



**Agenda for Council
Wednesday, 28th April, 2021, 6.00 pm**

To: All elected Members of the Council; Honorary Aldermen

Venue: Online via the Zoom App

Contact: Susan Howl, Democratic Services Manager;
01395 517541; email showl@eastdevon.gov.uk
(or group number 01395 517546)
Issued Monday, 19 April 2021

East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ
DX 48808 HONITON
Tel: 01404 515616
www.eastdevon.gov.uk

**Important - this meeting will be conducted online and recorded by Zoom only.
Please do not attend Blackdown House.
Members are asked to follow the [Protocol for Remote Meetings](#)**

This meeting is being recorded by EDDC for subsequent publication on the Council's website and will be streamed live to the Council's Youtube Channel at <https://www.youtube.com/channel/UCmNHQruge3LVI4hcgRnbwBw>

Public speakers are now required to register to speak – for more information please use the following link: <https://eastdevon.gov.uk/council-and-democracy/have-your-say-at-meetings/all-other-virtual-public-meetings/#article-content>

Dear Sir/Madam

**Meeting of the Council of the District of East Devon on
Wednesday, 28th April, 2021 at 6.00 pm**

You are called upon to attend the above meeting to be held online. It is proposed that the matters set out on the agenda below will be considered at the meeting and resolution or resolutions passed as the Council considers expedient.

Yours faithfully

A handwritten signature in black ink, appearing to be "M. Howl", written in a cursive style.

Chief Executive

- 1 **Public speaking**
Information on [public speaking](#) is available online
- 2 **Minutes of the previous meeting** (Pages 6 - 21)

3 **Apologies**

4 **Declarations of interest**

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

5 **Matters of urgency**

Information on [matters of urgency](#) is available online

6 **Announcements from the Chairman and Leader**

7 **Confidential/exempt item(s)**

To agree any items to be dealt with after the public (including the Press) have been excluded. There are no items which officers recommend should be dealt with in this way, but if confidential minutes from Cabinet and/or the Council's Committees are being discussed, Officers may recommend consideration in the private part of the meeting.

8 **To answer questions asked by Members of the Council pursuant to Procedure Rules No. 9.2 and 9.5 (Pages 22 - 30)**

9 **Reports from the Cabinet and the Council's Committees and questions on those reports (Pages 31 - 34)**

- a) Minutes of the Cabinet meeting held on 3 March 2021. Minute numbers 332 - 350 (Pages 35 - 45)
- b) Minutes of the Cabinet meeting held on 17 March 2021. Minute numbers 351 - 356 (Pages 46 - 49)
- c) Minutes of the Cabinet meeting held on 31 March 2021. Minute numbers 357 - 381 (Pages 50 - 60)
- d) Minutes of the Scrutiny Committee meeting held on 4 March 2021. Minute numbers 131 - 139 (Pages 61 - 69)
- e) Minutes of the Strategic Planning Committee meeting held on 23 February 2021. Minute numbers 103 - 113 (Pages 70 - 77)
- f) Minutes of the Strategic Planning Committee meeting held on 30 March 2021. Minute numbers 114 - 123 (Pages 78 - 84)
- g) Minutes of the Planning Committee meeting held on 15 February 2021. Minute numbers 213 - 221 (Pages 85 - 90)

- h) Minutes of the Planning Committee meeting held on 10 March 2021. Minute numbers 222 - 232 (Pages 91 - 99)
- i) Minutes of the Planning Committee meeting held on 17 March 2021. Minute numbers 233 - 242 (Pages 100 - 104)
- j) Minutes of the Planning Committee meeting held on 7 April 2021. Minute numbers 243 - 254 (Pages 105 - 110)
- k) Minutes of the Audit & Governance Committee meeting held on 18 March 2021. Minute numbers 75 - 86 (Pages 111 - 114)
- l) Minutes of the Licensing & Enforcement Committee meeting held on 17 February 2021. Minute numbers 60 - 67 (Pages 115 - 118)
- m) Minutes of the Licensing & Enforcement Sub-Committee meeting held on 24 February 2021. Minute numbers 32 - 36 (Pages 119 - 121)

10 **Learning Review - Report from the Monitoring Officer** (Pages 122 - 123)

11 **Standards Complaints Procedure** (Pages 124 - 154)

12 **Motion: To Support the Climate and Ecological Emergency Bill**

Preamble;

Humans have already caused irreversible climate change, the impacts of which are being felt in the UK and around the world. Global temperatures have increased by 1 degree Celsius from pre-industrial levels. Atmospheric CO2 levels are above 400 parts per million (ppm) and continue to rise. This far exceeds the 350 ppm deemed to be a safe level for humanity.

Without more significant and sustained action, the world is set to exceed the Paris Agreement's 1.5°C limit between 2030 and 2040. Therefore the current UK target of net zero by 2050 is not satisfactory. It is too little too late.

The increase in harm caused by a rise of 2°C rather than 1.5°C is significant. This is described by the Intergovernmental Panel on Climate Change's Special Report on Global Warming of 1.5°C published in October 2018. According to the IPCC, limiting heating to 1.5°C may still be possible with ambitious action from national and sub-national authorities, civil society, the private sector and local communities. The costs of failing to address this crisis will far outstrip the investments required to prevent it. Investing now will bring many benefits in the form of good jobs, breathable cities and thriving communities.

Council notes that;

- (i) This council has declared a climate emergency;
- (ii) Many local authorities have established Citizens' Assemblies that are playing an important role in assisting them in their plans to achieve net zero by 2030 or before; and that
- (iii) There is a Bill before Parliament—the Climate and Ecological Emergency Bill (published as the "Climate and Ecology Bill")—according to which the Government must develop an emergency strategy that:
 - (a) requires that the UK plays its fair and proper role in reducing greenhouse gas

- emissions consistent with limiting global temperature increase to 1.5 degrees C above pre-industrial temperatures;
- (b) ensures that all the UK's consumption emissions are accounted for;
 - (c) includes emissions from aviation and shipping;
 - (d) protects and restores biodiverse habitats along overseas supply chains;
 - (e) restores and regenerates the UK's depleted soils, wildlife habitats and species populations to healthy and robust states, maximising their capacity to absorb CO₂ and their resistance to climate heating;
 - (f) sets up an independent Citizens' Assembly, representative of the UK's population, to engage with Parliament and Government and help develop the emergency strategy.

Council therefore resolves to:

- (i) Support the Climate and Ecological Emergency Bill
- (ii) Inform the local media of this decision;
- (iii) Write to local MPs, asking them to support the Bill; and
- (iv) Write to the CEE Bill Alliance, the organisers of the campaign for the Bill, expressing its support (campaign@ceebill.uk)

Proposed by; Cllr Olly Davey

Seconded by; Cllr Tony Woodward

Supported by Cllrs; Denise Bickley, Steve Gazzard, Paul Hayward, Sarah Jackson, Val Ranger.

