East and Mid Devon areas. This officer would probably be based at the Police Headquarters at Middlemoor, Exeter and would probably take effect from the end of October this year. This was likely to mean that more responsibility for enforcement was likely to have to fall on the District Council.

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

Members noted that the Folk Festival had run well this year with no problems for the licensing section. The usual licensing visits were carried out on the licensed venues. On the Thursday afternoon of the festival week both the Chairman and Vice Chairman of the Licensing Sub Committee went on a walk about visiting the seafront stalls and licensed venues meeting with the Folk Festival Event Production Manager.

With regard to street trading at the Sidmouth Folk Festival members noted that there had been very few complaints received. Permits for all sixty pitches had been issued for all eight days. Two licensing officers were on duty from 7.30am on all eight days of the festival ensuring that all went smoothly. Members wished to thank Douglas Jackson and John Loveridge for the work they had carried out on the Council's behalf during the 8 days of the Folk Festival.

John Tippin, Licensing Manager reported on the application that had been made for a Premises Licence for The Strand, Exmouth. However, this application had not been properly prepared and had been rejected by the Licensing Authority. Fortunately there were no events associated with the Tour of Britain cycle race planned for the Strand and therefore the rejection of the application would not affect the event. Members noted that there had been press reports indicating that a licence had been issued for The Strand, but this was incorrect. Concern was also expressed over the fragmented nature of licensing arrangements on The Strand. It was suggested that EDDC should explore the possibility of adopting the pavement licences from DCC in the area and also the remainder of East Devon, to help ensure a more coordinated approach to licensing especially the relationship between street trading and pavement licenses.

The Licensing Team had continued the education based enforcement and monitoring approach to the Hackney Carriage and Private Hire Drivers and Vehicles as used with the Licensing Act. Close liaison was maintained with partner agencies and the taxi trade to ensure that the principles of consistency, transparency and proportionality were maintained. There was a limited multiagency check on Exmouth Community College Prom night in July when Police Officers and a Licensing Officer stopped three stretch limousines, after they had dropped off their passengers. All appeared to be in order with the vehicles and their drivers.

Members were informed that there were currently three zoo licences issued in the District and a further application had been received in March from Axe Valley Bird and Animal Park for a fourth licence. This application was currently going through the complicated application process set by the legislation but it was anticipated that a licence would be issued shortly after the Secretary of State's Zoo Inspector provided the Council with his report.

John Tippin, Licensing Manager reported it was planned that further training opportunities would be provided, following the next quarterly Committee meeting on 22 November. Devon wide training for members of Licensing Committees, involving Philip Kolvin, had been arranged on Monday 7 November in Plymouth and on Friday 18 November in the Council Chamber, Knowle, Sidmouth. All Licensing Members would be invited to attend one venue.

\*6 **Committee update – Licensing Act 2003, Gambling Act 2005 and General Licensing (Cont)**

**RESOLVED**

1. that the report be noted;
2. that the Communications Officer issue a press release regarding the application for a Premises Licence for The Strand, Exmouth indicating that no licence had been issued and that the application had been rejected as it had been incorrectly made and could not go before a Licensing & Enforcement Sub Committee for decision as yet;
3. that the Chairman of the Committee and Licensing Manager approach Richard Cohen, Deputy Chief Executive with regard to providing direction on how to ensure a more coordinated approach to licensing in The Strand, Exmouth;
4. that Devon County Council be approached to explore the possibility of adopting the pavement licences issued by DCC in The Strand, Exmouth and also the remainder of East Devon, to help ensure a more coordinated approach to licensing.

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

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Licensing & Enforcement Sub Committee held at Knowle, Sidmouth on Tuesday 26 July 2011**

- Present:** Councillors:  
Jim Knight (Chairman)  
David Atkins  
Roger Boote
- Officers:** Neil McDonald - Licensing Officer  
Chris Lane - Democratic Services Officer  
Giles Salter – Assistant Solicitor
- Also present:** Councillor:  
Steve Gazzard
- Apologies:** Councillor:  
John Jeffery

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

#### \*10 **Minutes**

The minutes of the meetings of the Licensing & Enforcement Sub Committee held on 5 July 2011, were confirmed and signed as a true record.

