

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of the Council held at Knowle, Sidmouth on 17 December 2014**

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

The meeting started at 6.30pm and ended at 8.44 pm.

#### **\*39 Public Speaking**

The Chairman welcomed Councillors and members of the public present.

Mr Richard Thurlow referred to a past review of office accommodation – referred to Cabinet on 14 July 2010. He said that more than 4 years on, no progress had been made but costs had accumulated. He believed this reflected poor management, a lack of proper investigation into possible options and no rational analysis. He said that decisions were based on worst-case scenarios and the ambition of the Council leadership. The projected energy savings to be achieved through the proposed move to sites in Exmouth and Honiton used misleading interest rate projections. He said that the financial case for the move did not stack up and asked for an independent study to be commissioned to give reassurance that the decisions being taken were based on correct financial data.

Mr Richard Eley advised that the decisions on relocation would be subject to judicial review involving a critical analysis of data. He referred to boundary issues in respect of the Knowle site and the inaccurate measurement of the office footprint. He said that the energy cost predictions were based on incorrect assumptions and should be professionally reviewed and adjusted, and that fixed price energy options should be explored. In addition, the relocation team had not factored in the potential and likely reform of local government.

Mr Jeremy Woodward referred to the report of June 2012. He said that the Knowle offices could be refurbished and modern technology used to achieve new ways of working. The energy prices used to predict savings were inflated. The Knowle offices were energy efficiency Band C and this rating could be further improved with more sustainable ways of working. He said that the statistical information on which decisions were being made should be independently audited to ensure accuracy.

Mr Mike Temple asked the Deputy Chief Executive to confirm that the Council intended to challenge the Inspector's ruling in respect of the public right of way across the Knowle grounds. He asked if the Council was trying to prevent public access to a public park. He also questioned the Council's claim that existing parkland would be retained for public use when a significant proportion was being offered to potential developers. He also questioned the provision of 30 parking spaces at Exmouth Town Hall and said that this would be inadequate for the number of staff assigned to that office with no parking available for visitors.

Mr John Withrington referred to Minute 31 of the Development Management Committee of 21 October 2014 and the importance of having a Local Plan in place. He questioned whether there was a lack of political will and asked if EDDC was ready to commit to a date for the Plan to be in place for the benefit of the whole district.

In response to issues raised by the first three speakers, Mark Williams, Chief Executive advised that an independent audit would be carried out on office-move data. The external auditors were appointed by Government and their impartiality could be relied upon.

In respect of rights of way issues, Mr Williams advised that these had yet to be decided but that possibly comments made had been misleading; there were other public access points to the parkland and no intent to prevent public access. Equally, the measurements of parkland or building footprint could be made clear. In response to concerns about parking provision at Exmouth Town Hall, Mr Williams advised that the offices, until recently, had been occupied by Devon County Council and there was not a perceived parking problem.

In respect of the fifth speaker, Mr Williams advised that the progress of the Local Plan was covered in Question 3 at agenda item 8.

**\*40 Minutes**

The minutes meeting of the Council held on 15 October 2014 were confirmed and signed as a true record.

**\*41 Declarations**

No declarations of interest were made.

**\*42 Chairman/Leader notices/announcements**

On behalf of the Council, the Chairman congratulated Feniton-born and King's School educated athlete Jo Pavey on being placed third in the 2014 BBC Sports Personality of the Year competition - based on a public vote. The Chairman reminded Council of Jo's successful sporting career including winning gold at the European Championships this year and her previous Commonwealth and Olympic achievements. The Chairman said that he had sent a letter of congratulation to Jo from the Council and had extended her an invitation to attend his civic dinner in March.

The Chairman invited Members, partners and Honorary Aldermen to join him for a festive celebration at the close of the meeting.

**\*43 Questions (Procedure Rules 9.2 and 9.5)**

Eleven questions had been submitted in accordance with Procedure Rule 9.2 - the printed [questions and answers](#) were circulated at the meeting. Councillors submitting questions are entitled to put a related supplementary question (Procedure Rule 9.5). There were no supplementary questions in respect of question 6. The responses to the supplementary questions are set out below.

**a) Question 1 – National House Building Council**

A point of clarification of the question was made – new homes were not built by Local Government Officers.

In the written response, the Leader had advised that he would raise the concerns with the Local Government Association through the People and Places Board and would ask other authorities if there was any appetite for the LABC to have a 'clerk-of-works' type role. In response to a supplementary question, the Leader confirmed that he would report back on this.

**b) Question 2 – progress of SHMA (Strategic Housing Market Assessment) report**

In response to a supplementary question about any increase in staffing resource to progress this assessment, the Leader advised that new appointments had already been made within the planning team. He gave assurance that work on the Local Plan was a

priority and emphasised the importance of getting it right so that the Plan was fit for purpose.

**c) Question 3 – emerging East Devon Local Plan**

In response to a supplementary question, the Leader advised that Mr Thickett would remain as our Local Plan Inspector in addition to his new appointment as Director for Wales.

**d) Question 4 – Improved rail infrastructure**

The Leader outlined positive work with local partnerships to further improve the rail network provision in the area. The three leaders of EDDC, Exeter City Council and Teignbridge District Council had submitted a response to consultation; outcomes would be reported to a future Council meeting.

**e) Question 5 – Whistle blowing policy**

The Leader said that an internal investigation into former councillor Graham Brown was unnecessary and would not be carried out; the Police investigation, now closed, had been thorough and detailed.

**f) Question 7 – Office relocation**

The Leader advised that the predicted 'break-even' of the relocation project based on current proposals and 20-year plan would be at the end of year 10.

**g) Question 8 – Office relocation - Skypark**

The Leader advised that the Skypark option had been based on information available at the time; the situation had changed which meant that this was no longer the favoured option.

**h) Question 9 – Office relocation – staff feedback**

The Leader confirmed that although a full staff survey had not been undertaken this year, there had been opportunities for staff to give feedback.

**i) Question 10 – S106 funding**

The Leader invited Councillor Jill Elson, Portfolio Holder – Sustainable Homes and Communities to respond to a supplementary question. Councillor Elson advised that the Council was concerned by the Government's proposal to withdraw Section 106 funding and she had consequently written to both the local MPs who were similarly concerned. Councillor Elson added that she would work hard within the remit of her Portfolio to try to protect the viability of local communities. The Leader of the Council was also in talks with other authority leaders to make a strong case for the retention of Section 106 monies.

**j) Question 11 – Tri-partite agreement with other authorities**

The Leader assured Members that any such agreement would retain the sovereignty of individual councils. Closer working with neighbouring authorities was a logical and practical step and effective partnership working was already being progressed.

\*44 **Minutes of Cabinet and Committees**

**RESOLVED**

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

**Cabinet**

Minutes 92-113, 114-133

**Development Management Committee**

Minutes 27-34, 35-40

**Planning Inspections Committee**

Minutes 16-18

**Standards Committee**

Minutes 1-10

**Audit and Governance Committee**

Minutes 25-35

**Licensing and Enforcement Committee**

Minutes 7-9

**Licensing and Enforcement Sub Committee**

Minutes 14-16

**RESOLVED**

2. that the under-mentioned minutes be received.

Cabinet (minutes 99,121,122) had noted or accepted the following Overview/Scrutiny Committees' recommendations with or without amendment.

**Overview and Scrutiny Committee**

Minutes 35-43, 44-54

**Housing Review Board**

Minutes 41-56

**Arising from consideration of the above minutes:-**

**a) Cabinet (Relocation update minute 123 refers)**

Councillor Graham Troman proposed an amendment to the recommendation as printed. He proposed that a thorough examination of all data in respect of the relocation be carried out by:

1. Audit and Governance Committee
2. Overview and Scrutiny Committee
3. Internal auditors
4. Independent external auditors

He said that this way the Council would have four checks and balances in place before any decisions were made on the possible relocation of the Knowle.

Councillor Chris Wale seconded the amendment.

Councillor Peter Bowden, Vice Chairman of the Audit and Governance Committee advised (in the absence of the Committee Chairman) that the relocation of the Council offices was to be discussed at the Committee meeting on 8 January 2015. The issue was in respect of good governance and not political opinion.

Councillor Stuart Hughes referred to a motion he raised in December 2012. This was to put on hold relocation plans until the Government had ruled on the recommendations of the Michael Heseltine report 'No Stone Unturned'. The motion was referred to Cabinet where it was deferred to await the outcome of the Knowle application and was therefore still outstanding. Councillor Hughes also suggested that the vacated site at Green Close could be explored for possible use by this Council.

The amendment was put to the vote and supported with a clear majority.

Councillor Claire Wright proposed an amendment to the substantive motion. She asked that the relocation project be put on hold until the outcome of local authority reform was known. Following legal advice on the amendment, Councillor Wright gave a more specific timeframe as - following the outcome of the May 2015 elections.

The amendment was seconded by Councillor Susie Bond.

In proposing the amendment, Councillor Claire Wright advised that she was concerned about the costs incurred so far in the office relocation project and about projected costs, including borrowing, and lack of information being provided to the public. She said that in times of financial austerity, better use should be made of money earmarked to finance the project. The Knowle offices were in Energy Efficiency Band C – the same rating as for the Exmouth Town Hall offices – and therefore not a sound enough reason for the move. She said that the energy costs and predictions were inaccurate and the move was wrong in a period of local authority uncertainty. Councillor Wright supported the agreed checks and balances proposed by Councillor Troman.

During the subsequent debate, the following points were made:

- The Knowle office buildings were not fit for purpose - the decision to move was made a year ago.
- The offices at Knowle could not adequately accommodate people with mobility problems.
- New offices would facilitate use of modern technology and mobile working.
- Costs would be fully scrutinised; the Council had a good reputation for financial prudence and effective and efficient use of budgets for the benefit of the whole of East Devon.
- Sidmouth was not the best geographical location for offices to serve East Devon.
- Exmouth was looking forward to an increased EDDC presence in the town.
- Concern was raised that despite finance workshops being offered to Councillors to explain background figures, this opportunity was not being taken up by many.
- The amount of information available to all Councillors was questioned.
- Significant changes were anticipated at the May 2015 elections and so a decision should be delayed until a new council was in place.
- Newly elected Councillors would rely on the advice already given.
- The future of local government was too uncertain for a decision on relocating the authority's offices to be made now.
- The relocation budget should be used for other, more pressing and important projects.
- Negotiations in respect of contracts and exchanges were already taking place – the work involved plus the agreed checks and audits was likely to extend beyond May 2015.

- The interest of local people beyond the Sidmouth area was questioned.

Councillor Giles proposed a recorded vote – this was seconded by Councillor Ingham. When put to the vote, the proposal of a recorded vote was supported.

In summing up, Councillor Wright referred to the importance of two-way communications and local democracy. She highlighted costs already incurred by the project – including legal fees – and projected costs. The amendment to put the relocation project on hold until the new council was in place in May 2015 was put to the vote.

Results of the recorded vote:

Those in favour:

Susie Bond, Peter Burrows, Trevor Cope, Roger Giles, Ben Ingham, Brenda Taylor, Claire Wright. (7)

Those against:

Graham Godbeer, Christine Drew, Paul Diviani, Mike Allen, David Atkins, Ray Bloxham, Peter Bowden, David Chapman, Maddy Chapman, Iain Chubb, David Cox, Deborah Custance Baker, Vivien Duval Steer, Jill Elson, Steve Gazzard, Pat Graham, Steve Hall, Stuart Hughes, Douglas Hull, John Humphreys, John Jeffery, Stephanie Jones, Sheila Kerridge, David Key, Jim Knight, Andrew Moulding, Frances Newth, John O’Leary, Helen Parr, Pauline Stott, Peter Sullivan, Ian Thomas, Graham Troman, Phil Twiss, Chris Wale, Mark Williamson, Eileen Wragg, Steve Wragg, Tom Wright. (39)

**RESOLVED:**

1. that the emerging changes to the relocation project be recognised and the following be agreed:
  - a. The marketing exercise for Knowle and Manstone has resulted in a range of offers and, following a detailed assessment process, price, form and quality of development propositions have been received that merit further detailed negotiation towards selection of a preferred developer.
  - b. Leading offers for Knowle do not include options to sell Manstone in which case EDDC can choose to retain Manstone for the foreseeable future as a depot function and continued employment use.
  - c. The reduced offer for EDDC’s Heathpark site no longer represents a sufficiently persuasive level of capital receipt and will not be pursued further.
  - d. The retention of Heathpark in EDDC ownership means that this now represents the most cost effective and straightforward location to develop a new headquarters building for the Council.
  - e. Relocation to Skypark is no longer a viable proposition based on the reduced offer for Heathpark and combination of Knowle market value and prudential borrowing.
  - f. The East Devon Business Centre (EDBC) should preferably be retained and could potentially be combined within a new EDDC HQ development.
  - g. In the interim, Exmouth Town Hall has been vacated by Devon County.
  - h. A new HQ in Honiton can be restricted in size and cost to a 170 desk equivalent scale with an improved Exmouth Town Hall for 80 EDDC staff as a main satellite office in the district’s largest community.

- i. As part of its commitment to more mobile working and accessibility, the Council will offer a service presence as customers require in future at locations elsewhere in the district.
  - j. That relocation continues to make financial and operational sense on a whole life cost basis, specifically 20-year projections combining capital receipt and repayment of prudential borrowing versus existing office running cost and unfunded expenditure on existing building repair, maintenance and improvement.
2. that the Deputy Chief Executive, in consultation with the Office Accommodation Executive Group, be authorised to take forward further actions in pursuit of the above recommendations and Project Plan,
  3. that further reports be produced for Cabinet and Council on project progress and to seek formal approval for any disposal of Knowle;
  4. that a thorough examination of all facts and figures in respect of the relocation be carried out by:
    - a) The Audit and Governance Committee
    - b) The Overview and Scrutiny Committee
    - c) The internal auditors
    - d) The independent external auditors

**b) Housing Review Board**

In presenting the minutes, the Chairman, Councillor Pauline Stott extended special thanks to John Golding and his staff for the excellent services provided; East Devon District Council's housing services ranked as one of the best in the county.

