

## **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**

| <b>Councillor/ Officer</b>    | <b>Type of interest</b> | <b>Nature of interest</b>  |
|-------------------------------|-------------------------|--|
| 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:

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| 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"> <li>1. Membership and objectives <ul style="list-style-type: none"> <li>- constitution</li> <li>- EDBF membership, attendance and representation of businesses</li> <li>- objectives of EDBF and what mechanisms are in place to assess success/failure</li> </ul> </li> <li>2. EDBF relationship with EDDC and other organisations <ul style="list-style-type: none"> <li>- legal status of EDBF</li> </ul> </li> </ol> |

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

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|---|---|
| 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<br>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