

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the
Overview and Scrutiny Committee held
at Knowle, Sidmouth on 28 March 2013

Present:

Stuart Hughes	Tony Howard
John Humphreys	Sheila Kerridge
Mike Allen	David Key
Peter Bowden	Brenda Taylor
Peter Burrows	Graham Troman
Derek Button	Tim Wood
David Chapman	Eileen Wragg
Deborah Custance Baker	Claire Wright
Vivien Duval Steer	Tom Wright
Roger Giles	

Officers:

Mark Williams, Chief Executive
Matt Dickins, Policy Manager
Andrew Wood, Projects Director
Diana Vernon, Democratic Services Manager

Also Present

Councillors:

David Atkins	Douglas Hull
Ray Bloxham	Ben Ingham
Iain Chubb	Andrew Moulding
Alan Dent	Frances Newth
Paul Diviani	Helen Parr
Christine Drew	Pauline Stott
Jill Elson	Ian Thomas
Graham Godbeer	Phil Twiss
Peter Halse	Mark Williamson

Apologies:

Committee Members:

John O'Leary

Councillors:

David Cox
Stephanie Jones
Steve Hall

The meeting started at 6:30pm and ended 9.32 pm.

***64 Public Question Time**

The Chairman welcomed Councillors and members of the public to the meeting and invited questions.

Barry Curwen referred to the Office Relocation project up-date report that the Committee had considered at its meeting on 26 July 2012. Mr Curwen said that the Committee's scrutiny had been superficial and he questioned the scope, management (including the risk management process) and monitoring of the project. He advised that the scope included the Manstone Depot employment site. He believed that the loss of two key employment sites would have a significant impact on the economy of the local area, particularly in the current time of recession. He questioned the benefits of the project and budget involved. He asked the Committee to undertake serious scrutiny urgently.

***64 Public Question Time**

Barry Sangster asked if the Committee was aware of any gagging orders for Contractors, Officers or Councillors leaving the Council. The Chief Executive replied that there had been no such orders in respect of Contractors or Councillors but in very specific cases and in certain circumstances, compromise agreements had been reached with a small number of staff.

Robert Crick questioned whether the Chief Executive's advice given to this Committee and the Business Taff constituted a conflict of interest. He said that the Chief Executive, as line manager to the Economic Development Manager, had failed to take up concerns in respect of abuse of EDDC's resources.

The Chairman advised that he would send a written reply to Mr Curwen and Mr Crick with a copy sent to the Committee members.

***65 Minutes**

The minutes of the meeting of the Overview and Scrutiny Committee held on 28 February 2013 were confirmed and signed as a true record.

***66 Declarations of Interest**

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Peter Halse	67	Personal	Previous member of the East Devon Business Forum.

***67 Referral from Business Task and Finish Forum**

Richard Thurlow referred to a recent publication by Investigative journalist, Anna Minton: 'Scaring the Living Daylights out of people'. This included a section on conflicts of interest at East Devon District Council, and the East Devon Business Forum in particular, and recent controversial planning decisions made. Mr Thurlow said that it was essential for planning matters to be included in the scope of the Task and Finish Forum. This would help to allay public concern in respect of conflicts of interest.

Alan Darrant spoke of widespread disquiet over EDDC's management of the planning process. He said that the Council had doubled the quota of employment land without clear justification. He questioned who would benefit from the increase in allocation. He asked that the Business Task and Finish include planning processes in its scope. If there was a possible conflict of interest, it was EDDC's duty to undertake a full examination.

Damien Mills asked if the Council had sought independent legal advice on the scope of the Task and Finish Forum and if so what advice had been given. He referred to the importance of exploring the relationship between the Business Forum and the Council. The Chief Executive confirmed that independent legal advice had not been sought.

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Referral from Business Task and Finish Forum (continued)

Councillor Mike Allen asked for a typographical error to be corrected in the Business Task and Finish Forum notes of 12 March 2013: Paragraph 2 of 5 should read 'object' and not 'objection'. Councillor Giles advised that his name needed to be added to those present.

The Chief Executive replied to a question about whether the questionnaire (referred to in the notes of the 12 March 2013 meeting) had been sent out to businesses and Chambers of Commerce in East Devon. The purpose of the questionnaire was to ask what benefit the East Devon Business Forum was to business and to find out why business people who could attend did not. The Chief Executive advised that this had yet to be actioned; a budget would first need to be identified in order to carry out this additional work.

The Chairman invited Councillor Graham Troman as Chairman of the Business Task and Finish Forum (TaFF) to address the Committee. Councillor Troman said that this was a difficult Forum because of the resignation of Graham Brown as Chairman of the East Devon Business Forum and the withdrawal of the Economic Development Manager's support from that Forum. He believed that the Task and Finish Forum needed to interview both the former Chairman and the Economic Development Manager but that this was not possible due to Police investigation into the affairs of Graham Brown and associated planning issues.

Points raised included:

- Which aspects of the TaFF were affected by the investigation - what could be considered/scrutinised without interfering with the Police process? Should the TaFF be put on hold in the meantime? The Police investigation needed to run its course.
- Emphasis of the TaFF should be to learn lessons from the interaction between the Business Forum and the Council and how the Council can support the local business community.
- Concern over the Business Forum should have been addressed years ago.
- The remit/scope of the TaFF should include planning issues/processes (not individual applications) and business engagement.
- Increase the membership of the TaFF.
- The integrity of the Council's planning function had been brought into question through recent press revelations and it was important now for the Council to act openly and clearly and address concerns raised. The importance of an effective, transparent decision-making process was essential.
- Reference was made to the Council policy in relation to its work on the Local Plan of the target ratio of one job to one household. This was used as the basis for housing numbers and employment land calculations.
- It was vital not to delay the Local Plan process

The Chief Executive reminded Members of his advice as minuted at previous meetings of the TaFF. The TaFF had accepted that previous planning application decisions were outside their proper scope. The issue therefore was the ability of the TaFF to consider planning issues independently and impartially. To include planning issues within the scope of the Taff could 'go behind' the Local Plan process and cause significant delays.

