

**Questions by Members to Full Council on 23 October 2019 under Procedure Rule 9.2**

**Question 1: Procedure Rule 9.2 to the Leader from Councillor Cathy Gardner**

Has the sale of the Knowle to Pegasus Life now been completed and funds received and what is the current balance of costs vs income for the relocation project as a whole to date?

**Answer:**

The council recently issued a press release concerning the latest position regarding the sale of its former HQ site to Pegasus Life. This is the link:

<https://eastdevon.gov.uk/news/2019/10/council-proud-of-uninterrupted-services-during-move-to-honiton/>

The final stage of the sale of East Devon District Council's former headquarters at Knowle in Sidmouth will take place on Wednesday 18 December 2019, when ownership of the site will be transferred to PegasusLife for an increased sum of £9,019,605 (a further £1,514,605 on top of the original agreed sale price of £7,505,000).

In terms of a cost analysis of the relocation project this was covered in my answer to a question at council on 24 April. A project closure report will be provided to council at the one year anniversary of the project in the Spring which will include a full project cost analysis. There will be detail of operational costs for the first year of operation of Blackdown House and annual running costs of Exmouth Town Hall and compared to the equivalent costs of operation of the Knowle.

**Question 2: Procedure Rule 9.2 to the Leader from Councillor Paul Millar**

What assessment he has made of the response time from the Senior Management Team to requests for information from  
a) Portfolio Holders and b) Ward Members?

**Answer:**

No assessment has been made. If either a Portfolio Holder or Ward Members have genuine concerns about response times they can take it up with me or with the Council's Chief Executive or Monitoring Officer.

**Question 3: Procedure Rule 9.2 to the Portfolio Holder for Corporate Services from Councillor Paul Millar**

What is the budget for the upcoming 'Careful Choices' publicity campaign?

**Answer:**

The careful choices campaign is the subject of a Cabinet Report and is intended for 30 October 2019. The report will outline the financial implications attached to the campaign – these are currently being assessed as the report is in the process of being drafted.

**Question 4: Procedure Rule 9.2 to the Leader from Councillor Paul Millar**

Can he outline the responsibilities of the Transformation Portfolio Holder, and what training and support does he believe was offered to him?

**Answer:**

A reading of the Service Plan – readily accessible through the internet <https://eastdevon.gov.uk/council-and-democracy/strategies-policies-and-performance/our-plans/service-plans/> - would provide part of the answer to this question. However, to assist, key areas of responsibility in this Portfolio include organisational development; working with Members to develop the Council Plan and organisational strategic direction; performance reporting and performance management of the organisation; Human Resources, Payroll Services, officer Learning and Development, Communications (internal and external), Website and implementation of Firmstep, Client Lead for Strata and OD/Human Resources provision to Strata.

As far as for training and support, the Strategic Lead's remit does not include responsibility for providing training for Members / Portfolio-holders – this is done through the Member Development Programme. I cannot say specifically what training and support was provided to the former Portfolio Holder for Transformation, however I can say that the relevant officer has already developed a productive working relationship with their other portfolio holder and this has included advice and support to assist them in their role.

**Question 5: Procedure Rule 9.2 to the Leader from Councillor Paul Millar**

Has he had any discussions with the Chief Executive regarding the merits of changing the structure of the Cabinet replacing the Transformation Portfolio with a Portfolio Holder for Climate Change and/or a Deputy Portfolio Holder for Sustainable Homes and Communities?

**Answer:**

No. However, in relation to Climate Change, it is an overarching responsibility for all Members, including Portfolio Holders, to have regard to this when fulfilling their functions following the Council signing up to the Climate Change declaration. Further, and given our strategies (Fit for Purpose, Careful Choice and Commercialisation) to address the budgetary position over the coming years there is no longer a need for a Transformation Portfolio, rather these strategies will be a shared responsibility of Cabinet.

**Question 6: Procedure Rule 9.2 to the Leader from Councillor Paul Millar**

Is it his policy for Strategic and Service Leads to involve relevant Portfolio Holders in all aspects of policy relevant to that Portfolio Holder's brief from design to completion?