#### \*11 **Declarations of interest**

<b>Councillor/ Officer</b>	<b>Agenda Item</b>	<b>Type of interest</b>	<b>Nature of interest</b>
Councillor Roger Boote	*12 – Application to grant a Premises Licence under the Licensing Act 2003 at Heath Close, 3 Lansdowne Road, Budleigh Salterton.	Personal	Personal licence holder.

#### \*12 **Application to grant a Premises Licence under the Licensing Act 2003 at Heath Close, 3 Lansdowne Road, Budleigh Salterton**

The Sub Committee gave consideration to an application for a Premises Licence under the Licensing Act 2003 to permit the provision of sale by retail of alcohol for consumption on the premises at Heath Close, 3 Lansdowne Road, Budleigh Salterton.

The Chairman identified members of the Sub Committee, Officers, applicants and interested parties present. The applicants were Graham and Patricia Ellis.

\*12 **Application to grant a Premises License under the Licensing Act 2003 at Heath Close, 3 Lansdowne Road, Budleigh Salterton (Cont)**

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

The Sub Committee carefully considered the relevant representations that all parties had made and the written representations and other documentation put before the Sub Committee. They considered the particular locality of the premises on the outskirts of the town centre and its physical relationship with other residential properties in the vicinity. It was considered relevant that representations received from the Police in relation to the Licensing Act objectives that had been the subject of representations made at the hearing, that is to say: public safety, public nuisance, crime and disorder had been mediated prior to the meeting. From this, the Sub Committee concluded that the Police did not consider that there was currently any significant problem associated with the current operation of the premises, or that there was likely to be if the application was granted provided the conditions they have requested were imposed. The applicant had reduced the hours originally asked for as a result of mediation between themselves, the police and 14 of the 15 interested parties.

The applicant's case was that the application was for the supply of alcohol to residents at Heath Lodge. The dining area accommodated 10 people but the mediated conditions limit the sale of alcohol to 8 persons at any one time.

The interested parties' case was on paper, firstly in relation to the prevention of crime and disorder, that garden boundaries were not secure, groups using the premises would roam around the area causing a disturbance. Regarding the prevention of public nuisance, this was a quiet residential area with a high proportion of elderly, retired occupants. If the property was licensed to 2300 hours there was the prospect of frequent, noisy revelry until late into the night which could cause a severe nuisance. The interested party did not attend the hearing.

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

The Sub Committee did not consider that there was evidence of a significant public nuisance, risk to public safety arising from the current operation of the premises. The concern of local residents about future operation was taken into account by ensuring that suitable conditions were imposed and that the operating hours were not unreasonably late. At the present time there was no real evidence that the operation the applicant proposed to run would cause the unacceptable impact local residents suggested.

\*12 **Application to grant a Premises License under the Licensing Act 2003 at Heath Close, 3 Lansdowne Road, Budleigh Salterton (Cont)**

All parties were reminded of the closure and review powers which the Government brought into force on 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.

**RESOLVED** that the time limited Premises License be granted as follows:

1):

(a) The extent of the areas within which the various licensable activities will be permitted is as indicated by the legends on the applicant's plan.

(b) Permitted hours for the various licensable activities will be as set out in the Appendix F.

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

3) that the Designated Premises Supervisor would be Eileen Patricia Ellis, Heath Close, 3 Lansdowne Road, Budleigh Salterton, EX9 6AH.

\*13 **Schedule of applications for Sub Committee approval where an agreed position has been reached and all Parties have agreed a hearing is unnecessary**

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

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

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

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for a premises licence to be granted	Lidl Store, Dinan Way, Exmouth,	Following mediation the applicant and the Police have agreed that they consider a hearing to be unnecessary if the following