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Referral from Business Task and Finish Forum (continued)

He referred to the Council's employment land policy and questioned how the TaFF could examine land included in the Local Plan without stalling the process. He explained that the Local Plan had been out for final public consultation and the Council could now only make minor amendments/ alterations and clarify narrative before submitting it to the Inspectorate. If the Council wanted to make allocation changes, it would have to go out for further public consultation and this would result in further delays.

A proposal to suspend the work of the TaFF was put to the vote and lost (7:9)

The proposal to widen the remit of the Business Task and Finish Forum to include employment land planning issues (but not individual planning allocations) without delaying the development of the Local Plan or impinge on the Police investigation was seconded and put to the vote. The Committee voted to have a recorded vote.

Councillors in favour of the proposal (10): Peter Burrows, Derek Button, David Chapman, Roger Giles, Stuart Hughes, Sheila Kerridge, Brenda Taylor, Graham Troman, Eileen Wragg and Claire Wright.

Councillors against the proposal (9): Mike Allen, Peter Bowden, Deborah Custance Baker, Vivien Duval Steer, Tony Howard, John Humphreys, David Key, Tim Wood, Tom Wright.

RESOLVED

that the remit of the Business Task and Finish Forum include employment land planning issues (but not individual planning allocations) without delaying the development of the Local Plan or impinging on the Police Investigation currently being carried out.

68

Five Year Land Supply in East Devon

Dr Margaret Hall of the Campaign to Protect Rural England challenged the base housing need figure used which she said was now out of date – this being evidenced through the Census which showed a lower population than had been predicted. She said it was important for the Council to also acquire an up-dated strategic housing assessment, as there had similarly been a fall in housing requirements compared with that predicted. Dr Hall said that the Council should include a disaggregated 5-year land supply within its policies so that this approach would have more weight.

The Planning Policy Manager advised that the Inspectors, who had considered planning appeals recently, had attached limited weight to the Council's disaggregated housing requirement approach. He emphasised the importance of progressing the Local Plan through the necessary processes to adoption.

The 5-year land supply was a rolling requirement. It was anticipated that Housing and Development statistics would be rigorously challenged when the Local Plan was at the enquiry stage.

The Development Management Committee (Minute 51 of 5.02.13) had endorsed the requirement for a 6-year land supply (5 years plus a buffer of 20%).

68 **Five Year Land Supply in East Devon (continued)**

The Audit and Governance Committee had considered the 5-year land supply issue at its meeting on 27 February 2013 from a governance/reputation point of view. The Committee had identified the lack of a 5-year land supply as a risk to the Council and recommended that the Council put in place processes to ensure that it had a rolling valid 5-year housing land supply.

The Portfolio Holder – Sustainable Homes and Communities had serious doubts that the Council would be able to meet its affordable housing target of 250 per year. Affordable accommodation was essential for balanced communities.

House building was particularly difficult in a time of recession but development allocation within an agreed Local Plan would help the Council to encourage development where it was most needed and most appropriate.

Councillor Roger Giles circulated a paper which emphasised that planning applications should continue to be determined on their merits. He asked the Committee to:

- recommend that Government be asked to extend the period allowed for Councils' Local Plans to be adopted,
- formally endorse the Council's disaggregated approach to housing provision,
- ask the Development Management Committee to make a condition in respect of progressing strategic housing planning approvals.

The proposal, subject to some amendment to wording, was seconded by Councillor Claire Wright.

- RECOMMENDED**
1. that Cabinet support the Local Government Association's current lobbying of Government to extend the period allowed for Councils' Local Plans to be adopted;
 2. that the Cabinet be requested to agree to the adoption of a disaggregation approach to housing provision;
 3. that the Development Management Committee consider a policy to require strategic housing planning approvals to be commenced within two years.

(Councillors Vivien Duval Steer and David Key abstained from voting due to their membership of the Development Management Committee).

*69 **Portfolio Holder up-date – Strategic Development & Partnerships**

The Chairman invited Councillor Andrew Moulding, Portfolio Holder Strategic Development and Partnerships to up-date the Committee on his recent work and forthcoming plans.

Councillor Moulding referred particularly to the exciting development of Cranbrook and its popularity. He said that Cranbrook new community was a success story for the Council. It was a good example of partnership working. Whenever possible he 'flew the flag' for East Devon.

*69 **Portfolio Holder up-date – Strategic Development & Partnerships**

The Clyst Honiton Bypass was critical to Cranbrook and the Growth Point – it was due to open in May. Councillor Moulding recognised the importance of improved rail and motorway links to the vitality of the district.

Other partnership working was in respect of the Local Enterprise Partnerships – the Council would develop projects with business partners and then bid for major funding. Currently EDDC had no seat on the LEP Board and would therefore need to be particularly proactive in working with its partners.

*70 **Forward Plan**

Members noted the forward plan.

The legal position of 20mph zones with the County Council would be reported to a future meeting.

Chairman Date