**Answer:**

Yes as far as it is practicable to do so. This does not necessarily mean a day to day involvement in the operational work to achieve this though.

**Question 7: Procedure Rule 9.2 to the Leader from Councillor Paul Millar**

What is his assessment of the Council's policy of referring to East Devon residents and taxpayers as the Council's 'customers'?

**Answer:**

This is a perfectly acceptable term to use given the relationship between the Council and our residents.

**Question 8: Procedure Rule 9.2 to the Leader from Councillor Paul Millar**

Can he explain the rationale behind the date of January 1<sup>st</sup> 2020 in relation to the Cabinet's decision for the Queen's Drive Delivery Group to trial meetings in private?

**Answer:**

The decision to create the newly formed Queen's Drive Delivery Group was made at Cabinet on 4 September this year. The rationale of confidential meetings was explained in the report and was debated fully at Cabinet with an amendment agreed

to the effect that the need for confidentiality of the Group would be reviewed after three months. The reason for this review point was to give members reassurance that the confidential nature of the group would be kept under review rather than be open ended arrangement.

**Question 9: Procedure Rule 9.2 to the Leader from Councillor Paul Millar**

To ask the Leader, what is his assessment of the fitness for purpose of the Scrutiny Call-In Procedure Rules as set out in Part 4.5, Section 15, paragraphs 4 iii, 4 iv, 6 and 9ii?

**Answer:**

The call-in procedure enables the suspension of a Cabinet decision to allow the Scrutiny Committee to consider the matter and express its views before Cabinet reconsider the matter in light of those views. This is an important check and safeguard in the operation of an executive model. However, it is equally important that the process is not utilised in such a way as to unreasonably interfere in the work of the Council. The paragraphs referred to all act to ensure that this does not happen and in my mind are a reasonable approach.

**Question 10: Procedure Rule 9.2 to the Leader from Councillor Paul Millar**

a) Has he asked his Cabinet their views on the draft report of the Peer Review with his Cabinet before circulating it among Members and

b) What is the total cost to the Council of holding the Peer Review including officer time?

**Answer:**

The report of the Peer Review team is in the course of preparation and will be presented to Cabinet in December hopefully. The costs of the Peer Review is covered as part of our LGA subscription.

Officer time is not otherwise accounted for as there is an expectation that every Council will have a Peer Review approximately every 5 years (depending on local circumstances).

**Question 11: Procedure Rule 9.2 to the Portfolio Holder for Homes and Communities from Councillor Paul Millar**

What progress has the Strategic Lead and his team made to investigate the potential merits of a Council lettings agency?

**Answer:**

Initial consideration of this idea suggests that it is not compatible with our commitment to Devon Home Choice our choice based lettings partnership, and there is limited income generating potential in intervening in what is a mature market. However, this alongside other new initiatives will be considered at the forthcoming Service Planning event.

**Question 12: Procedure Rule 9.2 to the Leader from Councillor Paul Millar**

Does he feel the appearance, layout and location of the Council Chamber and glass-panelled public gallery promotes the Council as being an open, welcoming and democratic institution?

**Answer:**

The Council Chamber is much like those in other modern council offices. It is an adaptable space that meets the needs of the council and as a venue accessible to the public and visitors alike. So far it has proved its usefulness by accommodating full council meetings, all of our committees, elections, a planning inquiry and a various visitor events and conferences. The gallery above has been used successfully as an occasional overflow space when there is exceptional public interest.

There have been some issues resolved or being resolved such as room temperature and audio system quality and such issues are to be expected in settling into an entirely new building and systems. Members also have expressed some views about layout of seating in the Chamber for full council meetings in particular and officers have offered options on layout to try and reflect these preferences, one of which will be trialled on 23<sup>rd</sup> October 2019.

**Question 13: Procedure Rule 9.2 to the Leader from Councillor Paul Millar**

What recent progress he has made on organising a public meeting to discuss the future of Exmouth seafront?