13 **Motion: Role of the Chair of Council**

ref Article 5 page 19 to be modified as per section b shown in italics:-

- b) The Chair shall be elected annually by the Council. The Chair will have the following responsibilities:
 - 1. To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary having regard to appropriate advice;
 - 2. To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
 - 3. To ensure that at the Council meeting Councillors who are not on the Cabinet or who are not Chairmen of Committees are able to hold the Cabinet and Committee Chairmen to account.
 - 4. Generally, to be the conscience of the Council
 - 5. ***Shall exercise neutrality and be an exemplar of the highest standards of conduct and ethics consistent with the Council's Code of Conduct and by promoting and maintaining high standards of conduct by Councillors, co-opted Members and Council officers to serve the best interests of the Community***

Proposed by; Cllr Mike Allen

Seconded by; Cllr Philip Skinner

Supported by Cllrs; Andrew Moulding, Bruce de Sarum, Ben Ingham

14 **Motion: Future of our High Streets**

In the light of the positive response from Simon Jupp MP to the recent letter we sent to him about the Future of our High Streets in East Devon like Exmouth, we recommend to Council the implementation as soon as possible of a cross party TAFF whose membership will be determined by the monitoring Officer in the usual manner in order for our District to get a strong bid in for the government's multi-billion-pound Levelling Up Fund and Community Renewal Funds. We are all aware that The Levelling Up Fund is currently open for applications of up to £20 million to regenerate and improve High Streets in places like Exmouth. It's fantastic to see that the new funds build on the work of the smaller schemes which predate the pandemic, including the Future High Streets Fund. As Exmouth members Cllr Caygill, Cllr Chapman and myself urge this Council to set up this TAFF and work with Simon Jupp MP so that ultimately, we put in a successful bid for the benefit and wellbeing of all our residents at this time of great need"

Proposer Cllr Bruce De Saram

Seconder Cllr Fred Caygill

Supporters Cllrs; Maddy Chapman, Alan Dent, Helen Parr, Ben Ingham and Andrew Moulding.

[Decision making and equalities](#)

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

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Council held at Online via the Zoom App on 24 February 2021****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 9.09 pm

123 Public speaking

The Chair welcomed members of the public and Councillors to the meeting and explained that all participants were taking part remotely and the meeting was also being viewed online and recorded.

The Chair then started the meeting by doing a roll call of those present, and confirmed that the meeting was quorate.

During the meeting the public would be able to participate if they had pre-registered to speak. No members of the public had pre-registered.

124 Minutes of the previous meeting

The minutes of the three previous meetings of the Council held on 9th December 2020, 13th January 2021 and 9th February 2021 were confirmed and agreed as a true record.

125 Declarations of interest

130. Revenue Estimates, Capital Programme and Council tax Resolution 2021/22.
Councillor Paul Hayward, Personal, Clerk to All Saints, Chardstock, Newton Poppleford and Harpford Parish Councils.

131e. Minutes of the Scrutiny Committee held on 10 December 2020 Minute numbers 95 - 107.
Councillor Denise Bickley, Personal, Husband has a parking permit.

131e. Minutes of the Scrutiny Committee held on 10 December 2020 Minute numbers 95 - 107.
Councillor Joe Whibley, Personal, An Exmouth Town Councillor and partner has a parking permit.

131e. Minutes of the Scrutiny Committee held on 10 December 2020 Minute numbers 95 - 107.
Councillor Paul Millar, Personal, Paid employment with the Co-operative Group, a store between two car parks.

134. Motion: Future High Streets Funding.
Councillor Olly Davey, Personal, An Exmouth Town Councillor.

134. Motion: Future High Streets Funding.
Councillor Paul Jarvis, Personal, Works on a High Street.

134. Motion: Future High Streets Funding.
Councillor Paul Millar, Personal, Paid employment with the Co-operative Group

126 **Matters of urgency**

There were no matters of urgency.

127 **Announcements from the Chair and Leader**

The Chair announced the resignation of Cllr Kathy McLauchlan as an EDDC Councillor and Ward Councillor for Whimple and Rockbeare, last week. She was elected in May 2019 and made a valuable contribution to the work of the Council in her role on a number of Committees such as Planning. She thanked her for the service she gave whilst serving for EDDC and wished her all the best in her future endeavours.

128 **Confidential/exempt item(s)**

There were no confidential or exempt items.

129 **To answer questions asked by Members of the Council pursuant to Procedure Rules No. 9.2 and 9.5**

Fifteen questions had been submitted in accordance with Procedure Rule 9.2. The questions and answers had been circulated with the agenda and published on the website. Councillors submitting questions are entitled to put a related supplementary question (Procedure Rule 9.5). A summary of the supplementary questions asked and the responses is set out below.

Q1: Cllr Chapman asked if Domestic Abuse had increased proportionately in East Devon in line with a national increase and if more support was needed for those affected. In response the Portfolio Holder for Homes & Sustainable Communities stated that there had been a big increase, with 88 approaches since April 2020 by those citing Domestic Abuse, and 27 Households being placed in temporary accommodation. It was a high priority, with some discussion ongoing about the use of properties in future being made available for those specifically affected by these issues.

Q2: Cllr Millar thanked the Chair for clarification about points of order being a procedural matter used in relation to the business of the meeting, but since there had been 77 points of order since the current Council term began which had not been raised appropriately, would the Chair remove those attempting to use them if this was the case in future. In response, the Chair stated that she would ensure that all meetings run smoothly and in accordance with the Constitution.

Q4, Cllr Hall asked the Leader if EDDC should not be proactive rather than reactive in its approach to DBS (Disclosure & Barring Service) checks on Cllrs. The Leader responded by stating that the Council had to act in accordance with existing legislation and that Cllr Hall could contact his local MP on this matter.

Q5. Cllr Moulding that ward Cllrs had been pressing for developments at Millway Rise for some time, so would the Portfolio Holder for Finance be prepared to meet with the Portfolio Holder for Economy & Assets, ward Cllrs and officers to discuss possible projects for the site.

In response, the Portfolio Holder for Finance confirmed that he was happy to do so.

Q6. Cllr Allen stated that he had raised matters in relation to the Members Code of Conduct with the Chief Executive and Senior Management Team about what appeared to be the downgrading of an issue which is a legal necessity by the Chair.

In response, the Chair said that she had also spoken to the Chief Executive on the matter, who would be addressing the issues accordingly.

Q7. Cllr Allen said that since the Chair had interfered with three Conservative Motions proposed for the meeting and that the Leader appeared to be colluding with this, but would he now be advising the Chair to resign.

The Leader stated that he would not dignify the question with a response.

Q8. Cllr Allen asked a supplementary question of the Leader following the written response given but the Leader confirmed that he was unable to answer the question or understand why it was put to him.

Q9. Cllr Twiss asked the Leader if the new Council Plan would be presented to Council before the next elections in two years' time.

In response, the Leader confirmed that the Statement of Intent had been raised at Council in December 2020, and that a lot work would be done on the Council Plan in March ready for it to be available in late spring or early summer 2021.

Q10. Cllr Twiss raised issues relating to improving standards of behaviour by Cllrs, to which the Leader responded by pointing out that it was colleagues of Cllr Twiss which had caused the recording of previous meetings to be removed from the internet.

Q11. Cllr Allen asked the Leader if he understood the legal necessity for a proper stress risk assessment.

