

EAST DEVON DISTRICT COUNCIL

Minutes of the Meeting of the Council held at Knowle, Sidmouth, on Wednesday, 20 February 2008

Present:

Councillors:

P A Diviani (Chairman)
Mrs P A Stott (Vice Chairman)

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|------------------|--------------------------|
| Miss V Ash | D R H Hull |
| D G Atkins | J Humphreys |
| R Bloxham | B O Ingham |
| R W Boote | H J Jeffery |
| P Bowden | Mrs S Jones |
| G P Brown | D R A Key |
| D G Button | J A Knight |
| G P Chamberlain | Mrs A E Liverton |
| D B Chapman | S C Luxton |
| I R Chubb | A T Moulding |
| T A Cope | Mrs F I Newth |
| D J Cox | K D Nicholas |
| A E J Dinnis | Mrs H E Parr |
| Mrs C E Drew | R C Peachey |
| Ms V Duval-Steer | K C Potter |
| Miss J M Elson | Miss S M Randall Johnson |
| R G Franklin | A W J Reed |
| C F A Gibbings | Mrs M A Rogers |
| A R Giles | P J Skinner |
| G Godbeer | Mrs B O Taylor |
| Mrs P A Graham | C T Tratt |
| M J L Green | G M Troman |
| S Hall | J M Williamson |
| J P Halse | TJ R Wood |
| Mrs M L Hardy | S C Wragg |
| S Hughes | |

Also Present

Honorary Alderman Dr H W Waterworth

Officers:

Mark Williams, Chief Executive
Denise Lyon, Deputy Chief Executive
Diccon Pearse, Corporate Director
Karime Hassan, Corporate Director
Peter Jeffs, Corporate Director
Diana Vernon, Democratic Services Manager

Apologies

Councillors:

M Florey
K W George
G K Liverton
J B Nicholson
Mrs E E Wragg

Honorary Alderman B Hughes

The meeting started at 6.30 pm and finished at 8.38 pm.

*51 **Minutes**

The minutes of the meeting of the Council, held on 12 December 2007, were confirmed and signed as a true record subject to the deletion of part of the penultimate paragraph of Minute 50 so that it now reads 'Alex Chapman, Govmetric outlined the ways ... '.

*52 **Notice**

The Chairman advised that the Post Office Member Champion was working hard to secure and extend the services provided locally. He had met with Devon County Council representatives and was lobbying the Local Government Association on behalf of the local Post Office service.

*53 **Long Service Awards**

The Chairman presented long service awards to the following East Devon District Council staff in appreciation of long and dedicated service:

Carl Becket 20 years
(Streetscene)

Carol Harris 20 years
(Homesafeguard)

*54 **Charter Mark – Building Control**

The Chairman introduced Mrs Helen Donnellan, Chartermark Assessor who presented the Chartermark Award to the Building Control Section. Mrs Donnellan said it was a pleasure to personally present the award to an organisation. She explained the Chartermark recognised the customer focused service provided and this reflected well on the Council. In accepting the Award on behalf of service, Anna Thompson, Building Control Manager, acknowledged the work of the team and particularly thanked Karen Randall who had collated evidence and helped progress the application. Councillors were also thanked for their support. The Portfolio Holder – Strategic Planning and Regeneration added his thanks to the Officers in the section who he described as polite and conscientious.

*55 **Resignation – Dunkeswell Ward Member**

The resignation of Mrs Marcelle Boote, Dunkeswell Ward was formally reported.

*56 **Council Tax 2007/08**

The Leader of the Council presented the Revenue Estimates and Capital Programme together with proposals for the Council Tax for 2008/09.

The Leader said that it was important to look back on the work of the Council and also to recognise the impact of Central Government policies on local authorities. She referred particularly to cuts and ring-fencing of funding streams, the move to formula grants, use of capital receipts and capping.

The Council had been obliged to work within a very tight budget to accommodate the rise in inflation and to meet its commitments. This had been achieved with rigorous reviews and careful and detailed examination of service plans. The Council was acutely aware of the impact of expenditure on the Council Tax Payer. The work on the budgets had been carried out throughout the year and all Councillors had been involved in the prioritisation process.

Key areas for Council support identified through the prioritisation process included the regeneration of Exmouth and Seaton. The Leader urged the Devon County Councillors to do what they could to encourage the County Council to expand the educational provision in Exmouth to compensate for the withdrawal of the University of Plymouth; to regard this as an opportunity for the benefit of the town.

***56 Council Tax 2007/08 (cont)..**

Work was being undertaken to improve Council service delivery and public access. Efforts were initially being concentrated in improving performance within the planning and benefit services.

Affordable housing remained a top priority for this Council and work would be continued through the planning process to achieve 40% affordable housing in developments. In the last year, 65 affordable homes had been built. The Leader said that this achievement was a credit to the Portfolio Holder – Communities and Officers but was not enough to meet the needs of local communities.

The National Concessionary Fares scheme was another area of major expenditure to be budgeted through the Council Tax. This Council would continue to lobby Central Government to pay according to demand and to centralise payment. This Council would have the passenger cards ready in time for the 1 April National launch of the extended scheme as they were being produced in-house.

The Leader also referred to other significant costs that this Council will have to bear including Town and Country Planning, Recycling and Refuse and Street cleaning. Opportunities would be taken to realistically maximise income where possible. Reference was made to income from car parks within the district.

The monthly monitoring of budgets by the Executive Board had been effective. This work had been led by the Portfolio Holder – Resources who was thanked for his valued input. All Members were thanked for their involvement with the service planning and budget process and in their co-operation in trying to get the people in East Devon the best possible level of service provision whilst achieving value for money.

The report prepared by the Head of Finance was considered. A model layout had been followed in setting the Council Tax, using prescribed wording in referring to Sections of the Local Government Finance Act.

In seconding the Leader's proposal to accept the recommendations within the Head of Finance's report, Councillor R Peachey said that the Chief Executive should be proud of the Council staff who had helped achieve such a low Council Tax increase.

The Leader of the Liberal Democrat Group stated that although his Group was not in favour of the concept of Council Tax, he appreciated that the increase on last year was significantly less than 5%. He was concerned that this Council's cuts to non-statutory service provision had meant that parish and town councils had increased their precepts more than in previous years. However he recognised that the budget was prudent and confirmed that it had the support of his Group.

The Portfolio Holder – Resources extended particular thanks to Diccon Pearse, Simon Davey, Andrew Jarrett and their teams who had managed to achieve a balanced budget. They had worked closely with Councillors and recommended a realistic increase despite poor Central Government funding and essential expenditure made to meet Government initiatives.

- RESOLVED:** (1) that the recommendations of the Executive Board (Minute No.139 of 30 January 2008) relating to the Revenue and Capital Estimates be approved,

***56 Council Tax 2007/08 (cont)..**

- (2) that it be noted that the Executive Board calculated the following amounts for the year 2008/2009 in accordance with regulations made under Section 33(5) of the Local Government Finance Act 1992:-
- (a) 56,350 being the amount calculated by the Council, in accordance with regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 (as amended by Local Government Act 2003 – Section 84), as its Council Tax Base for the year,
 - (b) The amounts stated in column 3 of Schedule 1 attached calculated by the Council, in accordance with regulation 6 of the Regulations, as the amounts of its Council Tax Base,
 - (c) For the year for dwellings in those parts of its area set out in column 1 of Schedule 1, to which one or more special items relate.
- (3) that the following amounts be now calculated by the Council for the year 2008/2009 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:-
- (a) £68,651,720 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (e) of the Act.
 - (b) £52,619,970 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3)(a) to (c) of the Act.
 - (c) £16,031,750 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year.
 - (d) £7,859,993 being the aggregate of the sums which the Council estimates will be payable for the year into its General Fund in respect of redistributed non-domestic rates, revenue support grant, increased by the amount of the sums which the Council estimates will be transferred in the year from its collection fund to its general fund in accordance with Section 97(3) of the Local Government Finance Act 1988.
 - (e) £145.02 being the amount at 3(c) above less the amount at 3(d) above, all divided by the amount at 2(a) above, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its Council tax for the year.

*56 **Council Tax 2007/08 (cont)..**

- (f) £1,508,933 being the aggregate amount of all special items referred to in Section 34(1) of the Act.
- (g) £118.24 being the amount at 3(e) above less the result given by dividing the amount at 3(f) above by the amount at 2(a) above calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council tax for the year for dwellings in those parts of its area to which no special item relates.
- (h) The amounts stated in column 5 of the schedule 1 given by adding to the amount at 3(g) above the amounts of the special item or items relating to dwellings in those parts of the Council's area specified in column 1 of Schedule 1 (attached to these minutes) divided in each case by the amount at 2(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its Council tax for the year for dwellings in those parts of its area set out in column 1 of Schedule 1 to which one or more special items relate.
- (i) The amounts set out in Schedule 2 (attached to these minutes) given by multiplying the amounts at 3(h) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.
- (4) that it be noted that for the year 2008/2009 the Devon County Council, Devon and Cornwall Police Authority and Devon and Somerset Fire and Rescue Authority have stated the following amounts in precepts issued to the District Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:-

| Valuation Bands | Devon County Council | Devon & Cornwall Police Authority | Devon & Somerset Fire & Rescue Authority |
|-----------------|----------------------|-----------------------------------|--|
| A | £ 709.26 | £ 94.79 | £ 44.39 |
| B | £ 827.47 | £110.59 | £ 51.78 |
| C | £ 945.68 | £126.39 | £ 59.18 |
| <u>D</u> | <u>£1,063.89</u> | <u>£142.19</u> | <u>£ 66.58</u> |
| E | £1,300.31 | £173.79 | £ 81.38 |
| F | £1,536.73 | £205.39 | £ 96.17 |
| G | £1,773.15 | £236.98 | £110.97 |
| H | £2,127.78 | £284.38 | £133.16 |

***56 Council Tax 2007/08 (cont)..**

- (5) that, having calculated the aggregate in each case of the amounts at 3 (i) and 4 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the amounts set out in Schedule 3 (attached to these minutes) as the amounts of council tax for the year 2008/2009 for each of the categories of dwellings shown in Schedule 3.

***57 Questions**

In pursuant to Procedure Rule No 8.2 and 8.5, the following responses were made:

The Leader confirmed that it was still appropriate to commit £250,000 to achieve the best result for the people in East Devon during the local government re-organisation process. This Council's preferred option was to maintain the status quo with enhanced partnership working. It was crucial to make sure that local people were represented locally.

The Portfolio Holder – Strategic Planning and Regeneration confirmed that steps were being taken to increase the resources within the planning enforcement service to reduce the number of outstanding jobs to be dealt with.

The Leader confirmed that any increase to the number of Member Champions would be considered at the Annual Meeting of the Council. She agreed that there could be some benefit in appointing a Champion for Tourism.

The Leader confirmed that it was the Council's intention to bring a report to the Annual Council to set out the role and remit of representatives on Outside Bodies and this report would include improved reporting channels which could be that representatives reported back through the Overview Committees if appropriate.