	Devon, EX8 4RZ.	<p>agreed position is approved.</p> <p>The application be approved as submitted subject to the addition of the following conditions:</p> <ol style="list-style-type: none"> <li>1. CCTV must be installed, operated and maintained at the premises to a standard that provides images of evidential quality. The CCTV system will be installed so as to provide camera cover at the entrance/ exit of the premises, along the checkouts and in the area of the store where alcohol is displayed. All cameras located on entrances must be able to produce images of evidential standard as defined by the Home Office Guidance. Entrance Cameras must be capable of providing good quality head and shoulder images of persons entering/ leaving the premises. They should be high resolution colour cameras complete with an auto iris vari-focal lens. Cameras in the main areas of the premises must be able to cope with the extreme lighting conditions that may be present. The cameras, recording equipment and all ancillaries should be maintained according to the manufacturers instructions to ensure that the standard of the image is not compromised.</li> <li>2. CCTV images will be retained for a minimum of 14 days and will be produced as soon as is reasonably practicable and in any event within 48 hours of a request by the Police or a Licensing Officer of East Devon District Council. Recording media must be set to a minimum of 25 frames per second. The CCTV recordings must be stored on a digital multiplex recorder with either an on board CD/DVD re-writer and/ or a USB port for evidence recovery. The system must be capable of producing single images and forward, reverse, pause and slow motion at full screen resolution. All equipment must have constant time/ date generation.</li> <li>3. The CCTV system must be operational</li> </ol>
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		<p>at all times whilst the premises are trading. If the system is faulty or not working then the Police and East Devon Licensing Service must be informed immediately by email.</p> <ol style="list-style-type: none"> <li>4. Warning notices of at least an A5 size must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors. All signs must comply with the requirements of the Data Protection Act 2002.</li> <li>5. The CCTV recording system must be housed in a secure room/ cabinet where access is restricted and the operation is strictly limited to authorised persons.</li> </ol>
	<p>Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003</p>	
<p>Application for a premises licence to be granted.</p>	<p>Domino's Pizza 19 Imperial Road, Exmouth, Devon, EX8 1BY.</p>	<p>Following mediation the applicant and the Devon &amp; Cornwall Constabulary, the Councils Environmental Health service, two District Councillors and a local resident have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the addition of the following conditions:</p> <ol style="list-style-type: none"> <li>1. CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police in accordance with the requirements set out in the EDDC Licensing Policy.</li> <li>2. CCTV images must be retained for a minimum of 14 days and to be produced on the request of the Police or a Licensing Officer of East Devon District Council. Recording media must be set to 25 frames per second.</li> </ol>

		<ol style="list-style-type: none"> <li>3. The CCTV system must be operational at all times whilst the premises are trading. If the system is faulty or not working then the Police and East Devon Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book.</li> <li>4. A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors. All signs must comply with the requirements of the Data Protection Act 2002.</li> <li>5. The holder of the premises licence must ensure that all delivery drivers are instructed to enter and leave their vehicles quietly and considerately, not to leave engines running, to park considerately and at all times to keep in mind neighbours.</li> <li>6. The holder of the premises licence must ensure that doors and windows will be kept closed at night to prevent the transmission of noise.</li> <li>7. The holder of the premises licence must ensure that the customers who visit the premises to purchase takeaways will be asked to leave quietly and with due consideration for the neighbours.</li> <li>8. All counter service must end at 3am with last orders 10 minutes before but we will continue to deliver pizzas until 5am. (This condition amended in relation to deliveries after 3am by condition 10).</li> <li>9. The store must be closed between the hours of 5am and 8am.</li> <li>10. The store must close completely at 3am with no deliveries taking place after that time.</li> </ol>
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<b>Recommendation</b>	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003	

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

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Licensing & Enforcement Sub Committee held at Knowle, Sidmouth on Tuesday 6 September 2011**

- Present:** Councillors:  
Steve Hall (Chairman)  
David Atkins  
Ken Potter
- Officers:** John Tippin - Licensing Manager  
Chris Lane - Democratic Services Officer  
Giles Salter – Assistant Solicitor
- Also present:** Councillor:  
Steve Gazzard  
Pauline Stott  
Tom Wright
- Apologies:** Councillor:  
John Jeffery

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

#### **\*14 Minutes**

The minutes of the meetings of the Licensing & Enforcement Sub Committee held on 26 July 2011, were confirmed and signed as a true record.

#### **\*15 Application for a Sex Entertainment Venue Licence to be granted under the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 for the premises known as Lush, Elm Grove, Exmouth**

The Sub Committee gave consideration to an application for a Sexual Entertainment Venue Licence to be granted under the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 for the premises known as Lush, Elm Grove, Exmouth.

The Chairman identified members of the Sub Committee, Officers and applicants present. The applicant was Paul Kortland, represented by Graham Gover, Solicitor. The Police were represented by Barry Sleight, Police Licensing Officer.

The Sub Committee carefully considered the views of the objectors to the licence, but acknowledged that there were no issues of public nuisance or public safety that could be directly related to the operation known as The 'Lush Club'. This was reinforced by the Police view that the Club had a very good management structure with good policies in place.