In response, the Leader confirmed that he did and had received advice from the HR team because of the complex nature of such matters, which need to be addressed by the Chief Executive as Head of the Paid Service.

Q12. Cllr Allen asked the Chair why three Motions were taken off the agenda but one on High Streets Funding retained.

In response, the Chair confirmed that she had already informed Cllrs of the reason for her decision, based on the number of other significant items on the agenda.

Q13. Cllr Skinner asked the Portfolio Holder for Strategic Development if he would support the setting up of a working group to deal with the immediate need to move forward.

In response, the Portfolio Holder for Strategic Development stated that there already plans in place which would be taken forward by the Strategic Planning Committee as a cross-party committee, and that there was no need for another working group.

Q14. Cllr Skinner sought support to make adjustments to policy in order to move forward, to which the Portfolio Holder for Strategic Development confirmed that the process was already streamlined and was another debate to be had at the Strategic Planning Committee.

Q15. Cllr Parr stated that the response from the Leader had avoided answering the question about what had made the issue so urgent and led to an Extraordinary Council meeting. She wanted to know when the video recording of the Joint Overview & Scrutiny Committee would be put back onto the website, since it showed the Chief Executive

being criticised by a Cllr for answering the question put by another Cllr, and the Deputy Leader telling a Cllr to be quiet.

In response, the Leader stated the issue under consideration related to the mental health of staff and Cllrs which was currently proving a challenge. The current administration had sought to appoint a Mental Health officer and had already appointed a Member Champion on this issue. The matter of putting the video recording onto the website was one of legal judgement given that an individual had been specifically referenced in it, but he had nothing to hide if it was put back on.

130 **Revenue Estimates, Capital Programme and Council tax Resolution 2021/22**

The Chair invited members to consider the report of the Section 151 Finance Officer and the recommendations of the Cabinet from its meeting on 3 February 2021 relating to the Revenue and Capital Estimates, the purpose of the report being to enable the Council to calculate and set the Council Tax for 2021/22, and to include the Queens Drive Delivery Group recommendations into the 2021/22 budget of an additional £73k to the Capital Budget and to allocate £19k to Queens Drive Revenue Budget.

The precepts from Devon County Council, the Police & Crime Commissioner for Devon and Cornwall, Devon & Somerset Fire & Rescue Authority, and town and parish councils (preceptors) had been added to EDDC's Council Tax requirement. The Council, as billing authority, would formally set the Council Tax for the area to include all the amounts to be collected.

The Council Tax requirement for 2021/22 be set at £9,119,550 with a resulting Council Tax Band D amount of £151.78 (an increase of £5 a year (3.41%) which was within the threshold stipulated by government before triggering a council tax referendum) and that the budget be agreed as presented in the Council papers. The Chair moved the recommendations set out in Appendix A to the report.

Members were reminded that in line with legislation that came into force on 25 February 2014, The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a recorded vote would now be taken on the budget decision.

The proposal, to agree the formal Council Tax Resolution, as printed in Appendix A to the report was put to the vote and carried.

Recorded vote on the budget:

Councillors Megan Armstrong, Paul Arnott, Jess Bailey, Denise Bickley, Kevin Blakey, Kim Bloxham, Susie Bond, Colin Brown, Fred Caygill, Sarah Chamberlain, Maddy Chapman, Iain Chubb, Andrew Colman, Olly Davey, Alan Dent, Peter Faithfull, Cathy Gardner, Steve Gazzard, Ian Hall, Marcus Hartnell, Sam Hawkins, Paul Hayward, Nick Hookway, Mike Howe, Stuart Hughes, Ben Ingham, Sarah Jackson, Paul Jarvis, Luke Jeffery, Vicky Johns, Geoff Jung, David Key, Fabian King, Dan Ledger, John Loudoun, Dawn Manley, Tony McCollum, Paul Millar, Andrew Moulding, Helen Parr, Geoff Pook, Geoff Pratt, Val Ranger, Marianne Rixson, Jack Rowland, Eleanor Rylance, Philip Skinner, Brenda Taylor, Ian

Thomas, Phil Twiss, Joe Whibley, Tony Woodward, Eileen Wragg, Chris Wright, Tom Wright - voted in favour – 55.

Councillor Mike Allen – voted against – 1.

RESOLVED:

1. It be noted that on 6th January 2021 Cabinet (minute reference 290 refers) calculated the Council Tax Base 2021/22
 - (a) for the whole Council area as 60,084 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and
 - (b) for dwellings in those parts of its area to which a Parish precept relates as detailed in Schedule 1 attached.
2. As a preliminary step, calculate that the Council Tax requirement for the Council's own purposes for 2021/22 (excluding Parish precepts) is £9,119,550.
3. That the following amounts be calculated for the year 2021/22 in accordance with Sections 30 to 36 of the Act:
 - (a) £91,145,038 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
 - (b) £77,670,005 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
 - (c) £13,475,033 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).
 - (d) £224.27 being the amount at 3(c) above (Item R), all divided by Item T (1(a) above), calculated by the Council in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
 - (e) £4,355,483 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per the attached Schedule 1).
 - (f) £151.78 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T (1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.
 - (g) The amounts stated in column 5 of the schedule 1 attached given by adding to the amount at 3(f) above the amounts of the special item

or items relating to dwellings in those parts of the Council's area specified in column 1 of Schedule 1 divided in each case by the amount at 1(a) above, calculated by the Council in accordance with Section 34(3) of the Act, as the basic amounts of its Council tax for the year for dwellings in those parts of its area set out in column 1 of Schedule 1 to which one or more special items relate.

(h) The amounts set out in Schedule 2 attached given by multiplying the amounts at 3(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

4. That it be noted that for the year 2021/22 Devon County Council, Police and Crime Commissioner for Devon and Cornwall and Devon and Somerset Fire and Rescue Authority have stated the following amounts in precepts issued to the District Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Valuation Bands	Precepting Authority		
	Devon County Council	Police & Crime Com for Devon & Cornwall	Devon & Somerset Fire & Rescue
A	£1,007.52	£157.71	£60.00
B	£1,175.44	£183.99	£70.00
C	£1,343.36	£210.28	£80.00
<u>D</u>	<u>£1,511.28</u>	<u>£236.56</u>	<u>£90.00</u>
E	£1,847.12	£289.13	£110.00
F	£2,182.96	£341.70	£130.00
G	£2,518.80	£394.27	£150.00
H	£3,022.56	£473.12	£180.00

5. That, having calculated the aggregate in each case of the amounts at 3 (h) and 4 above, the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the amounts set out in Schedule 3 attached as the amounts of council tax for the year 2021/22 for each of the categories of dwellings shown in Schedule 3.

- 6 The Council has determined that its relevant basic amount of Council Tax for 2021/22 is **not** excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992. As the billing authority, the Council has **not** been notified by a major precepting authority that its relevant basic amount of Council Tax for 2021/22 is excessive and therefore the billing authority is not required to hold a referendum in accordance with Section 52ZK Local Government Finance Act 1992.

131 **Reports from the Cabinet and the Council's Committees and questions on those reports**

(a) **Minutes of Cabinet held on 2 December 2020 Minute numbers 267 - 271**

Cllr Arnott presented the minutes of the Cabinet meeting held on 2nd December 2020. Following a vote by those present in favour these were agreed.