**Answer:**

I am very keen that there is a further opportunity for the public to hear about and discuss proposals for Queen's Drive. A public meeting to hear and explore the latest vision proposals by Wayne Hemingway Design for the site is scheduled to be held on 14 November. A public announcement will be made shortly to that effect.

**Question 14: Procedure Rule 9.2 to the Leader from Councillor Paul Millar**

With reference to the 'Careful Choices' programme, what is his assessment of the level of executive pay among the Senior Management Team at East Devon District Council, and whether he has explored the potential merits of an executive pay review?

**Answer:**

Salaries were last formally reviewed in 2011/12 with South West Councils and since then have been informally monitored to ensure they are in line with other councils' roles at this level. Since 2011/12 senior pay levels have either been frozen or there have been below inflation level rises. A further review is not deemed necessary.

**Question 15: Procedure Rule 9.2 to the Leader from Councillor Paul Millar**

With reference to the 2019 Lewisham Democracy Review and the 2017 Kirklees Democratic Commission, whether he will a) make it his policy to create a Working Group to review the Council's democratic culture and b) appoint a Lead Member for Democracy?

**Answer:**

The Council is currently undertaking a review of our Governance arrangements and there is an urgent report on the agenda dealing with this.

**Question 16: Procedure Rule 9.2 to the Portfolio Holder for Corporate Services from Councillor Paul Millar**

- a) What is her assessment of the current Council website?
- b) What timetable she is working towards with the Strategic Lead for Transformation and Development to improve the Council website, and
- c) What is her budget?

**Answer:**

The website is deemed to be fit for purpose and 80% of respondents in our last Viewpoint Survey were satisfied.

Recent additions include [Modern.Gov](#) which created some technical issues which degraded the 'Search' facility. This, together with a Content Management System

technical upgrade, has improved these matters. Furthermore, there is an action plan in progress which addresses comments made in the recent councillor survey.

This survey will be repeated in February 2020 to track improvements and any remaining issues.

### **Question 17: Procedure Rule 9.2 to the Leader from Councillor Paul Millar**

What is the Council's current policy on non-disclosure agreements?

**Answer:**

The council has used compromise/settlement agreements previously (which contain non-disclosure agreements) to terminate the employment for a mixture of contractual, performance and sickness issues. Settlement agreements are common practice in both the public and private sector where employers wish to bring employment to an end. We use these occasionally and in a variety of situations but generally where the employment relationship is no longer productive and it suits both parties to find a dignified and pragmatic exit strategy for the individual.

However, settlement agreements need a high level of HR knowledge and diplomacy to bring a satisfactory conclusion for both the employer and employee. Skill, trust and professionalism are key elements in the sensitive approach needed to ensure a settlement agreement is in the mutual interests of the council and individual employee.

Agreements are entered into voluntarily by both sides and can offer a cost-effective way to resolve more time-consuming, protracted and expensive legal processes such as tribunal costs.

The agreements also require the individual to agree not to take their employer to court and they also contain a confidentiality clause to protect both the employee and employer.

### **Question 18: Procedure Rule 9.2 to the Leader from Councillor Paul Millar**

What funding has been made available for Member Development?

**Answer:**

The budget for Member development for the financial year 2019/20 was set at £3500.

**Question 19: Procedure Rule 9.2 to the Leader from Councillor Paul Millar**

Has he explored the potential merits of ensuring Members can make informed decisions when asked to vote in Council meetings?

**Answer:**

Members have a responsibility to consider whether they have sufficient information to enable them to take an informed decision. If they don't, they are entitled to say as much and ask for more detail. Moreover, if they don't, then they shouldn't take any decision. It is for each Member to determine whether they have sufficient information.

**Question 20: Procedure Rule 9.2 to the Portfolio Holder for Asset Management from Councillor Paul Millar**

Pursuant to Q 5 from the last Council meeting (24 July 2019), could he provide statistics detailing capacity, usage pattern, cost to residents and revenue for every car park in East Devon for each year since 2005?

**Answer:**

It is not possible to provide this information within the timescale requested. Car parking usage statistics will be provided as part of the detailed review of car parking to be carried out by the TaFF set up by Scrutiny.