Members welcomed the addition of the further door supervisor who currently managed the internal door between the upstairs bar and 'The Lush Club'.

\*15

**Application for a Sex Entertainment Venue Licence to be granted under the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 for the premises known as Lush, Elm Grove, Exmouth (Cont)**

Graham Govier and Paul Kortland explained at the hearing how this door operated when both clubs were open and the Sub Committee would wish that this was formally adopted as a condition in the club management policy. Members acknowledged the proficient and professionally managed was that 'The Lush Club' had been well supervised and operated since it opened in September 2008.

Paul Kortland confirmed that he could not foresee any reason why he would want to have lap dancing, strip tease type entertainment within the adjacent Q Club under the current Premises Licence, although up to 11 events of this nature could be held within the Q Club under that Premises Licence. Graham Gover informed the Sub Committee that the Q Club would be making an application for a minor variation to its Premise Licence in early 2012 to remove the lap dancing conditions from the Q Club Premises Licence. Barry Sleight, Police Licensing Officer stated that the Police would look to revisit door supervisions conditions relating to the Q Club when the minor variation was made.

**RESOLVED :** that the application for a Sex Entertainment Venue Licence be granted under the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 for the premises known as Lush, Elm Grove, Exmouth subject to the conditions set out in Premises Licence PLWA 0539 at 13, 21 and 22 and the additional amendment to standard condition 18, as follows:

13. The area within which adult entertainment may be provided is outlined in blue on the approved plan and must not be provided in any other part of the premises without approval in writing of the Licensing Authority.
21. Changing Rooms must be provided for performers of adult entertainment and these must be separate from the parts of the premises to which the public have access. No person, other than performers or staff approved by the premises licence holder for that purpose, is to be permitted to enter the changing rooms.
23. Three door supervisors must be on duty in this part of the premises at all times when adult entertainment is about to be or being provided. The word 'this part of the premises' means Lush outlined in blue on the approved plans, the dedicated ground floor entrance to that part of the premises and the access route between the two.

The applicants Solicitor's amendment to the Licensing Authority's Standard condition 18 which will read as follows:

‘There shall be no physical contact between customers and performers except for **an introductory handshake/kiss and** the placing of money or tokens into the hands of the dancer or an arm band, waistband, garter or similar receptacle at the beginning or conclusion of a performance’.

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

# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Tuesday, 13 September 2011**

- Present:** Councillors:  
Steve Hall (Chairman)  
Pat Graham  
Ken Potter
- Also present:** Councillors:  
Roger Giles  
Steve Gazzard  
Tom Howard  
Tom Wright
- Officers:** Douglas Jackson – Licensing Officer  
Chris Lane – Democratic Services Officer  
Giles Salter – Assistant Solicitor  
Neil McDonald – Licensing Officer
- Apologies:** Councillor  
Bob Buxton  
John Jeffery

The meeting started at 9.30 am and ended at 3.40 pm.

### **\*16 Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 6 September 2011, were confirmed and signed as a true record.

### **\*17 Exempt Information**

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

### **\*18 Application for Review of a Premises Licence under the Licensing Act 2003 – Gerrard Arms, Colyton**

Consideration was given to the report of the Licensing Officer on an application for review of the Premises Licence for Gerrard Arms, St Andrews Square, Colyton requested by Devon & Cornwall Constabulary under Section 51 of the Licensing Act 2003.

The Sub Committee discussed the events in which the Review application had been brought before it. Members accepted that the Police were correct to insist that the matter was brought to the Licensing authority's attention as the tragic

\*18 **Application for Review of a Premises Licence under the Licensing Act 2003 – Gerrard Arms, Colyton (Cont)**

circumstances surrounding a death involving the consumption of alcohol linked to one of its licensed premises was a most serious issue.

The Sub Committee's thinking was based on the Police Licensing Officer's helpful contribution during the hearing. The thorough investigation and interviewing of the various parties involved, the absence of historic complaints from the local residents linked to issues of mismanagement, had aided the Sub Committee in making the following decision.

The cooperation throughout of the Designated Premises Supervisor in taking on board the recommendations of the Police was noted. In particular with regard to the implementation of the Challenge 25 policy and the voluntary decision to record all challenges of young persons in a ledger.

