EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Scrutiny Committee held at Online via the Zoom app on 9 June 2022

Attendance list at end of document
The meeting started at 6.00 pm and ended at 8.48 pm

1 Public speaking

There was one member of the public registered to speak.

Mr Mike Goodman spoke concerning car parking petitions (item 7 refers). As part of his statement, Mr Goodman called into question the grounds on which some signatories had been excluded from the petition. He also thanked the Monitoring Officer for his work in trying to resolve the matter but understood that senior unnamed Cabinet members had decided that the petition would not be heard at Cabinet, on the grounds that a decision had already been taken. He argued that this was undemocratic and unconstitutional.

The Monitoring Officer responded that with the car parking strategy having reverted to Cabinet, the car parking petition was a matter for Cabinet to deal with. Senior members had felt it was not an appropriate time for the petition to be considered by Cabinet given that the budget had already been set, and there was in any case a commitment to review the matter later in the year. This decision did not constitute a breach of the rules.

The Chair thanked Mr Goodman for his contribution to the meeting.

2 Minutes of the previous meeting

Minutes of the previous meeting held on 7 April 2022 were received and noted as a true and accurate record.

3 Declarations of interest

There were no declarations of interest.

4 Matters of urgency

There were no matters of urgency.

5 Confidential/exempt item(s)

There was one item to be considered in private session (minute 9 refers).

6 Decisions made by Cabinet called in by Members for scrutiny in accordance with the Overview and Scrutiny Procedure Rules

There were no decisions made by Cabinet called in by Members for scrutiny.

7 Car parking petitions

The Monitoring Officer introduced his report detailing a petition submitted in relation to car parking charges in Sidmouth and the Council's formal response. One of the organisers of the petition had requested a review of the way it had been handled in accordance with the Council's petition scheme rules, and the Committee was asked to determine whether there were any recommendations that it wished to make in relation to the specific petition or the Council's petition scheme or handling of petitions generally.

Discussion of the report included the following points:

- Some members expressed a view that the petition submitted in relation to car parking charges ought to have been accepted for Council debate, on the basis that:
    - at 1469, the number of valid signatories was only just shy of the threshold of 1500;
    - there had been a lot of noise around the issue of car parking charges and it was important to demonstrate that the voices of local people were being listened to;
    - it was possible that some of the signatories that had been discounted on the grounds that a postcode was missing or incomplete might nevertheless work or study in the district and therefore been eligible to sign the petition;
    - given that visitors to Sidmouth were affected by car parking charges, it was argued that they should legitimately be able to sign the petition and not be discounted.
- Other members expressed support for the position taken by the Monitoring Officer in response to the petition, given that:
    - The Monitoring Officer had taken a pragmatic view and erred on the side of generosity in considering the petition; he had done his due diligence in accordance with the rules in place at the time the petition was submitted;
    - It was important that the threshold of 1500 was adhered to because to let some petitions through and not others could leave the Monitoring Officer open to allegations of bias. Parliament also have clear thresholds concerning petitions and the Council should follow the example. If Members want to move the threshold for Council debate, then this should be done by changing the policy.
    - The Council is answerable to its tax payers including those who have businesses in East Devon, which is why only people who live, work or study in East Devon are able to contribute to East Devon petitions. To extend petitions beyond the boundaries of the district would dilute democracy for the people of East Devon.
    - The onus is on the organiser of the petition to ensure that signatories live, work or study in East Devon, and that they supply their full postcode for the purposes of verification; the petition concerning car parking had contained some signatories with only partial postcode, and some signatories that had been discounted were from elsewhere in the country, and oversees.
- Some members indicated that the Council should have its own platform for electronic petitions, with a field directing signatories to input their postcode. It was suggested that the data could be cross-referenced against the electoral roll, for the purposes of verification; a counterview was offered that this would not be appropriate since not everyone eligible to sign a petition would be on the electoral register.
- Other members suggested it was important the Council accepts paper petitions, in the interests of equal opportunities and ensuring the system was accessible to all.
- It was important to promote awareness among the people of East Devon of the ways that they can make their voices heard including by means of petition or public speaking at meetings.

In a vote of Committee members, the following recommendations were made.

RECOMMENDED to Cabinet

- To consider a petition platform within the Council's website.
- To publicise the council's petition scheme via the Council's weekly press release.

The minutes of this meeting held on 9 June 2022 were subsequently referred back to the Committee for further consideration from the full Council meeting of 20 July 2022.

The Committee further considered the minutes at the meeting held on 8 September 2022 and Committee agreed the following amendment to this minute:

The Committee noted that a written statement had been submitted in advance of the meeting by a member of the public, Mr Richard Eley, by email to Scrutiny Committee members; while the Chair asked that the statement be set out in full in the meeting minutes it was highlighted that the statement has not been seen by the Monitoring Officer, nor discussed by the Committee, and may contain claims that are incorrect.

8 Forward Plan

The Committee considered a proposal form received from Cllr Mike Allen concerning economic development and employment quality in rural and coastal areas. In discussion, it was clarified that the proposal comprised two issues; the first being a strategic review of policy formulation and the second being a procedural matter about how people can put alternative strategic policies forward. These would be added to the Forward Plan as two separate items for scoping.

Discussion of the Forward Plan included the following:

- Members felt that it was not appropriate for meetings of the Scrutiny Committee to be cancelled or postponed.
- The Committee expected to meet with Portfolio Holders as a critical friend and to hold them to account.
- Some Members expressed disappointment that a further meeting with South West Water (SWW) would not take place until 8th September, given that sewage discharges are a live issue, and asked that the Committee seeks to bring the meetings forward. Others indicated that it was more important that the Committee is fully informed and that there is time for SWW to prepare good quality reports. The Chair clarified that the Committee should expect to meet with SWW on or before 8th September.
- Some Members were concerned that the use of scoping forms together with the wait for an officer report and subsequent debate is a convoluted process and not an effective way of getting important items onto the Committee's agenda quickly enough. One Member felt it was inappropriate for individual Members to specify on the form what the outcome should be. The Chair expressed it was important to have crisp objectives to ensure good use of officer time, and indicated that he would undertake to look into the process and suggest improvements.

9 Update on outcomes of EELGA Learning Review

The Monitoring Officer introduced a report which provided an update on actions arising from Personnel Committee's consideration of the East of England Learning Review.

Members discussed the report at length, and wanted the minutes to reflect the Committee's views that the leaking of the Part B report was abhorrent. Members noted the progress being made on the recommendations from the Personnel Committee but felt that no further recommendations were required.

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Attendance List

Councillors present:

M Allen (Chair)
V Ranger (Vice-Chair)
J Bailey
J Bonetta
A Bruce
M Chapman
C Gardner
S Hawkins
J Kemp
D Key
H Parr
E Rylance
J Whibley
T Woodward

Councillors also present (for some or all the meeting)

M Armstrong
P Arnott
F Caygill
P Faithfull
M Hartnell
B Ingham
G Jung
R Lawrence
D Ledger
J Loudoun
P Millar
A Moulding
M Rixson
J Rowland
P Skinner
I Thomas
T Wright

Officers in attendance:

Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)
Rebecca Heal, Solicitor
Andrew Hopkins, Communications Consultant
Susan Howl, Democratic Services Manager
Sarah James, Democratic Services Officer
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Councillor apologies:

O Davey

Chair: ..... Date: