

Date: 5 March 2013
Contact name: Chris Lane
Contact number: 01395 517544
E-mail: clane@eastdevon.gov.uk



To: Members of the Task and Finish Forum on Business
(Graham Troman (Chairman); Mike Allen; Peter Burrows; Steve Gazzard; Vivian Duval Steer; Claire Wright)

Portfolio Holder for Economy
Chief Executive
Deputy Chief Executive (RC)
Nigel Harrison, Economic Development Manager

East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

www.eastdevon.gov.uk

Meeting of the Task and Finish Forum:

Business

Tuesday 12 March 2013 at 6.00pm; Council Chamber, Knowle, Sidmouth

Members of the Council who do not sit on this Forum are welcome to attend as observers.

Members of the public are welcome to attend this meeting.

- There is a period of 15 minutes at the beginning of the meeting to allow members of the public to ask questions.
- All individual contributions will be limited to a period of 3 minutes – where there is an interest group of objectors or supporters, a spokesperson should be appointed to speak on behalf of the group.
- The Chairman has the right and discretion to control questions to avoid disruption, repetition and to make best use of the meeting time.

Councillors and members of the public are reminded to switch off mobile phones during the meeting. If this is not practical due to particular circumstances, please advise the Chairman in advance of the meeting.

AGENDA

Page/s

1. **Public question time** – standard agenda item (15 minutes)
Members of the public are invited to put questions to the Forum through the Chairman. Councillors also have the opportunity to ask questions of the Leader and/or Portfolio Holders during this time slot whilst giving priority at this part of the agenda to members of the public
2. Confirm the notes of the Business Task and Finish Forum held on 11 December 2012. 4 - 9
3. To receive any apologies for absence.

4. To receive any declarations of interest relating to items on the agenda.

5. **Membership and Objectives of the East Devon Business Forum**

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- Constitution
- List of attendance/representation of business
- Assessing the success of a business forum

6. **The Council's view of the East Devon Business Forum**

Debate on the role of a joint body, particularly with reference to allegations of inappropriate lobbying.

A definition of lobbying is: "in a professional capacity, attempting to influence, or advising those who wish to influence, the United Kingdom Government, Parliament, the devolved legislatures or administrations, regional or local government or other public bodies on any matter within their competence".

In January 2009 the House of Commons Public Administration Select Committee published a report '[Lobbying: Access and Influence in Whitehall](#)' which noted, amongst other findings, that:

"The practice of lobbying in order to influence political decisions is a legitimate and necessary part of the democratic process. Individuals and organisations reasonably want to influence decisions that may affect them, those around them, and their environment. Government in turn needs access to the knowledge and views that lobbying can bring."

7. **Proposed date of next meeting:**

Tuesday, 16 April 2013 – 6.00pm in the Council Chamber

Decision making and equality duties

The Council will give due regard under the Equality Act 2010 to the equality impact of its decisions.

An appropriate level of analysis of equality issues, assessment of equalities impact and any mitigation and/or monitoring of impact will be addressed in committee reports.

Consultation on major policy changes will take place in line with any legal requirements and with what is appropriate and fair for the decisions being taken.

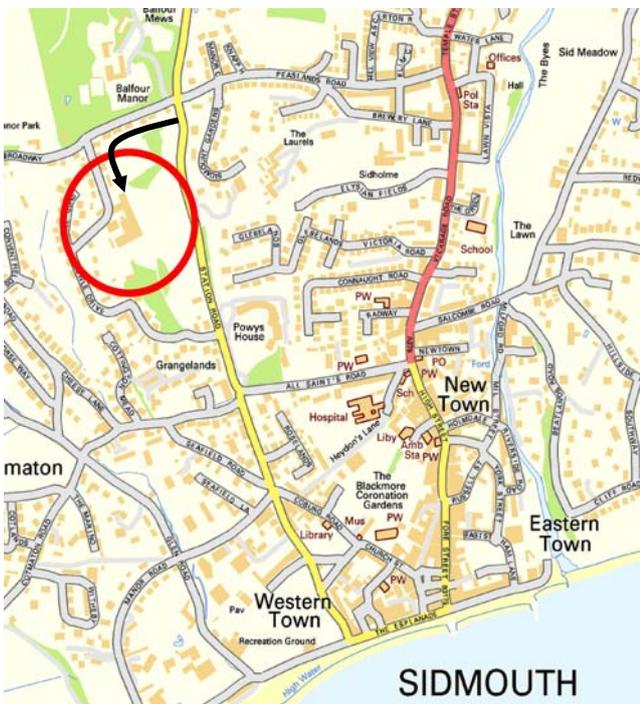
Members will be expected to give reasons for decisions which demonstrate they have addressed equality issues

Members and co-opted members remember!