***58 Minutes of Executive Board and Committees**

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

| | | |
|---------------------------------|---------|---------|
| Executive Board | Minutes | 122-158 |
| Development Control | Minutes | 42-61 |
| Planning Inspections | Minutes | 20-23 |
| Licensing and Enforcement Sub A | Minutes | 13-15 |
| Audit and Governance | Minutes | 24-29 |

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

The Executive Board (minutes 124 and 138) had noted or accepted the Scrutiny, Joint Scrutiny and Corporate Overview Committees' and Housing Review Board's recommendations with or without amendment.

| | | |
|---------------------------|---------|-------|
| Scrutiny | Minutes | 42-48 |
| Joint Scrutiny & Overview | Minutes | 4-7 |
| Housing Review Board | Minutes | 32-56 |

Arising from consideration of the above minutes:-

a) Local Government Re-organisation (LGR) in Devon (Executive Board Minute 129)

The Leader confirmed that the Council's preferred option was the status quo with enhanced working and shared services but that the Boundary Commission might not present this as an option. The recommendations of the Executive Board were amended and agreed as follows:

- RESOLVED** 1) that the Boundary Committee for England's terms of reference be sent (when received) to all parishes and district Councillors.
- 2) that, although the status quo with enhanced working and shared services is the Council's preferred option it was noted that the Boundary Committee might not present this as an option,
- 3) that, if, and only if, there is a requirement for a Unitary Council, the initial preference is for a Unitary Council to take in East Devon and surrounding areas but to delegate authority to the Working Group to decide which proposal(s) should be put forward to the Boundary Commission in the first stage of the process.
- 4) that a Working Group of 5 Councillors be set up to include the Council Leader, who will be chairman. It will report to the Executive Board and will direct and support officers. Where necessary the Working Group will make interim reports direct to the Council at ordinary or special meetings.
- 5) that the Council carry out preliminary work with the other Devon councils on re-organisation and request that the Chief Executive make staffing arrangements to ensure East Devon's best interests are protected, and the work is adequately resourced and professionally delivered.
- 6) that approve budgetary provision from reserves for 2008/9 of £250,000 be approved to support the staffing and other costs required to resource the Re-organisation Project.

b) Service Plans and Revenue and Estimates 2008/09 (Executive Board Minute 139)

The Portfolio Holder – Communities corrected wording used in the pre-ambule to the minute and advised that the Government had increased housing subsidy which could not be used to improve this Council's housing stock.

c) Establishment of Exmouth and Seaton Regeneration Programme Boards (Executive Board Minute 148)

- RESOLVED** that the Exmouth Regeneration Programme Board be chaired by the Portfolio Holder – Economy and the Seaton Regeneration Programme Board be chaired by the Portfolio Holder for Planning and Regeneration.

d) Request for exemption to Standing Orders (Executive Board Minute 154)

The Leader advised that to progress the work with Vanguard, a sample of planning applications would be handled in a different way. This sample would then be tested to see if the change was feasible. The work with Vanguard was evolving and as a result the Leader proposed that in addition to the exemption to standing orders already approved by the Board, delegated authority be given to the Chief Executive in consultation.

The Leader of the Liberal Democrats Group welcomed the opportunity to be involved in the Vanguard work and hoped that the work would accelerate the time currently taken to progress applications.

RESOLVED that delegated authority be given to the Chief Executive in consultation with the three Group Leaders and the Chairman of Development Control to approve changes to delegated procedures and other related policies and practices for a trial period to ascertain what system should to be recommended as a result of the Vanguard investigation.

e) Scrutiny Committee

In presenting the minutes of the Scrutiny Committee, the Chairman, Councillor A R Giles thanked the Committee for its support and particularly extended thanks to the Vice Chairman, Councillor J Knight, Denise Lyon, Deputy Chief Executive and Debbie Meakin, Democratic Services Officer.

f) Development Control

In presenting the minutes of the Development Control and the Planning Inspections Committees, the Chairman extended an invitation to all Councillors to sit in on the delegation meetings. A number of Councillors had observed delegations in the past and found this helpful. He welcomed measures being proposed that would reduce the number of applications being referred for consideration by the Committee.

g) Applications for Planning Permission (Development Control Minute 50)

Councillor T A Cope declared a prejudicial interest in Application 07/3028/TRE because his mother-in-law was the owner of the property.

*59 **Revised Code of Conduct - motion**

The following motion (in the names of Councillors D G Button, T A Cope, Mrs M A Rogers, Mrs E E Wragg and D R H Hull) was proposed by Councillor D G Button and Seconded by Councillor T A Cope:

“This Council resolves:-

1. To welcome the implementation of the revised Code of Conduct for Councillors, particularly in respect of the newly accepted right of Ward Members to comment upon local views relating to contentious issues even where they are required to declare a prejudicial interest*, and,

***59 Revised Code of Conduct – motion (cont)..**

2. to encourage Members of the Council to have due regard to various terms of the new Code when commenting upon issues of local concern”.

*Members noted the legal clarification in respect of the new Councillor Code of Conduct which had been set out on the agenda.

In proposing the motion, Councillor Button confirmed that he welcomed the opportunity for Councillors to speak before leaving the Chamber when matters on which they had a prejudicial interest were being discussed (subject to Members of the public having a similar right to speak at the meeting). He recognised that the Code was protective of the rights of Councillors and Officers, setting out rules against bullying and intimidation. He said that it was particularly important to bear this in mind and not overstep the boundaries set down. Councillor Mrs Rogers agreed with this and raised areas of past concern.

Councillor Moulding proposed an amendment, seconded by the Leader for the proposal to be deferred until the Corporate Overview Committee had reviewed the right of the public to speak at Committees – this was on the Committee’s agenda for 21 February. An amendment to the motion was put to the vote and carried. The substantive motion was supported by the majority of those present.

RESOLVED that the Corporate Overview Committee discuss and investigate the issue of public speaking at Committees with no action being taken until the recommendations of that Committee have been brought forward for consideration.

***60 Proposed New Settlement - motion**

The following motion (in the names of Councillors D G Button, Mrs M A Rogers, Mrs E E Wragg, D R H Hull, T A Cope and G P Chamberlain) was proposed by Councillor D G Button and Seconded by Councillor Mrs M A Rogers:

“In the light of the Enquiry in Public Panel’s report into the draft Regional Spatial Strategy, this Council resolves:-

1. to write to local MPs, the Regional Assembly, Devon County Council, Exeter City Council and Mid Devon District Council expressing grave reservations about the proposal to locate another new settlement of some 6,000 dwellings in the East Devon area identified within area K of the draft Regional Spatial Strategy. Such correspondence to include reference to the fact that much of the land in this area is identified as flood plain or in the ownership of the National Trust as inalienable land and, in one instance, identified as Devon Wildlife Site,
2. to encourage all involved in the strategic planning of this area to give serious consideration to the siting of a new town adjacent to Junction 27 of the M5 Motorway; such town to be of sufficient size to accommodate the medium term future housing and employment needs of Mid and East Devon, and when considering this proposal, to bear in mind that Junction 27 benefits from excellent road links via the M5 to Taunton, Bristol and the North and, via the North Devon Link, to North Devon. It also has the advantage of lying on the main link from the South West to Paddington. A new town at this location could provide an excellent gateway to Mid, North and East Devon and Exeter and a very useful stimulus to the economy of Mid and North Devon”.

***60 Proposed New Settlement – motion (cont)..**

In proposing the motion, Councillor Button outlined what he saw as the inappropriateness of the suggested site for a new community which included National Trust land, part flood plain and a Devon Wildlife site. He advised that the proposal for the site of a new town had not yet been discussed in public. He believed that the Council should take a firm and clear stand and have a say in the way it wanted housing needs to be met in a strategic way. He believed that the alternative site detailed in the motion met some of the area's needs and could be a gateway to the area.

Councillor R Franklin felt that the motion was premature and proposed that the matter be deferred until all possible options had been discussed and evaluated by the Leader, Karime Hassan, Corporate Director, local councils and relevant organisations. The amendment was seconded by Councillor Brown who said that on-going strategic work was being carried out and it would be short-sighted of the Council to commit to any one scheme at this stage.

The Portfolio Holder – Economy advised that the proposal was being referred to the Secretary of State in May following which there would be plans for a full consultation process. He agreed that it was appropriate to wait for that opportunity.