**c) Licensing and Enforcement**

In presenting the minutes, the Chairman, Councillor Steve Hall recommended the Council's newsletter on licensing activities and the availability of all licensing policies for information and comment.

**\*45 Motion – East Devon District Council Scrutiny**

The following motion was proposed by Councillor Roger Giles, seconded by Councillor Ben Ingham and supported by Councillors Susie Bond, Trevor Cope and Claire Wright

An effective and independent scrutiny function is important for achieving a transparent and an effective council. Scrutiny should be a completely open and impartial process, not subject to interference or pressure.

This Council believes the Overview and Scrutiny Committee alone should determine what matters it considers, who it calls as witnesses and who forms part of its considerations. The Chairman and Vice Chairman of Overview and Scrutiny must be non-majority party councillors in order for the Overview and Scrutiny Committee to be fully effective.

In proposing, Councillor Giles said that he strongly believed in the need for effective scrutiny and gave recent examples of where he saw that the scrutiny function had not achieved satisfactory outcomes. He believed that the function of scrutiny was being curtailed by the Council's majority group.

In seconding, Councillor Ingham referred to the past Scrutiny Chairmen and Vice Chairmen listed on the agenda; recently these positions had been held by the majority group.

Councillor Bloxham, Portfolio Holder – Corporate Business said that the quality of scrutiny had a direct impact on service delivery. The Viewpoint Survey 2014 indicated that the Council's service delivery was generally highly respected by the public. He said that the quality of the Council's scrutiny function was not reliant on the Chairman and Vice Chairman but was the responsibility of the whole committee. He suggested that the motion be referred for consideration by a joint Think Tank (Corporate Business and Corporate Services) and that the issue be widened to include the Housing Review Board and joint scrutiny groups.

The proposal to refer the motion to the joint Corporate Business and Corporate Services Think Tank was supported by Councillor Tom Wright who suggested that the arrangement of scrutiny functions at other authorities should be considered.

Issues raised during the debate included:

- The role of scrutiny was to challenge and oppose and this was most effectively carried out if the meetings were chaired by non-majority group councillors.
- Councillors should be aware of public perception and appoint non-majority group councillors to the roles of Chairman and Vice Chairman.
- Although all members of the scrutiny committee contributed to the function, it was the Chairman, Vice Chairman and Officers who set the agenda.
- The scrutiny function was one of critical friend and held Cabinet to account.
- There had been good examples of effective scrutiny.
- Members recognised the importance of strong debate.

Councillor Giles accepted Councillor Bloxham's proposal in the spirit that it was made.

**RESOLVED:**

that the motion be referred for consideration to a joint Think Tank (Corporate Business and Corporate Services) with the issue being widened to include the Housing Review Board and joint scrutiny groups

**Attendance list**

**Councillors present:**

Graham Godbeer, Chairman  
Christine Drew, Vice Chairman  
Mike Allen  
David Atkins  
Ray Bloxham  
Susie Bond  
Peter Bowden  
Peter Burrows  
David Chapman  
Maddy Chapman  
Iain Chubb  
Trevor Cope  
David Cox  
Deborah Custance Baker  
Paul Diviani  
Vivien Duval Steer  
Jill Elson

Steve Gazzard  
Roger Giles  
Pat Graham  
Steve Hall  
Stuart Hughes  
Douglas Hull  
John Humphreys  
Ben Ingham  
John Jeffery  
Stephanie Jones  
Sheila Kerridge  
David Key  
Jim Knight  
Andrew Moulding  
Frances Newth  
John O'Leary  
Helen Parr  
Pauline Stott  
Peter Sullivan  
Brenda Taylor  
Ian Thomas  
Graham Troman  
Phil Twiss  
Christopher Wale  
Mark Williamson  
Eileen Wragg  
Steve Wragg  
Claire Wright  
Tom Wright

**Also present:**

**Honorary Aldermen** – Mike Green, Ann and Graham Liverton, Tony Reed and David Scott

**Officers:**

Mark Williams, Chief Executive  
Richard Cohen, Deputy Chief Executive  
Rachel Pocock, Corporate Legal and Democratic Services Manager  
Amanda Coombes, Democratic Services Officer  
Diana Vernon, Democratic Services Manager  
Hannah Whitfield, Democratic Services Officer

**Councillor apologies:** Roger Boote, Derek Button, Bob Buxton, Geoff Chamberlain, Alan Dent, Martin Gammell, Peter Halse, Mike Howe, Tony Howard, Geoff Pook, Ken Potter, Philip Skinner, Tim Wood

**Honorary Aldermen apologies:**

Vivienne Ash, Bernard Hughes, Bob Peachey

Chairman .....

Date.....