- ❑ You must declare the nature of any disclosable pecuniary interests. [Under the Localism Act 2011, this means the interests of your spouse, or civil partner, a person with whom you are living with as husband and wife or a person with whom you are living as if you are civil partners]. You must also disclose any personal interest.
- ❑ You must disclose your interest in an item whenever it becomes apparent that you have an interest in the business being considered.
Make sure you say what your interest is as this has to be included in the minutes. [For example, 'I have a disclosable pecuniary interest because this planning application is made by my husband's employer'.]
- ❑ If your interest is a disclosable pecuniary interest you cannot participate in the discussion, cannot vote and must leave the room unless you have obtained a dispensation from the Council's Monitoring Officer or Standards Committee.

❑

Getting to the Meeting – for the benefit of visitors



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The following buses all terminate at the Triangle in Sidmouth. From the Triangle, walk up Station Road until you reach the Council Offices (approximately ½ mile).

From Exeter – 52A, 52B

From Honiton – 52B

From Seaton – 52A

From Ottery St Mary – 379, 387

Please check your local timetable for times.

The Committee Suite has a separate entrance to the main building, located at the end of the visitor and Councillor car park. The rooms are at ground level and easily accessible; there is also a toilet for disabled users.

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

Notes of a Meeting of the Business Task and Finish Forum held at Knowle, Sidmouth on 11 December 2012

Present:

Councillors:

Graham Troman
(Chairman)
Mike Allen

Vivian Duval-Steer
Claire Wright

Also Present

Councillors:

David Cox
Graham Godbeer
Helen Parr

Officers:

Mark Williams – Chief Executive
Nigel Harrison – Economic Development Manager
Chris Lane – Democratic Services Officer

Apologies

Councillors:

Peter Burrows
Steve Gazzard

Officers:

Richard Cohen

The meeting started at 6.00pm and ended at 8.00pm.

1. Public Questions

The Chairman, Councillor Graham Troman, welcomed the public present and invited questions.

Barry Curwen, Sidmouth Resident, had spoken at Council on 5 December 2012 when he asked for a risk report and detailed cost breakdown in respect of the relocation proposal. He said that he had yet to receive a satisfactory reply to his request. He asked the Council to be more open in its decision making process.

Alan Durrant, Chairman of the Sid Vale Association stated that he had spoken to many people in Sidmouth about the Council's plans to relocate its headquarters. He considered that many residents were against the move and the Council needed to regain the support of the electorate in Sidmouth. He requested that the scope of the Forum was made to more clearly represent the discussion held at the Overview & Scrutiny Committee on 27 September 2012. He considered that the Council should be more open and honest.

Paul Newman's question related to the scope of the TAFF. He mentioned the background of the Chairman and Vice Chairman of the East Devon Business Forum and was concerned that the Business Forum had been used in the past as a lobby group to help get planning applications passed. The TAFF needed to investigate whether the Business Forum was a trustworthy organisation.

Tony Green a Sidmouth Resident stated that he had produced a paper on a review of the EDBF minutes. He was concerned that the TAFF's scope excluded 2 of the key concerns, regarding the Local Plan and planning permissions. In his view the EDBF had undue influence over planning policy. He also commented on the

confused legal state of EDBF which he felt had risked compromising both Councillors and Officers. This led to a number of conflicting interests. He felt that the key objective of EDBF was to lobby the Council on behalf of business. The Council needed to clarify the status of EDBF. Tony Green had two questions: The first was, if EDBF was an independent lobby group then why were Councillors and Officers working for it? Secondly, if EDBF was part of the Council why was the Council supporting a lobby group?

Mr G Nicholson, Sidmouth Resident, asked what was the mission statement of the TAFF? The Chairman informed him that this would be determined when the scope had been agreed.