(b) **Minutes of Cabinet held on 6 January 2021 Minute numbers 272 - 302**

Cllr Arnott presented the minutes of the Cabinet meeting held on 6th January 2021.

Arising from consideration of the minutes the following minutes were called by Councillor Allen:-

1) Cabinet of 6 January, minute number 288 – Minutes of Strategic Planning Committee, with reference to Minute 100, Garden Communities & Delivery Vehicles, regarding a Budget of £300k

Cllr Allen wanted to point out that this was a lot of money to be allocated to the local plan review, which could be going into the Council's work on poverty.

Cllr Ledger stated that this recommendation had been debated at the Strategic Planning Committee, which was a cross-party committee, and had been agreed unanimously.

2) Cabinet of 6 January, minute number 292 – Poverty – our response to the crisis', regarding the Poverty Strategy

Cllr Allen wanted to stress the urgency of bringing forward the poverty strategy and noted the proposal for £100,000 to be allocated to supplement the Hardship Fund. He asked the Leader when he expected the Strategy to be ready.

The Leader confirmed that Cllr Armstrong had been leading the work on the poverty strategy at the working panel, which is where the issues should be debated.

Cllr King confirmed that he had proposed that the £100,000 should be allocated as a contingency fund and used after April 2021, and that it could be reduced accordingly if Devon County Council make funds available, which they now have.

Cllr Armstrong confirmed that a draft of the Poverty Strategy will be available in April.

Following this debate and a vote by those present, the minutes of Cabinet on 6th January were agreed.

(c) Minutes of Cabinet held on 20 January 2021 Minute numbers 303 - 309

Cllr Arnott presented the minutes of the Cabinet meeting held on 20th January 2021. Following a vote by those present in favour these were agreed.

(d) Minutes of Cabinet held on 3 February 2021 Minute numbers 310 - 331

Cllr Arnott presented the minutes of the Cabinet meeting held on 3rd February 2021.

Arising from consideration of the minutes the following minutes were called by Councillor Allen:-

Cabinet of 3 February, minute number 318 – Minutes of the Poverty Working Panel held on 18th January, regarding the Hardship Fund Support

Cllr Allen confirmed the issue had been covered under the previous called minute.

Cabinet of 3 February, minute number 321 – ‘Supporting economic Recovery’, regarding the Prospectus for £1 million addition to Business grant funds

Cllr Allen referred to the decision made in relation to funding to be made available offering support for businesses and asked the Deputy Leader to clarify the eligibility criteria for the new grant funds.

The Deputy Leader stated that there were two separate funds and the Council would effectively be acting as agent on behalf of government, and applying their criteria. He also said that Andrew Wood, Service Lead for Growth, Development & Prosperity had emailed Cllrs on 24th February with the details.

Following a vote by those present in favour these were agreed.

(e) Minutes of the Scrutiny Committee held on 10 December 2020 Minute numbers 95 - 107

Cllr Brown presented the minutes of the Scrutiny Committee meeting held on 10th December 2020.

Arising from consideration of the minutes the following minute was called by Councillor Millar:-

Scrutiny Committee of 10 December, minute number 106, regarding the recommendation on an increase in Car Park charges.

Cllr Millar wanted to move an alternative recommendation to those proposed in the minutes, on the basis that car parking charges had not increased for eleven years. However, Councils no longer received Government revenue support grants and payments via car parking charges was an income stream which helped councils to maintain other services.

He wanted to propose that Council agrees to defer the

recommended increases for Category 1 car parks and all permits until 1 April 2022”.

Cllr Rowland seconded the alternative recommendation proposed.

Comments in a debate on the issue included the following;

- That caution had to be exercised in relation to the risks to the budget and that charges would have to be increased next year.
- That the Council had to produce a balanced budget and manage its reserves or face a shortfall.
- That the introduction of a monthly payment scheme should not be deferred to April 2022, since this would make permits more affordable to people during 2021.
- That deferring the increase in charges is not sensible given that it supports the maintenance of other services.
- That charges should be deferred but the Council should not limit its freedom to decide in future what the charges should be.
- That to defer an increase in charges this year is socially irresponsible and suggestions are needed to determine how the shortfall in the budget of approximately 3% is to be made up.
- That the current situation is highly unusual with external circumstances balanced against risks to the budget, but reserves are there to support such situations.
- That there is an argument in favour of many people who cannot afford increased car parking charges.

Cllr Loudoun proposed having a recorded vote on the revised recommendations, which was seconded by Cllr Thomas and following a vote was carried by a majority of those present.

Following discussion on the proposal the Monitoring Officer confirmed the revised recommendations to Council contained within the Scrutiny Committee minutes (minute 106 refers) as follows;

1. That TAFF Members propose the introduction of a new tariff of £1.20 per hour in East Devon District Council’s category 1 (prime location) car parks effective from 1 April 2022
2. That TAFF Members also propose the introduction of a revised pricing structure for car parking permits with a £120 per annum for a single town (and an additional £24 per each town added) up to a maximum annual permit charge of £240 to cover all towns from 1 April 2022, and to provide a ‘pay monthly’ scheme for all regular customers starting with a single town permit for just £10 per month from 1 April 2021.

East Devon District Council’s Category 1 Car Parks are currently as follows;

Sidmouth - Roxburgh, Ham (East and West), Manor Road, Mill Street and Manor Pavilion

Exmouth - Imperial Road, Imperial Recreation Ground, London Inn, Beach Gardens, Queens Drive, Queens Drive and Queens Drive Echelon,

Honiton - Lace Walk, King Street and New Street (North and South),

Beer - Central and Fore Street

Budleigh Salterton - Rolle Mews and Lime Kiln

The Chair invited those present to vote.

Recorded vote:

Councillors Mike Allen, Paul Arnott, Denise Bickley, Fred Caygill, Sarah Chamberlain, Olly Davey, Peter Faithfull, Cathy Gardner, Steve Gazzard, Sam Hawkins, Paul Hayward, Nick Hookway, Mike Howe, Stuart Hughes, Ben Ingham, Sarah Jackson, Luke Jeffery, Vicky Johns, Geoff Jung, David Key, Fabian King, Dan Ledger, John Loudoun, Dawn Manley, Tony McCollum, Paul Millar, Andrew Moulding, Helen Parr, Val Ranger, Marianne Rixson, Jack Rowland, Eleanor Rylance, Philip Skinner, Brenda Taylor, Joe Whibley, Eileen Wragg, - voted in favour – 36.

Councillor Jess Bailey, Kevin Blakey, Kim Bloxham, Susie Bond, Colin Brown, Iain Chubb, Andrew Colman, Alan Dent, Ian Hall, Marcus Hartnell, Paul Jarvis, Geoff Pook, Ian Thomas, Phil Twiss, Tony Woodward, Chris Wright, Tom Wright – voted against – 17.

Councillor Megan Armstrong, Maddy Chapman – abstained – 2

Following the vote the revised recommendation was carried.

RESOLVED:

1. That TAFF Members propose the introduction of a new tariff of £1.20 per hour in East Devon District Council's category 1 (prime location) car parks effective from 1 April 2022.
2. That TAFF Members also propose the introduction of a revised pricing structure for car parking permits with a £120 per annum for a single town (and an additional £24 per each town added) up to a maximum annual permit charge of £240 to cover all towns from 1 April 2022, and to provide a 'pay monthly' scheme for all regular customers starting with a single town permit for just £10 per month from 1 April 2021.

Following a vote by those present in favour the minutes of the Scrutiny Committee meeting held on 10th December 2020 were agreed.

(f) Minutes of the Joint Scrutiny & Overview Committees Budget meeting held on 13 January 2021 Minute numbers 108 - 114

Cllr Hookway presented the minutes of the Joint Scrutiny & Overview Committees Budget meeting held on 13th January 2021.

Following a vote by those present in favour these were agreed.

(g) Minutes of the Joint Scrutiny & Overview Committees Budget meeting held on 14 January 2021 Minute numbers 115 - 121

Cllr Brown presented the minutes of the Joint Scrutiny & Overview Committees Budget meeting held on 14th January 2021.
Following a vote by those present in favour these were agreed.

(h) Minutes of the Scrutiny Committee held on 4 February 2021 Minute numbers 122 - 130

Cllr Brown presented the minutes of the Scrutiny Committee meeting held on 4th February 2021.

Arising from consideration of the minutes the following minute was called by Councillor Jung:-

Scrutiny Committee of 4 February, minute number 128, 'Verbal update by Cllr Jung on the role of Coast, Countryside and Environment Portfolio Holder', in order to make a statement to correct an inaccuracy.

Cllr Jung made a statement to correct an inaccuracy in the minutes and clarified that in relation to the Exmouth Beach Management Plan, due to the fact that the report produced was a joint study of the coastline, EDDC's share was £75,000 and not £250,000.

Following a vote by those present in favour the minutes were agreed.

(i) Minutes of the Housing Review Board held on 21 January 2021 Minute numbers 85 - 101

Cllr McCollum presented the minutes of the Housing Review Board held on 21st January 2021.

Following a vote by those present in favour the minutes were agreed.

(j) Minutes of the Strategic Planning Committee held on 15 December 2020 Minute numbers 89 - 102

Cllr Ledger presented the minutes of the Strategic Planning Committee meeting held on 15th December 2020.

Following a vote by those present in favour the minutes were agreed.

(k) minutes of the Planning Committee held on 6 January 2021 Minute numbers 186 - 193

Cllr Wragg presented the minutes of the Planning Committee meeting held on 6th January 2021.

Following a vote by those present in favour the minutes were agreed.

(l) Minutes of the Planning Committee held on 7 January 2021 Minute numbers 194 - 202

Cllr Wragg presented the minutes of the Planning Committee meeting held on 7th January 2021.

Following a vote by those present in favour the minutes were agreed.

(m) Minutes of the Planning Committee held on 10 February 2021 Minute numbers 203 -121

Cllr Wragg presented the minutes of the Planning Committee meeting held on 10th February 2021.

Following a vote by those present in favour the minutes were agreed.

- (n) **Minutes of the Audit & Governance Committee held on 26 November 2020 Minute Numbers 51 - 61**
Cllr Hawkins presented the minutes of the Audit & Governance Committee meeting held on 26th November 2020.
Following a vote by those present in favour the minutes were agreed.
- (o) **Minutes of the Audit & Governance Committee held on 28 January 2021 Minute numbers 62 - 74**
Cllr Hawkins presented the minutes of the Audit & Governance Committee meeting held on 28th January 2021.
Following a vote by those present in favour the minutes were agreed.
- (p) **Minutes of the Standards Committee held on 19 January 2021 Minute numbers 27 - 34**
Cllr Gardner presented the minutes of the Standards Committee meeting held on 19th January 2021.
Following a vote by those present in favour the minutes were agreed.

132 **Changes to governance arrangements**

The Chair introduced a late report from the Monitoring Officer brought to Council with her agreement, in order to address the changes to the political balance and committee allocations arising recently.

RESOLVED that the following be agreed;

1. The revised political balance and number of seats for the political groups as set out in the table at paragraph 3;
2. The change in committee seats reflecting that the Independent Progressive lose seats on the Audit & Governance, Overview and Licensing & Enforcement Committees. The seats on the Audit & Governance and Licensing & Enforcement go to the Democratic Alliance Group while the Overview Committee seat goes to the Conservative Group;
3. The revisions to the Committee appointments and the appointment of the Chair and Vice Chair of Overview Committee be as detailed in paragraph 6;
4. The revisions to the makeup / appointments to the Panels, Forums and Joint Bodies as detailed in paragraph 7;
5. That Cllr Joe Whibley will continue as this Council's representative on the Devon Rail Forum (formerly the Devon and Exeter Rail Working Party).

133 **Motion: Future High Streets Funding**

The following motion was;

Proposed by; Cllr Joe Whibley

Seconded by; Cllr Paul Millar

Supported by Cllrs; Paul Arnott, Olly Davey, Tony Woodward, Eileen Wragg.

Future High Streets Funding

This Council resolves to write to Simon Jupp MP and the Secretary of State for Housing, Communities & Local Government Robert Jenrick to express our disappointment that

Exmouth was not, as promised on December 8th 2019, given the opportunity to engage with the bidding process for the Future High Streets Fund, and asks:

- 1) Why the announcement four days before a General Election ([Appendix A](#)) was not followed with any communication, a firm process and confirmation of the next steps to be announced to East Devon District Council (the responsible authority for submitting such bids)?
- 2) Why no reply was received to the letter sent by the former Leader of the Council in January 2020 ([Appendix B](#))?
- 3) If there will be future iterations of Future High Street funding, even though the previous process was described as 'once in a lifetime' and a spokeswoman from the Ministry of Housing, Communities & Local Government has stated that the rest of the funding has been transferred elsewhere? ([Appendix C](#))
- 4) Was a unilateral decision taken by the Secretary of State anywhere else in the country to subvert the bidding process?

Should there be confirmation that the Future High Streets funding is to continue, the Council resolves to request a meeting with Mr Jupp to work together cross-party to prepare a bid.

Should there be confirmation of no further Future High Streets funding, that this Council agrees to take independent legal advice to establish whether there is a basis for making a complaint to the Electoral Commission about possible election fraud.

The Chair invited the proposer, Cllr Whibley, to speak to the motion

Cllr Whibley gave a brief narrative about the promise given in 2019 of £150,000 for Exmouth to develop a bid to support an application to the High Streets Fund being made available by government. The money did not arrive and subsequent letters and approaches to the MP Simon Jupp from the Leader of EDDC received no reply. In January 2021, it was stated in the press that Simon Jupp MP was looking forward to working with the Council. Cllr Whibley had proposed the Motion because he considered that an explanation was now required from the MP.

The Chair invited the Seconder, Cllr Millar to speak to the Motion.

Cllr Millar emphasised the difference between a pledge and a formal announcement of funding for Exmouth which was given by the MP Simon Jupp. Given subsequent statements in the press it appeared to be the case that Exmouth was considered one of the towns most in need of regeneration funds, he wanted to know why there was no opportunity to bid for any. It appeared that Exmouth may have been used for political purposes prior to the election in 2019, in which case, the promise to Exmouth could involve election fraud and EDDC needed to take independent legal advice on the matter.