**Question 21: Procedure Rule 9.2 to the Portfolio Holder for Economy from Councillor Paul Millar**

How much revenue the Council accrued on business rates in

- (a) Axminster
- (b) Exmouth,
- (c) Seaton and
- (d) Sidmouth in each year since 2005?

**Answer:**

How much revenue the Council accrued on business rates cannot be answered per town. The current business rate retention scheme which calculates how much monies each council retains from business rates uses the total business rates for the

District and calculates the retained income on this basis. There are many factors in this calculation which are not attributable to town level.

The total business rates to be collected from each town could be assessed if required, although as explained this is not the revenue accrued to the Council, but this would require data being exported and then manipulated to provide the information as the Business Rates IT System does not provide this as part of its standard management information. If required it is estimated this is approximately a day's work for one of our Revenues & Benefits System Team.

**Question 22: Procedure Rule 9.2 to the Leader from Councillor Paul Millar**

Were any discussions had with Devon County Council ahead of the Car Parking Tariff Review being released to the public?

**Answer:**

No as off street car parks in our ownership is a matter for the district council. DCC will be able to respond to the Parking Places Order statutory consultation process

**Question 23: Procedure Rule 9.2 to the Portfolio Holder for Sustainable Homes and Communities from Councillor Paul Millar**

How many of the 380 residents in the District who claimed discretionary housing payments through the Council in 2018-19 reside in

- (a) Exmouth Town Ward,
- b) Exmouth Halsdon Ward,
- (c) Exmouth Littleham Ward,
- (d) Exmouth Brixington Ward and
- (e) Exmouth Withycombe Ward.

**Answer:**

- |                                 |    |
|---------------------------------|----|
| (a) Exmouth Town Ward,          | 46 |
| b) Exmouth Halsdon Ward,        | 12 |
| (c) Exmouth Littleham Ward,     | 26 |
| (d) Exmouth Brixington Ward and | 19 |
| (e) Exmouth Withycombe Ward.    | 7  |

**Question 24: Procedure Rule 9.2 to the Leader from Councillor Paul Millar**

What was the total cost to the Council of the last District-wide public consultation it carried out?

**Answer:**

The cost of the Viewpoint Survey in 2018 was £2,195:

- £1,765 on the consultation itself (SNAP data entry of the paper questionnaires and the prize draw)
- £430 on Strata postage and printing etc

**Question 25: Procedure Rule 9.2 to the Portfolio Holder – Sustainable Homes & Communities from Councillor Bruce De Saram**

Question about Syrian Vulnerable Persons Scheme.

This Council acknowledged and fully debated in April 2018 the dire situation in Syria and other countries. It agreed to settle families in East Devon fairly and in a way that managed the impacts on local communities and services. The scheme is so important because as we know it aims to help survivors of torture, people with serious medical conditions, and women with children.

Could you please tell me what progress has been made concerning this issue namely our commitment as a Council to settle at least 8 families under this scheme since at that time many members including the current Leader and Deputy Leader were in support of implementing this motion. I also understand that the scheme has approximately another 7 months left to run so it would be useful for the communities we all serve if the Portfolio Holder could confirm any outstanding actions to be done following on from this motion of April 2018.

**Answer:**

To date 4 families have been resettled in East Devon. There is a strong possibility of a 5th family being accommodated in the near future as confirmation is due to be given on a property in Exmouth that would be suitable for the scheme. Also, there are two potential community sponsorship groups in East Devon actively looking for suitable properties. There is a governance group meeting set for December, where the future funding arrangements will be discussed.

**Question 26: Procedure Rule 9.2 to the Leader from Councillor Mike Allen**

Will the Leader please describe how policies and procedures are screened for equality and how this is to be reported to Council with regard to development of the Corporate Plan, Budget and Service Plans?

**Answer:**

As part of every report preparation the relevant officer assesses the equality implications either in summary form or where there is a high equality impact a detailed equality impact assessment will be undertaken so that the equality implications can be fully discussed and understood as part of the decision making process.

**Question 27: Procedure Rule 9.2 to the Leader from Councillor John Loudoun**

**Re The Councillor's role**

I note that in the LGA Guidance for new Councillors 2019/20, which this Council provided to me upon taking office in May, that at page 7 it states, in the section headed "*The Councillor's role*" that –

*"A councillor's primary role is to represent their ward or division and the people who live in it. Councillors provide a bridge between the community and the council. As well as being an advocate for your local residents and signposting them to the right people at the council, you will need to keep them informed about the issues that affect them".*

It goes on to explain that –

*"As a local councillor, your residents will expect you to: ... know your patch and be aware of any problems ... represent their views at council meetings ... lead local campaigns on their behalf".*

This LGA guidance was reinforced to Councillors through the training that it provided in May 2019.

Does the Leader agree with this guidance from the LGA's to Councillors? And if he does, for what reason(s) does he take for holding that opinion?

**Answer:**

As the Leader, I absolutely agree with the guidance given by the LGA in relation to that part of a Councillor's role – it is undeniable. However it is not their sole role. The same guidance also recognises the need for Councillors to balance '*the needs of your local area, your residents and voters, community groups, local businesses, your political party (if you belong to one) and the council*' and it goes on to say '*as a councillor you will have many different roles to balance. As the locally elected representative, you will engage with residents and groups on a wide range of different issues and take on an important community leadership role. At the council, you will contribute to the development of policies and strategies, including budget setting, and you may be involved in scrutinising council decisions or taking decisions on planning or licensing applications*.

## **Question 28: Procedure Rule 9.2 to the Leader from Councillor John Loudoun**

### **Keeping a note**

Sometimes Officers from this Council, beyond those directly responsible for local planning matters, meet and/or discuss with developers their planning application(s). Sometimes these meetings take place to discuss applications that this Council has failed to support.

Does the Leader agree with me that when such meetings and/or discussions take place it is most imperative that they are held in ways that give residents faith that the Officers are transparent and accountable in these matters? If he doesn't agree with me, what are his reasons for holding that opinion?

Does the Leader agree with me that it would be appropriate that at such meetings, or in such discussions, there should be more than one Officer present, such as a legal adviser and/or planning officer? If he doesn't agree with me, what are his reasons for holding that opinion?

### **Answer:**

The circumstances surrounding any meeting will determine whether it is necessary for them to be held in any particular way. I have the upmost faith that our officers would appreciate the need to act in a way that ensures nothing untoward occurs.

## **Question 29: Procedure Rule 9.2 to the Leader from Councillor John Loudoun**

### **Efficient & effective meetings**

At the last Full Council meeting there was lengthy debate around a motion submitted by Councillor Rylance. A Member at one point interjected and proposed "*that the question now be put*". The Chair put this point of order to the meeting and I observed several things that followed–

- (i) Many members did not fully appreciate the implications of voting for or against this point of order.
- (ii) When this point of order was passed by a show of hands, there appeared to be confusion amongst some Members as to what had just been agreed.
- (iii) When the Chair then swiftly invited the meeting to vote on the motion on the agenda paper some Members appeared not to understand what was happening and what they were now being asked to vote on.
- (iv) Once the meeting had voted on the motion some Members were confused and/or disgruntled at all that had taken place since the point of order had been proposed.
- (v) It was only at this point that it was fully explained to Members what had happened and the implications of their first vote. However, by this point the votes had been cast and decisions made.
- (vi) The meeting ended with some Members expressing frustration and/or confusion about what the meeting had decided.

Does the Leader recognise this set of events? If he does, does he believe that the situation was acceptable? If he does, what would he recommend this Council does to avoid a similar set of circumstances occurring in the future?

If he doesn't recognise this set of events, how does he recall it?

**Answer:**

It is not for me to say what other members may or may not have understood. I understood what was happening. Members are always able to ask for confirmation on what is going on and I am sure the Chairman would, in such circumstances, ensure that clarity was given on the procedures from the officers present.

**Question 30: Procedure Rule 9.2 to the Leader from Councillor Mike Allen**

It has been stated by the Portfolio Holder for Economy at Overview Committee that he intends to commission a major study into Town Centres.

In view of the many studies already reporting nationally, and the lack of any specific proposals before Overview Committee, will the Leader give an indication of the cost proposed?

Secondly in the interests of proper transparency, could the Consultancy brief envisaged be put to the next Overview Committee for discussion before any expenditure is committed"

**Answer:**

As a council we lack good detailed intelligence about our towns and their economic wellbeing. This is not a good state of affairs. It is important that we are able to identify the best ways to support our towns, to prioritise our limited resources and to produce authoritative bids for third party funding. Research across our towns will inform the district council and each town council in ways that they better understand the strengths and weaknesses of their local economies and what the most effective actions are that they can take to improve matters.

A draft specification for the work is in development and has been discussed with the Chair and Deputy Chair of Overview Committee and we have agreed with them already that it make sense that Overview Committee should have an opportunity to discuss the proposal. Appropriate research and consultancy bids will subsequently be invited and cost will a key element of the criteria against which bids will be assessed. Invitees to tender will be asked to price their proposals against criteria but we are not setting a fixed price beforehand since cost competition for the work is an important consideration in judging any bids.

### **Question 31: Procedure Rule 9.2 to the Portfolio Holder for Corporate Services from Councillor Eleanor Rylance**

In the spirit of inclusivity, how is it that this council is wilfully disadvantaging anyone with school aged children, caring responsibilities for school aged children, or those who work in schools or other educational establishments, by organising major meetings including this one during school half term?

Parents and teachers are unable to take holidays in term-time: are we saying that no parent or teacher can be an effective councillor?

I have 4 major meetings this week at district council, including 2 in daytime and one that will take most of a day. This is entirely avoidable.

Please can council set its timetable with school dates in mind in the future?

#### **Answer:**

I'm aware that Members agree the annual schedule of Council and Committee meetings as part of Annual Council. Whilst it would clearly be difficult to plan a yearly meeting cycle to accommodate school holidays, particularly bearing in mind the length of the summer holiday and the potential impact on the business of the Council, it would be helpful to consider if changes could be made in future.

With 3 school aged children of my own I am only too aware of the challenges of council meetings being scheduled during half-terms/holidays. The current timetable was organized before I was in post and allocated specific roles, and it is my view that the council needs to strive to accommodate all our councillors, including those who have children and those who work.

I am liaising with Democratic Services to look at how other councils schedule their meetings and also to seek input from the LGA in order to inform our approach. Whilst it may not be possible to change the calendar for the remainder of this council year, I would certainly expect that our findings will shape the calendar for the next council year.

### **Question 32: Procedure Rule 9.2 to the Portfolio Holder for Environment from Councillor Eleanor Rylance**

Have full equalities impact assessments been carried out on the proposed changes to car park charges in East Devon car parks? In my view, the proximity of the "premium" car parks to places people want to be will mean that raised charges will disproportionately affect disabled people and those with limited mobility. Has this impact been taken into account, and if not, why not?

#### **Answer:**

As part of every report preparation the relevant officer assesses the equality implications in summary form. Where there is a high equality impact a detailed equality impact assessment will be undertaken so that the equality implications can

be fully discussed and understood as part of the decision making process. In relation to the car parks report to Cabinet, given that this was solely seeking approval to go out to consultation on increasing charges the impact was assessed as low. Following the consultation, any further report would need to reassess the impact.

**Question 33: Procedure Rule 9.2 to the Portfolio Holder for Economy from Councillor Luke Jeffery**

1. What specific preparations has the Council undertaken to prepare for a potential no deal Brexit?
2. How will the Council support local businesses if they experience difficulties post-Brexit?
3. What actions have been undertaken in order for the equalities impact of Brexit to be considered low?

**Answer:**

1. The Cabinet considered a report from the Chief Executive (as Brexit Lead) at its last meeting – the link for which is here [Cabinet 2nd October 2019](#).
2. The Government expects the Council to provide appropriate local intelligence to it so that the Government can assess what is appropriate and design bespoke schemes.
3. This refers to the report itself rather than a no-deal Brexit. I think it is generally accepted that there will be consequences for everyone in the event of a no-deal and the report to Cabinet refers to this.

**Question 34: Procedure Rule 9.2 to the Leader from Councillor Philip Skinner**

As the previous and what appears to now be the last Chairman of the Exmouth Regeneration Board;

Does the leader believe that the cessation of the Exmouth Regeneration Board and consequently formation of a new committee is the right step forward in engaging with both the public sector and private sector in working together to drive up the regeneration of Exmouth and how indeed this is going to deliver the Exmouth Masterplan aspirations that was agreed by this council when the plan was adopted and how he is going to offer inspiration to Exmouth with the new committee structure and how indeed discussions with private sector individuals are going to be able to be communicated with EDDC on this new narrow minded committee structure process.

**Answer:**

I take the opportunity again to thank those who were part of the previous Exmouth Regeneration Board for their commitment and contribution. It is this administration's view that a new and sharper focus was needed on delivering the final phase of the Queen's Drive development and that is what we are doing. That is not to say that

the Council may not then also turn its attention to other important projects for Exmouth but let's sort out the final phase of Queen's Drive first. This was what the masterplan asked for.

I agree that we need to keep close to local business, employers and the private sector generally. We continue to engage with the private sector in Exmouth and I myself have spent some time with the Chamber of Commerce and the Propeller Group for example.

### **Question 35: Procedure Rule 9.2 to the Leader from Councillor Philip Skinner**

At the cabinet meeting last, I asked the leader about Exmouth Seafront Regeneration and I felt the response eluded that the previous administration which would have been myself as Chairman of the Board and my fellow Board members had in some way 'left a legacy of debt' or indeed in some way a huge deficit to the Town of Exmouth.

Could I ask the leader if he would be kind enough to expand on his thoughts for the benefit of doubt and let this Council know what his thoughts are on Phase 3 and indeed Harbour View Cafe going forward and if indeed this new administration is going to adhere to the formally adopted masterplan which links in very much with Exmouth's neighbourhood plan and Exmouth's vision.

#### **Answer:**

We are moving forward with Phase 3 to complete the Queen's Drive development with a further public engagement by Hemingway Design in November. This includes the Harbour View café site. Proposals are emerging for a mix of public space, continued popular free play facilities and the kind of commercial developments that will pay for those elements and benefit Exmouth's economy. This is very much in keeping with the principles laid out some years ago in the Exmouth masterplan and much more recently the policies agreed by Exmouth people in their Neighbourhood Plan.

### **Question 36: Procedure Rule 9.2 to the Chairman from Councillor Mike Allen**

New regulations were introduced in 2015 to deal with disciplinary matters pertaining to Senior Officers of Council. The guidance calls for a Standing Investigation and Disciplinary Committee, an independent Person Panel and an Appeals Committee.

Following advice from the Monitoring Officer, I am informed that we only have a disciplinary Panel and that he could not immediately let me have details of the Terms of Reference or Procedures it should follow.

Can the Chief Executive and/ or Monitoring Officer regularise the Terms of Reference, Procedures and timescale to put this properly into place, and explain what should be done in the meanwhile if an allegation occurs and who assesses if the allegation passes an initial threshold

**Answer:**

The Council has an Employment Appeals Committee, a Disciplinary Panel and an appointed Independent Person (with the ability to request support from neighbouring authorities to use their Independent Person when necessary). This fulfils the obligations introduced into the Local Authorities (Standing Orders) (England) Regulations 2011 by the 2015 Regulations referred to. The Employment Appeals Committee's Terms of Reference is detailed in the Constitution. There is no written procedure but the Constitution makes it clear, in the section dealing with Officer Employment Procedure Rules (see Part 4.8), that detailed reference will be had to the 2001 Regulations when appropriate. In short, any HR procedure will need to follow the requirements of the 2001 Regulations and this will happen if the situation arises.