Steve Kendall Tory, Sidmouth Chamber of Commerce, welcomed the opportunity to look into the activities of EDBF. EDBF's attendance and minutes showed its activities centred on development. The TAFF should show how useful EDBF was to business in East Devon. Many businesses in East Devon contained less than 5 people and they were not permitted join EDBF. He was concerned that the scope of the TAFF was too narrow and excluded topics such as planning which should be considered. He believed that EDBF had an undue influence on EDDC planning policy.

2. Chairman Opening Remarks

The Chairman welcomed everyone to the meeting and set out his aims for the Forum. He had asked the Forum to be set up due to criticisms of how East Devon Business Forum operated and wanted the Forum to consider not only business in the District but also the overall effectiveness of East Devon Business Forum (EDBF). He expressed disappointment that two members of the TAFF had not attended that meeting.

3 Declarations of Interest

Councillor/ Officer	Type of interest	Nature of interest
Councillor Graham Troman	Personal	Sidmouth business owner and Taylor Catering Foods was a supplier to that business.
Councillor Vivian Duval-Steer	Personal	Member of the Development Management Committee

4 Scoping report

The Forum debated the scope, outlining specific areas to explore and those areas not covered by the review.

In response to a request from the Chairman, the Chief Executive explained the reasons why the Local Plan and planning issues were not appropriate to be considered by the TAFF. Planning applications, the application of planning policy and the Local Plan were matters considered and decided upon by the Development Management (Planning) Committee, which was often termed a quasi judicial body.

4 Scoping report (continued)

Decisions of the Planning Committee in these areas were final in the sense that they could only be challenged in three ways; by a Planning Inspector, legal challenge and through the Independent Ombudsman; in other words, oversight of its decisions were by an independent body. Consideration of such matters was not within the remit of the Overview & Scrutiny Committee or this TAFF. This TAFF nor its members could properly be considered independent and this constrained any ability to look into such areas.

Councillor Claire Wright expressed surprise to see that planning policy was not contained within the scope of the TAFF. The TAFF had been set up in response to public concern about what impact EDBF had on the Local Plan. She emphasised that it was important to get the scope of the TAFF right from the beginning.

The Chief Executive confirmed that if the complaints about EDBF related to matters to do with the Local Plan which was now on deposit, then the Independent Inspector should look at these matters; the TAFF was not independent nor quasi judicial.. He confirmed that all residents of East Devon had a right to influence the Local Plan through comments to the Independent Inspector. If any members of the public had any evidence of maladministration relating to planning matters then they should complain to the Ombudsman.

Members noted that the Overview and Scrutiny Committee had asked for a report in 2013 on the Local Plan procedure; the TAFF did not have the resources to undertake such an investigation. The key message was that there was an Independent Inspector who was currently investigating Local Plan policy matters. EDBF had no statutory influence on EDDC at all and was merely one of many bodies that EDDC engaged with to obtain their views on business. It had been set up by EDDC and had the status of a joint body, with two representatives from the Council appointed at Annual Council each year

Broadly, the issues for discussion were how EDDC engaged with business and the role historically and currently played by the EDBF in facilitating that link.

RESOLVED The scoping report be agreed as below:

Broad topic area	To produce an in-depth report on the East Devon Business Forum to include all business engagement and its relationship with the Council.
Specific areas to explore within topic area	<ol style="list-style-type: none"> 1. Membership and objectives <ul style="list-style-type: none"> - constitution - EDBF membership, attendance and representation of businesses - objectives of EDBF and what mechanisms are in place to assess success/failure 2. EDBF relationship with EDDC and other organisations <ul style="list-style-type: none"> - legal status of EDBF

	<ul style="list-style-type: none"> - is EDBF a lobby group? - are there potential for conflicts of interest for councillors and officers? - public perception, transparency and reputation <p>3. EDBF funding</p> <ul style="list-style-type: none"> - explore costs of EDBF, including officer time - what other groups does EDDC fund? <p>4. The way forward</p> <ul style="list-style-type: none"> - how other councils engage with business - other examples of business forums - see 'desired outcomes of the review'. <p>5. Systems by which we can improve communications with business by IT systems.</p>
Areas NOT covered by review	<p>Individual planning applications Planning policy East Devon Local Plan Individual contracts between the council and contractors or suppliers</p>
Desired outcomes of the review	<p>Improve communication between business and the Council Consider if the EDBF should be replaced and if so, what with? Suggestions to the EDBF on how membership can be increased. Suggestions to the EDBF on changes to their constitution. Suggestions to the EDBF on topics for debate to help inform the work of the Council relating to its priority of "Working in this outstanding place". Recommendations on a positive and transparent way forward for EDDC to engage with business, that has the confidence of East Devon businesses and residents.</p>
Who should be consulted to obtain evidence (eg ward member, officers, stakeholders)	<p>East Devon Business Forum Chairman East Devon Business Forum Vice Chairman EDDC Economic development manager/EDBF Honorary Secretary Chambers of Commerce representatives Local Enterprise Partnership Educational Institutions Blackdown Hills Business Association Federation of Small Businesses EDDC Monitoring Officer EDDC leader Representative from Mid Devon Business Forum District Auditor Invited Members of the public NFU Malcolm Sherry Tourism representatives Representatives of the Voluntary Sector</p>
What evidence already exists (consultation, good)	<p>Mid Devon Business Forum Other Business Forums nationally</p>

practice examples)	
What experts are needed to help with the review	Nigel Harrison, Economic Development Manager
What other resources are needed	
Undertaken by the committee or is a TAFF required	Task and Finish Forum comprising: Councillors Graham Troman, Mike Allen, Vivien Duval Steer, Claire Wright, Steve Gazzard and Peter Burrows
Timescale including start date	First meeting: 11 December 2012 4-5 meetings (preferably once a month)
Who are the recommendations being reported to	Overview and Scrutiny Committee before going to Cabinet/Council.

5. Council Plan

Members noted the Council's Plan 2012/16 which had been included in the agenda papers. It was particularly appropriate that the TAFF considered the section on "Working in this Outstanding Place".

6. Background information on the East Devon Business Forum

Nigel Harrison, Economic Development Manager, presented the report giving background information on the East Devon Business Forum (EDBF). He emphasised that when it was set up the EDBF had made strenuous efforts to not compete for membership with the Chambers of Commerce in East Devon. The agenda for meetings was driven by the businesses that attended and facilitated by EDDC staff.

The Chairman requested that a copy of the EDBF Constitution be included on the agenda for the next meeting. A copy of which was available on the EDDC website.

During discussion the following points were noted:

- The importance of EDBF having transparent arrangements in place and the separation of lobbying from activities, other than through the usual channels
- A concern expressed that some of the allegations made against EDBF and its leading members were unsubstantiated and could be libellous;
- The importance of good integration between EDDC and business;
- The EDBF's restrictions on membership existed because they did not wish to create a membership body that competed with local Chambers of Commerce;

- RESOLVED**
1. That an item on the EDBF Constitution be included as an item on the next TAFF agenda;
 2. That Nigel Harrison, Economic Development Manager send a questionnaire to businesses and Chambers of Commerce in East Devon asking what benefit EDBF was to business and if they did not come why not.

7. Case Files of 5 different examples of Business in the Country

Members noted the case files of 5 different examples of business in the country provided on the agenda.

RESOLVED That Nigel Harrison, Economic Development Manager be requested to ask the Local Government Association about examples it may have of business networks.

8. Business Forum Mid Devon Constitution and Background

Members considered the constitution and background of Business Forum Mid Devon. It was considered appropriate that members of the TAFF should attend a meeting of this Business Forum to see how it operated. It would be helpful to compare the constitution of this Business Forum with the EDBF. It was noted that membership was open to individuals and charged an annual fee for membership.

RESOLVED That members of the TAFF attend a meeting of the Business Forum Mid Devon and also compare the EDBF and BFMD Constitutions;

9. Future Meetings

The proposed date for the next meeting was agreed as:

23 January 2013 at 6.00pm in the Council Chamber

EAST DEVON BUSINESS FORUM

CONSTITUTION

1. NAME

The name of the group shall be the East Devon Business Forum (“the Forum”)

2. INTERPRETATION

For the purposes of this constitution East Devon shall mean the area of land in respect of which the East Devon District Council is now the district council for local government purposes together with such adjoining land as the Forum may from time to time decide.