It was noted that an apology from the Designated Premises Supervisor to the Licensing Authority would have been appropriate at the hearing. It was considered important that any DPS realises the ultimate responsibility for the management of premises where alcohol is on sale resided with them.

**RESOLVED**

1. That CCTV be installed at the premises to the satisfaction of the Police and Licensing Authority in line with the Council's policy as soon as possible and no later than three months from the date of the hearing.
2. That all challenges to young persons attempting to purchase alcohol be noted in a ledger.
3. That the Premises be placed on the Licensing Authorities High Risk Register for a period of 12 months so that the Designated Premises supervisor can demonstrate to the Licensing Authority that he has taken the issues surrounding the tragic circumstances of 14 November 2010 seriously.

\*19 **Application to grant a Premises Licence under the Licensing Act 2003 at Sainsbury's, Hind Street, Ottery St Mary**

The Sub Committee gave consideration to an application for a Premises Licence under the Licensing Act 2003 to permit the provision of sale by retail of alcohol for consumption off the premises and late night refreshment on and off the premises at Sainsbury's, Hind Street, Ottery St Mary.

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

\*19 **Application to grant a Premises Licence under the Licensing Act 2003 at Sainsbury's, Hind Street, Ottery St Mary (Cont)**

The Sub Committee carefully considered the relevant representations that all parties had made and the written representations and other documentation put before the Sub Committee. They considered the particular locality of the premises in a small market town centre and its physical relationship with other residential and commercial properties in the vicinity. It was considered relevant that representations had been received from the Police in relation to the Licensing Act objectives that had been the subject of comments and observations made at the hearing, that is to say: public safety, public nuisance, prevention of crime and disorder and protection of children from harm. The applicant had now reduced the hours originally asked for.

The applicant's case was that the application was in line with their nationwide standard application. The store intended to open for the sale of alcohol from 6.00am to 12.00 midnight. The applicant offered an amendment to Late Night Refreshment – this would now be indoors only (later withdrawn following reduction of licensing hours offered). The licensing application was an umbrella application to cover all eventual possibilities to incorporate the sale of alcohol and in particular for the Easter, or more likely the Christmas period of trading, and also any future changes in licensing or trading legislation.

The Sainsbury's store was 22,000sq ft, CCTV could not cover every part of the business. The applicant stated that there was a Think 25 policy in operation on a nationwide basis. Every person who looked under 25 must be challenged; staff were trained regularly and reminded of the policy at six monthly periods, at staff huddles etc. The store also advertised the policy to the public, particularly in the till areas.

The issue of proxy sales was addressed; the applicant stated that unscrupulous adults could purchase alcohol and pass it to underage persons at any time away from the store. Sainsbury's could not control this and the presence of Sainsbury's in OSM would not make the issue go away however much the licence might be conditioned.

Regarding the issue of CCTV, the applicant drew the Sub Committee's attention to the conditions offered in the application. It was stated that whilst Home Office policy and Government guidance were available it was a view that standard conditions should be avoided and any specific conditions should reflect the size, style and characteristics of the premises. Conditions should be clear and enforceable. It was stated that there would be 33 cameras in the retail area, 15 back office cameras.

The applicant would have difficulties with the imposition of a 25 frames per second system with images being retained for 30 days because of the amount of storage necessary, but they could see the merits of a system that captured 12 frames per second for a 30 day period. The East Devon CCTV policy was at odds with what was believed to be necessary and proportionate. The applicant was prepared to offer a system that would provide reasonable satisfaction to the Police.

\*19 **Application to grant a Premises Licence under the Licensing Act 2003 at Sainsbury's, Hind Street, Ottery St Mary (Cont)**

The applicant made an offer to amend the proposed hours for the sale of alcohol from 8.00am to 10.00 pm on 7days a week but subject to current Sunday trading laws.

The police case was that in conditioning the CCTV to the Police minimum standard as set out in the Licensing Authority's policy document would future proof all applications for licences and allow applicants to 'husband' their equipment. A 25 frame/sec system would provide the Police with better evidence should there be licensing issues at the premises.

The interested parties' case was:

Cllr Roger Giles who spoke for a number of local residents as well as representing himself- He attended the meeting to oppose 24 hour opening, he was concerned about potential issues of Anti Social Behaviour in the Hind St car park and the Land of Canaan area. He felt that Sainsbury's was not listening to local opinion and it would not deal with issues and concerns because it was not a local business.