The amendment to the motion was put to the vote and carried. The substantive motion was supported by the majority of those present.

RESOLVED that the Council make representations when it has had the opportunity to assess all options during the Government's consultation period.

***61 Vandalism against Council property - motion**

The following motion (in the names of Councillors Mrs M A Rogers, Mrs E E Wragg, D R H Hull, T A Cope and D G Button) was proposed by Councillor Mrs M A Rogers and Seconded by Councillor Mrs E E Wragg:

‘That this Council makes sure that all acts of vandalism against Council property are reported to the Police so that a crime number is generated allowing the Police to get resources in fighting crime. This is in accordance with the Council's own Anti Social Behaviour Policy which states "that a robust and targeted approach to enforcement should be encouraged throughout the Council and budgeted for.”

In proposing the motion, Councillor Mrs Rogers stressed the importance of all crime to Council property being reported to the Police. The Member Champion for Community Safety advised that this enforced what the Council was already doing and it was covered by criminal damage legislation. However, he advised that the Council's Anti-Social Behaviour policy did not include vandalism to property but recognised that vandalism did cause alarm and distress. The Member Champion – Risk Management agreed that the Police needed public support and suggested that he and the Member Champion for Community Safety work with the Liberal Democrat Group to amend the existing Anti-Social Behaviour policy to incorporate all facets. On behalf of the Group, Councillor Mrs Rogers accepted this offer and withdrew the motion.

RESOLVED that the Member Champions for Community Safety and Risk Management work with representatives of the Liberal Democrat Group to amend the existing Anti-Social Behaviour policy to ensure that it is all-inclusive with the proposed amendments to the policy being referred back to Council for consideration.

*62 **Housing Review Board**

It was noted that the new Tenant Representative on the Housing Review Board had tendered his resignation before his appointment could be formally reported to Council.

*63 **Membership on Outside Bodies – Devon Youth Service**

RESOLVED that Councillor Darryl Nicholas, Champion for Young People represent the Council at ‘Youth Work in Devon’ meetings.

*50 **Presentation by Tony Norton, Head of Low Carbon Development at regensw**

Tony Norton reported on initial findings on the Low Carbon Strategy for Cranbrook. The findings had been made by regensw, funded by South West of England Regional Development Agency (SWRDA) to promote renewable energy initiatives. The East of Exeter Steering Board was looking at energy issues across the whole of the proposed development in that area. The report, which concentrated on the Cranbrook development as a priority, was still on-going and was still being refined. The final report would be out next month.

The study identified what work could be done to reduce the carbon footprint of individual homes and what could be done on a site-wide basis. Suggestions for individual homes included solar water heating and fabric measures (including insulation). Site-wide schemes could include combined heat and power (CHP) units which were far more energy efficient than the huge national generators. The Council was committed to achieving reduced carbon emissions in Cranbrook and to use of renewable energy in the commercial and domestic buildings. The consultants had looked at sustainable energy issues for the early development and anticipated future growth which would have to comply with ever more stringent controls.

The initial recommendations for Cranbrook were:

- Biomass district heating in the central area of Cranbrook served by an energy centre,
- Provision at the energy centre for later up-grade to biomass CHP for the central area,
- Consideration of the location of later phases.

Questions from Members included issues around affordable housing, land required to produce biomass, waste to energy technology, the South West biomass programme and the role of this resource.

In summing up, the Leader said that it was a good presentation but the Council needed to drive the development to achieve sustainability and low carbon emissions. She wanted planners to demand higher standards to meet this drive for the benefit of the whole development. The Government needed to be persuaded to change building regulations much faster so that improvements could be made as a minimum requirement. In turn the local planning authorities had to adapt to new circumstances with sustainability high on the agenda. Cranbrook’s carbon footprint was too great and if air conditioning needed to be factored in with global warming there would an additional need for energy. She felt that the issues raised by the presentation were helpful but that the recommendations did not go far enough.

The Chairman thanked Tony Norton for his presentation.