3. OBJECTS

- 3.1 To act as a forum in which business organisations, employers and the District Council can meet on a regular basis and agree, so far as possible, a common approach and policy on matters relating to the economy, prosperity and well-being of East Devon.
- 3.2 To facilitate the communication of views and opinions between the business community and the District Council (and any other relevant local government and public bodies) and through an effective partnership with local government to promote the prosperity of the District.
- 3.3 Specifically, to advise on the preparation, adoption and performance of an Economic Development Strategy for East Devon and the Council’s annual service plan for Economic Development.

4. MEMBERSHIP

- 4.1 The members of the Forum shall be as follows:-

Association of East Devon Chambers of Commerce – 1 member
East Devon branch of the Federation of Small Businesses – 1 member
East Devon branch of the National Farmers Union – 1 member
Blackdown Hills Business Association – 1 member
Each of the District’s Chambers of Commerce (7) – 1 member
East Devon District Council – 4 members including the Leader of the Council and the Economy Portfolio Holder and two other members.

When matters are decided by a vote of Forum, only those members present shall be entitled to vote. No member of the Forum shall be entitled to nominate a proxy.

Additionally, membership of the Forum shall include a representative of any medium or large employer in the District, excluding the public sector (as an approximate guide, an East Devon business with 5 or more employees).

- 4.2 Each member shall be represented at the Forum by such person as it may from time to time appoint to represent it. Each member shall also be permitted to

designate one or more deputies one of whom may represent it on the Forum if its normal representative is otherwise engaged.

4.3 All members shall be bound by this Constitution.

4.4 The Forum shall be entitled to expel any member if, in the view of the Forum, the member has ceased to be eligible for membership or for some other sound reason should be so expelled.

5. **SUBSCRIPTION**

For the time being there shall be no subscription for membership but the position shall be reviewed in due course and in the event of a subscription being introduced such amendments, as necessary, will be made to this constitution.

6. **OFFICERS**

6.1 The Forum shall have a Chairman, Vice Chairman and Secretary and such other officers as it may from time to time decide.

6.2 All officers shall retire at the Annual General Meeting but shall be eligible for re-election.

6.3 The Forum may fill a casual vacancy at any time.

7. **MEETINGS**

7.1 The Forum shall meet on a minimum of four occasions during the year.

7.2 A special meeting may be held on the giving of five days written notice by the Secretary to each member's representative.

7.3 The Annual General Meeting shall normally be held in January where the business will be the election of officers for the year commencing on the date of the Annual General Meeting.

7.4 At meetings each member shall have one vote and all matters shall be decided by a simple majority. The Chairman or Vice Chairman or other person presiding at the meeting shall have a second or casting vote in the event of a tie.

7.5 The quorum shall be seven.

7.6 If any decision is taken other than unanimously any member who did not support the decision shall be at liberty to express a contrary view and any statement made on behalf of the Forum in regard to the decision shall indicate that the decision was not unanimous.

7.7 Normally the Forum will not take a decision on a matter (other than to consult its members) unless each member has had a reasonable opportunity to consider the matter in question.

8. **WORKING PARTIES**

The Forum may appoint such Working Parties as it sees fit from members of the Forum or members of any of the bodies who are members of the Forum and shall

receive and consider reports from such Working Parties. Any member of such Working Party may attend a meeting of the Forum at which the report is to be considered and may speak but not vote.

2nd February 2012

Company Name	Address1
Adam Chambers	Peninsula Enterprise
Alec Carter	FWS Carter & Sons Ltd
Andrew Thomas	Axminster Power Tools
Andrew Wood	Exeter & East Devon Growth Point Team
Andy Summers	Land Rover Experience Westcountry
Annette Richman	Kor Communications
Bainbridge Tancock	Bainbridge Estate Agents
Bill Murray	Devon Construction Ltd
Caroline Mannion-Butler	Supacat
Chris Down	Crealy Farms
Chris Lorimer	Bicton College
Chris Taylor	CC Electricals
Chris Lane	EDDC
Colin Gillard	Northams Chartered Accountants
Colin Wright	Honiton Chamber of Commerce
Bob Buxton	Courtmoor Farm
Councillor Graham Godbeer	Portfolio Holder Economy, EDDC
Councillor M Williamson	EDDC
Councillor Mrs P A Graham	EDDC
Councillor Mrs SCJ Jones	EDDC
Councillor P A Diviani	Leader of EDDC
Peter Halse	Halse of Honiton Ltd
Dave Moore	Aylesford News Print Ltd
David Eccles	Bourne Leisure
David Lockwood	Stags
D Willmington	Mantracourt Electronics Ltd
Donovan Galling	Martha Mockford Ltd
Graham Brown	
Greg Page-Turner	Woodhayes
Guy Newman	Kor Communications
Ian Macqueen	Exmouth Chamber of Commerce
No nominated representative	Inverter Fusions Limited
Jacqui Taylor	Otter Nurseries Ltd
James Griffin	Every's Solicitors
Janine Banks	South West Planning
Jenny Nunn	Seaton Tramway
Jill Sentance	EDDC
Jim Loescher, Managing Director	Denhay Farms Limited
John Varley	Clinton Devon Estates
John Veness	ITT Industries Limited
John Ward	Cranford Nursing Home
Jon Stone	Stonesmith
Josh Dutfield	Axminster Carpets Limited
Karime Hassan	Exeter City Council
Kate Doodson	Cosmic
Kate Stamp	Every's Solicitors
Keith Annear	Tru Homes Limited
Louise Mayor	Skinners Construction Ltd
Malcolm Florey	
Malcolm Gigg	ARA Architects
Mark	Pecorama
Mark Shepherd	Waitrose
Mark Watson	Express & Echo
Matthew Roach	Exeter Airport
Michael Dart	Darts Farm
Michelle Pugh, Multi Media Director	Express & Echo
Mr Deverenne	Binden Care
Mr H Fulls	Coastguard Road Limited
Mrs J Pitcher	Exeter Airport Business Park Group
N Oakley	Larkbeare Services Ltd
Nick Agg-Manning	Outside Adventure Consultants Limited
Nick Ames	Supacat
Nick Carter	Carter & Son
Nick Jones	Supacat
Nigel Harrison, Economic Development Manager	EDDC
Noreen Hoskin	Parsons Nationwide Distribution Ltd
Paul Duriez	Exeter International Airport Ltd
Philip Skinner	Taylor Catering Foods
Ray Ambrose	Budleigh in Business
Richard Cohen	EDDC
Richard Crouch	Friends Provident
Richard Harris	Honiton Garage
Robert Guest	Western Provident Association Limited
Rowan Carter	Carter & Son
Mr Roy Stuart	A.E. Stuart & Sons
No representative	Sidmouth Chamber of Commerce
Simon Dutfield	Axminster Carpets Limited
Mr Simon Wood	Exmouth Chamber of Commerce
Steve Purchall	Devon Fire Service
Terry Kingdon	Allwood Buildings Ltd
Mr Tim Ford	Fords & Son (Sidmouth) Ltd
Tim Smith	Greendale
Mr Tim Spores	Fields of Sidmouth
Tony Collins	World of Country Life
Mrs T Upham	Devonvale Ltd
Val Baker	Blackdown Hills Business Association
Zoe House	Ladram Bay Holiday Park

Assessing the success of a Business Forum

Systems Thinking principles

- What is the **PURPOSE** of the Business Forum? Suggestions for debate are:
 - Provide a business with other business contacts
 - Offer support to businesses in providing contacts, advice
 - Inform the District Council (and other authorities) what business needs are for the area
- How does the purpose of the Business Forum differ from other organisations such as a Chamber of Commerce, or the Small Business Federation – what role does it fulfill that those do not?
- Who are the Business Forum's **CUSTOMERS**?
- What is the **DEMAND** on the Business Forum?
 - What do businesses want from the Business Forum?
- What is the **CAPACITY** of the Business Forum?
 - Can the Business Forum deliver what businesses want?
 - Can the Business Forum deliver what the District Council wants?
- What are the **MEASURES** for assessing a successful Business Forum?
Suggestions for debate are:
 - Number of registered businesses with the Business Forum
 - Feedback from businesses who have contacted the Business Forum for advice/support
 - Feedback from businesses who have utilised knowledge or skills learned from attending Business Forum meetings