Cllr Jackson stated that she had been surprised that Exmouth had been pushed forward by a prospective MP at the time rather than Axminster, but also considered that the District Council should be able to operate as the body which assesses which community which could benefit most from government funding. She proposed an amendment to the motion to replace the penultimate paragraph of the Motion as follows;

“Should there be confirmation that the Future High Streets funding is to continue, the Council resolves to request a meeting with all local MPs to work together cross-party to prepare a bid for whichever town or community is, according to the grant criteria, and East Devon District Council’s assessment, most likely to succeed in any such bid”.

Cllr Whibley as proposer, and Cllr Millar as seconder, were happy to accept the amendment into the Motion.

Cllr Loudoun expressed his view that Exmouth had been used as a political football prior to the last election, and that the MP Simon Jupp appears to denigrate the Council and not wish to work with it. He appealed to Conservative Cllrs to invite Simon Jupp to work with the Council in future in the interests of his electors.

He wanted to propose an amendment to the Motion by removing the final paragraph on the basis that the action outlined in the final paragraph would be pursued.

Cllr Whibley as proposer, and Cllr Millar as seconder, were happy to accept the additional amendment into the Motion so this remained the substantive Motion to be debated.

Cllr Chapman commented that Simon Jupp MP had demonstrated his support for Exmouth on many occasions and had lobbied the Secretary of State, Robert Jenrick, to add Exmouth to the list of places which could apply for government funds, and that the Council should work with the local MP rather than sabotage his efforts.

Cllr Bailey expressed her view that this was a political Motion and was confrontational rather than collaborative.

Cllr Caygill referred to plans by government to boost the High Streets and regeneration of towns through initiatives such as the Levelling Up Funds and UK Shared Prosperity Funds, the prospectuses for which may be released soon.

Cllr Arnott stated that there were issues relating to fair play in politics. He agreed that questions needed to be answered by local MPs and saw little point in seeking legal advice about promises made by politicians. However, writing to ask for factual information about the issues under discussion would be expected and not considered confrontational or impolite.

The Chair invited Cllr Whibley to give his right of reply.

Cllr Whibley encouraged support for the amended Motion, and said that he would be happy to work with Simon Jupp in a collaborative manner if it was in the interests of Exmouth residents.

The Chair invited those present to vote and the Motion was carried by a majority.

RESOLVED that;

This Council resolves to write to Simon Jupp MP and the Secretary of State for Housing, Communities & Local Government Robert Jenrick to express our disappointment that Exmouth was not, as promised on December 8th 2019, given the opportunity to engage with the bidding process for the Future High Streets Fund, and asks:

- 1) Why the announcement four days before a General Election ([Appendix A](#)) was not followed with any communication, a firm process and confirmation of the next steps to be announced to East Devon District Council (the responsible authority for submitting such bids)?
- 2) Why no reply was received to the letter sent by the former Leader of the Council in January 2020 ([Appendix B](#))?

- 3) If there will be future iterations of Future High Street funding, even though the previous process was described as 'once in a lifetime' and a spokeswoman from the Ministry of Housing, Communities & Local Government has stated that the rest of the funding has been transferred elsewhere? ([Appendix C](#))
- 4) Was a unilateral decision taken by the Secretary of State anywhere else in the country to subvert the bidding process?

Should there be confirmation that the Future High Streets funding is to continue, the Council resolves to request a meeting with all local MPs to work together cross-party to prepare a bid for whichever town or community is, according to the grant criteria, and East Devon District Council's assessment, most likely to succeed in any such bid.

The Chair thanked all those participating or watching the meeting online and declared the meeting closed at 9.09pm.

Attendance List

Councillors present:

V Ranger (Vice-Chair)	V Johns	S Gazzard
M Armstrong	D Ledger	I Hall
P Jarvis	J Rowland	M Hartnell
S Jackson	J Loudoun	M Howe
S Chamberlain	D Bickley	B Ingham
P Arnott	J Bailey	G Jung
K Blakey	P Hayward	H Parr
K Bloxham	S Hawkins	G Pook
F King	A Moulding	G Pratt
F Caygill	D Key	M Rixson
A Colman	C Gardner (Chair)	E Rylance
P Millar	S Bond	P Skinner
T Woodward	M Allen	B Taylor
N Hookway	D Manley	I Thomas
C Wright	C Brown	P Twiss
O Davey	M Chapman	E Wragg
J Whibley	I Chubb	T Wright
L Jeffery	A Dent	S Hughes
T McCollum	P Faithfull	

Officers in attendance:

Mark Williams, Chief Executive
Simon Davey, Strategic Lead Finance
John Golding, Strategic Lead Housing, Health and Environment
Henry Gordon Lennox, Strategic Lead Governance and Licensing
Susan Howl, Democratic Services Manager
Sarah Jenkins, Democratic Services Officer

Councillor apologies:

D Barrow
C Pepper
B De Saram

Chairman

Date:

Meeting of Council on 28th April 2021**Agenda Item No 8****Questions by Members to Full Council under Procedure rule 9.2****Question 1: Procedure Rule 9.2 to the Portfolio Holder for Democracy & Transparency from Councillor Paul Millar**

To ask the Portfolio Holder for Democracy & Transparency, with reference to Part 52, Paragraph 7.2 of the Constitution (Code of Conduct for Employees, 'Personal Interests'), in the central register held by Democratic Services how many Council officers have declared (a) friendships with Council contractors, (b) interests in businesses or community groups which 'might benefit from Council activity', (c) own a house or property which 'might benefit from Council activity', and (d) membership of private organisations which does not have a formal membership but has a commitment of allegiance and secrecy about its rules, membership or conduct, including freemasonry.

Answer:

All staff complete a register of interest (and are reminded annually to review it) and these are held centrally by Democratic Services. There are currently 489 employees and it has not been possible to review every single register of interest to give specific numbers in answer to the question in the time available. A written answer will be provided once the work has been completed.

Question 2: Procedure Rule 9.2 to the Portfolio Holder for Democracy & Transparency from Councillor Paul Millar

To ask the Portfolio Holder for Democracy & Transparency, does the form filled in by officers centrally held by Democratic Services presently ask officers to declare formal memberships of outside bodies, professional bodies, trade associations, and clubs in which the officer is a member or office holder.

Answer:

Included within the form are boxes covering 'Other Bodies' which requires disclosure of any personal or non-financial interests where a conflict could arise with the Authority's interest (e.g. acting as a manager or governor of a body maintained by the Authority, involvement with an organisation receiving grant aid from the Authority, involvement with an organisation or pressure group which may seek to influence the Authority's policies)) and 'Membership of Secret Societies' which requires disclosure of any membership of secret societies which are 'Any lodge, chapter, society, trust or regular gathering or meeting, which:

- (a) is not open to members of the public who are not members of that lodge, chapter, society or trust
- (b) includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, trust, gathering or meeting; and
- (c) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering or meeting.

Question 3: Procedure Rule 9.2 to the Portfolio Holder for Coast, Country and Environment from Councillor Sam Hawkins

Will the Portfolio Holder, Coast, Country and Environment commit to ensuring that Streetscene charges for public waste bin emptying will be changed to a uniform, level charge for all its town and parish council customers, in the interests of fairness and simplicity?

Answer:

EDDC is not required to provide any public litter and recycling bins, but does so as a sensible part of meeting its duties under the Environmental Protection Act 1990 and the Code of Practice for Litter.

<https://www.legislation.gov.uk/ukpga/1990/43/section/89> Section 89 sets out that we are responsible for highways land (which means once adopted) and relevant land (Land councils must keep clear - Council litter authorities are responsible for land where all of the following apply:

It's open to the air on at least one side

It's under their direct control

It's publicly accessible (with or without payment)

This is called 'relevant land'. Relevant land includes beaches (above the average high water mark).

On other land, the land owner is responsible for the litter clearing duties. On relevant land EDDC cleans, no charges are made for the provision of street litter bins (other than through council tax).

EDDC's duty to keep relevant public land free from litter and waste does not extend to public use land owned or operated by others such as Town and Parish Councils. However as EDDC has the infrastructure to make collections of bins and undertake street cleansing to meet this duty, it offers these services obligation free to Town and Parish Councils at a price which covers costs only, but provides no income to EDDC. Town and Parishes are able to seek other service providers also. We provide costs for the services requested of us on an individual basis due to the variables involved; except in the case of rural litter bins and dog bins (1), where the collection service is

provided for us by Suez as part of our Recycling & Waste Contract, and so the parameters are fixed by the contract.

It is not possible to apply a uniform charging regime to charges made for emptying public waste bins for others as this ignores the complexity of the various operational variables such as distance from depot, team size and staffing involved and whether the operation is in-house or sub contracted (for example with Suez emptying rural litter bins and dog bins, the scope of service for this is laid out within the contract we have, but where the charge Suez make to us is not covered by the income from Towns and Parishes who use the service). Across our operations we are working towards ensuring we at least cover our costs in the provision of services to others.

There are several methods of service delivery which effect the prices charged to Town and Parish customers, broadly as follows:

- 1) Suez empty rural litter bins and dog waste bins under contract for us. The frequency varies between weekly or 3 times a week depending on use and location. The cost here for Town and Parish Councils is rising to £270 p.a. in 2021/22 for a dog bin collected 3 times a week, and £94.50 per litter bin for a weekly empty, £189 for twice weekly and £283.50 for three times. The charges for dog bins and rural litter bins to Parish/Town councils doesn't cover actual costs in providing those collections through Suez. We are gradually increasing the charges annually through the PH report process to bring them to a position where they cover our costs. This service is charged uniformly to Town's or Parishes which use it.
- 2) Streetscene operations (in-house) empties a small number of Town or Parish bins on various different arrangements, such as an area including street cleaning or a recycling bin. These are individually priced depending on the actual cost to provide the service (time, distance, frequency). For example some Parishes are now requesting weekly or more frequent collections of mixed street litter bins with recycling separation. Due to resource logistics, StreetScene Operations can only make such collections when the area is close to an existing town round (hence Suez are contracted for rural litter bins).
- 3) Specific wider area contracts such as Cranbrook – when requested we provide contract costs to service distinct areas/requirements. At Cranbrook we've been requested by the TC to collect street litter bins and undertake street cleansing in areas which are not yet adopted or that belong to the Town Council (adoption is the usual trigger for EDDC becoming responsible for the service). Prices are provided on an ad-hoc basis, submitted against requirements, frequency and to cover the staffing and vehicle costs of the operation.

We understand the dissatisfaction from Cranbrook regarding the different charging regimes and have attempted to provide reasons for this. A further suggestion is made in the answer to question 5 in relation to this.

For the reasons set out above it is not possible or appropriate to offer a uniform charge in all circumstances. For regular dog bin collections or rural litter bins we have a set charging structure that allows us to apply consistency in charging and over time we will increase this charge to cover costs.

Question 4: Procedure Rule 9.2 to the Portfolio Holder for Coast, Country and Environment from Councillor Kevin Blakey

Would the Portfolio Holder, Coast, Country and Environment, please advise what the average (mean) economic break-even cost-to-serve price is for emptying public waste bins across East Devon by Streetscene?

Answer:

We do not hold a mean break even cost-to-service price as the variables are too broad and depend on service provision (as set out for question 3). To aid the understanding around the question we can make a broad estimate as follows; Our total Street Cleansing budget is £1,673,950. Broadly speaking around 1/3 of the cost of this provides the staffing and infrastructure to empty our circa 780 street litter bins. This very roughly gives a per bin service cost of £715.36 annually. Of course this by no means accounts accurately for the operational service around this, and our street cleansing operatives don't just empty bins. Based on this metric one can see the costs stated for bin emptying at Cranbrook (question 5 - £5 per empty x twice weekly (although we empty more frequently at times) x 52 weeks = £520) are still lower than what it actually costs us to service these bins. The costs charged to others for rural litter and dog waste bins are not currently covering costs (due to historical charging rates, but with an annual increment to start addressing this).

Question 5: Procedure Rule 9.2 to the Portfolio Holder for Coast, Country and Environment from Councillor Kim Bloxham

A question was raised of the Portfolio Holder, Coast, Country and Environment at Scrutiny on 4.2.2021 regarding the charging of refuse bins collections to town/parish councils. Cranbrook is charged £5 per bin per collection which we believe is more than three times the cost to other towns and parishes. The responses received by Cranbrook ward members at that meeting and in subsequent meetings with the Portfolio Holder is out of date and factually incorrect and does not directly address the issue. Will the Portfolio Holder agree to an urgent review of charges across the district as the current charging regime is discriminating against the residents of Cranbrook and is having an impact on the town's council tax.

Answer:

The issue is not sadly as straightforward as our charging regime for bin collections. As outlined in the answer to question 3 & 4, our charging regime is based upon the requirements outlined by the client or the individual circumstances of service

provision (outside of the rural litter bins and dog bin service which gives a flat rate per bin per year where Suez can cover the area).

The reasons for the different charges were explained as clearly as we were able, but the situation is indeed complex and we understand it relates to far more than bins. The costs charged to Cranbrook do indeed differ from those charged to other town and parish councils, but this is because of the nature of the service provision and the model upon which Cranbrook was founded (with regard to Town Council responsibility for the Country park and other areas of public land). The costs include street cleansing and litter picking around the bins, which are not included in the general rural litter bin cost that other Towns & Parishes may be paying under service option 1 in the answer to Question 3.

I have asked that SMT review the costs of picking up street litter bins and carrying out street cleansing in Cranbrook as the town is built out (rather than the usual trigger of adoption), so that we can consider if this is something the District can afford or help with. This would be a contrary position to our statutory duty and how we deal with other areas of new development (of which there are many). Following further discussion and engagement with the Town Council this will then need to be reported to Cabinet so that the implications in terms of additional costs in relation Cranbrook can be considered fully.