Cllr Tony Howard, representing Ottery Rural Ward was concerned for local business, the heavier use of roads, and issues linked to planning concerns with the hours of proposed trading. Ms Lorna Bryce-Nye- applauded the Police on the insistence of minimum standards for CCTV, but also thanked Sainsbury's for amending their application during the hearing.

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

At the present time there was no real evidence that the operation the applicant proposed to run would cause the unacceptable impact local residents suggested because of a lack of evidence specifically related to Sainsbury's which was a new premise and because of the revised timings the applicant proposed.

For this particular operation and the trading characteristics the Sub Committee accepted the applicants CCTV proposals and the conditions offered with some minor amendments which were offered during the hearing. The Sub Committee believed that the equipment currently offered would address the licensing objectives at the present time.

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

**\*19 Application to grant a Premises Licence under the Licensing Act 2003 at Sainsbury's, Hind Street, Ottery St Mary (Cont)**

**RESOLVED**

- 1) that the Premises Licence be granted as follows:
  - (a) The extent of the areas within which the various licensable activities will be permitted is as indicated by the legends on the applicant's plan.
  - (b) Permitted hours for the various licensable activities will be 8.00am to 10.00pm Monday to Sunday.
  - (c) The conditions will be shown in Appendix E.
  - (d) CCTV conditions amendments will be offered:  
'Sub Committee accepts the addition of the word 'digital' at Condition 1 of the CCTV proposed conditions at Section P (pp72-73) in the report.
  
- 2) that whilst the Sub Committee acknowledged the concerns expressed by the interested parties before us today, the Sub Committee believe the concerns expressed in representations had been addressed by the hours of operation for the licensable activities and the conditions that have been imposed which have been tailored to the size, characteristics and activities on the premises which the Sub Committee believe were necessary and proportionate.
  
- 3) that the Designated Premises Supervisor would be Joanne Surgury, 16 Bleadon Road, Bexley, Kent.

**\*20 Schedule of applications for Sub Committee approval where an agreed position has been reached and all Parties have agreed a hearing is unnecessary**

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

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

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

Type of Application	Name of premises and address	Agreed position reached by the parties
Application	Manor Gardens,	Following mediation the applicant, Devon

<p>for a premises licence to be granted</p>	<p>Exmouth, EX8 2AG</p>	<p>&amp; Cornwall Constabulary and the Councils Environmental Health service have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the addition of the following conditions</p> <ol style="list-style-type: none"> <li>1. There will be no more than 2000 tickets sold for the event.</li> <li>2. SIA Registered Doorstaff will be employed as follows: <ul style="list-style-type: none"> <li>• 12.00 Hrs to 16.00 Hrs a minimum of 5 doorstaff</li> <li>• 16.00 Hrs to 18.00 Hrs a minimum of 7 doorstaff</li> <li>• 18.00 Hrs to 30 minutes after closing a minimum of 9 doorstaff</li> </ul> </li> <li>3. All drinks will be sold in plastic or toughened containers.</li> <li>4. All bottles will be decanted.</li> <li>5. There will be a challenge 25 policy in force.</li> <li>6. There will be a contingency plan to supplement the numbers of SIA staff if there is any intelligence of potential disorder or the minimum staffing level for the event is not sufficient.</li> <li>7. There will be a contingency plan for dealing safely with those persons entering or attempting to enter the licensed area without a ticket or permission (gatecrashers).</li> <li>8. There will be a contingency plan for stewarding all entrances/exits to ensure the safe evacuation of the licensable area.</li> <li>9. There will be no Techno or drum and bass music.</li> <li>10. The sound level throughout the event at Manor Gardens Exmouth on 17 September shall not exceed</li> </ol>
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		<p>65dB(A) 15 LAeq at any time throughout the event.</p> <p>11. The sound levels shall be continuously monitored and the 15min logs available for checking by EHO on demand.</p> <p>12. The recording meter shall be located at the entrance on Alexandra Terrace and Beacon Hill.</p>
	<p>Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003</p>	

**\*21 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.

**\*22 Private Hire Driver's Licence Application**

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

**RESOLVED** that Mr GHK's request to be licensed as a Hackney Carriage Driver be granted, subject to him passing his Driving Standards Agency test.

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

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