It would also seem sensible, in the context of the current short term financial support that is provided for the parish precept as the number of homes increase at Cranbrook, to consider what model of support can be brought forward to assist in the delivery of assets and services in the town over the medium to long term. Again this will need to be considered by Cabinet in conjunction with proposed investment to support the delivery of the town centre.

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

To ask the Leader, with reference to the 'Town Hall Rich List 2021' dataset report by the Taxpayers Alliance on executive pay in Councils, assuming the information within the spreadsheet accompanying the report is correct, can he a) share and place on public record the officer positions of the disclosure two 'undisclosed' salaries above £100,000, namely one officer who has been paid £152,500 in 2020-21, and another who has been paid £117,500 and b) explain why the officer positions were not disclosed publicly when the new administration's clear aspiration is to ensure greater transparency in the Council in terms of providing information which was a key issue of concern in the 2019 elections due to past misdemeanours, e.g. a wasteful £11,000 on a failed legal bid to try to restrict information emerging about the sale of The Knowle HQ, leading to Judge Brian Kennedy describing the Council as 'discourteous'.

Answer:

I would like to thank our Strategic Lead for Finance, Simon Davey, for his assistance in this answer.

This dataset has been compiled from a note contained in local authorities' accounts, and this information has been published annually in our accounts for well over 10 years. The list refers to the 2019/20 Accounts; link to our accounts here [Financial information 2019/20 - East Devon](#).

There are two officers recorded in our Accounts for 2019/20 as earning over the £100,000 (this is salary plus pension contribution); the Chief Executive and Deputy Chief Executive. The 'undisclosed' salaries of two additional officers in the Taxpayers Alliance report is not correct. The accounts contain one table with senior officers' posts and their remuneration, and then in a second table repeats the information but in salary bands (with a slightly different remuneration calculation as required by the Accounting Code).

The Taxpayers Alliance report has assumed we are reporting these as different officers in the two tables, when they are not. The highest remuneration band applicable to an EDDC officer is £115,000 to £119,999; the Taxpayers Alliance report has assumed mid-point (£117,500) and reported this as a separate undisclosed officer when it is not - it the same officer as reported and already counted in their report.

The second undisclosed officer earning £152,500 picked up by the Taxpayers Alliance was an error in the banding table (word document) which was later corrected. The dataset does state for a number of authorities that because of timing draft accounts were used.

In addition to the accounts, remuneration details of senior officers have been recorded annually on our website as public information for a number of years.

Question 7: Procedure Rule 9.2 to the Portfolio Holder for Finance from Councillor Bruce De Saram

Given that we have now reached a financial situation whereby the Queens Drive former car park has been grassed over at a cost of between £15K-£35K for alternative use and I understand that the worst case scenario envisages a loss of £19K in revenue. Has either the Finance PH or Chair of the Queens Drive Delivery Group any thoughts or comments as to how this potential £19K loss of income to the Council based on the worst case scenario can be justified to the Exmouth public?

Especially as Cllr Rowland said in March in response to the Council Tax increase “**I appreciate that any news announcing an increase in costs may be difficult to accept and understand during the current situation caused by Covid-19**”. I am concerned because I have seen that already some members of the public have taken to Social Media to complain that they are not happy with this change of use as

they have faced a rise all be it a modest one in their Council Tax. I quote from one of the actual comments made **“Completely agree. This area was full last Summer when being used as a temporary car park. We have the beach, Queens Drive Space, and the Maer as public spaces. Would have been better being used as extra parking and raising revenue for East Devon District Council. Instead they’re spending extra money even though they put Council tax up.** I note that the Leader himself said in the statement of Intent **“We are encouraging a more public, participatory approach”**. So it would seem that following this approach the public wants and expects better financial management from the Council rather than vanity projects which fail to deliver a suitable revenue stream to replace what has been lost.

Answer:

The consent for the temporary car park at Queens Drive has expired and the clue is in the description i.e. “temporary”. The Queens Drive Delivery Group considered that the space should be returned for use as a community open space for leisure activities and this resulted in the recommendation made to Cabinet and agreed on 3 March.

The surface of the temporary car park was in a poor state and to turn this into a permanent car park with a suitable surface and markings would have cost in the region of £60 to £70K. The loss of car park revenue from a potential new consent is a worse case basis assuming that users would not be using alternative EDDC car parks close to this locality which, of course, would not be the case.

Question 8: Procedure Rule 9.2 to the Portfolio Holder for Economy & Assets from Councillor Mike Allen

Over-50s account for the majority of UK employment growth in the past decade, one in four have been furloughed this year and face devastating financial implications. Over 50s who fall out of the workforce are twice as likely to become long-term unemployed.

How does EDDC ensure there is strong employment support for older workers and that employers are age-friendly and inclusive. Just a 1% increase in the number of people in work aged 50-64 could increase UK GDP by around £5.7 billion per year with knock on positive effects on local economies.

Will EDDC commit to becoming an age-friendly employer leading by example and encourage employers in our area to do the same.

Are the businesses EDDC contracts with asked whether they offer flexibility for older workers or how they recruit in a way that attracts older workers.

How does EDDC ensure that local services that support unemployed people back to work reflect the needs of those aged over 50.

How can EDDC work with DCC to use commissioning powers and work with local Further Education providers to ensure specifically tailored skills training for those in

mid to later life, and develop ring-fenced funding for retraining after unemployment or redundancy for those in mid to later life. This should include sector-based training related to labour market opportunities and transferable skills.

Answer:

The reports on economic recovery that have been considered by Cabinet to date have consistently highlighted the differential impacts of the pandemic within the District in terms of sectors, places and people. For the latter this has included identifying rising unemployment rates within the 16-24 year old and 50+ age groups.

The Cabinet paper on economic response and recovery considered on the 25th November 2020 endorsed a proposal to recruit to two new Senior Economic Development Officer roles of which one was specifically to focus on employment and skills. The job description for this role specially includes developing and delivering projects that will target those groups who been most impacted, including the 50+ age group, as part of supporting economic recovery.

Recruitment of a person to this role is currently being finalised. This will provide the additional capacity required to progress a range of initiatives aimed at supporting specific groups in the District. For example this will need to include working with Exeter College in relation to the recently opened Future Skills Centre which includes a focus on adult skills. Consideration will also need to be given to the Council's own role including employment, procurement and other aspects as contained in the question.

Question 9: Procedure Rule 9.2 to the Portfolio Holder for Strategic Planning from Councillor Mike Allen

The COVID-19 pandemic has further highlighted the link between housing and health and has focused a spotlight on the condition and suitability of our homes. Whilst many rural residents have benefitted from access to outside space throughout the summer lockdown, the winter lockdown has led to a rise in fuel bills and increased demand for fuel poverty-related services.

In rural areas, because housing is typically less energy efficient, insulation is often problematic and many areas are off-grid for gas and therefore reliant on more expensive fuels. COVID-19 has highlighted the need for access and insulation for people living in non-decent homes.

In coastal communities the needs of people are similarly restricted in terms of access for the disabled and elderly,

Those living in park homes (or caravans) have been especially at risk of hypothermia.

We need Planning Policy to address the key challenges of poor access and insulation standards on health and life experienced as their occupants grow older. Homes need to be designed for our more elderly population

What specific proposals does this Council have for improving the supply of homes with insulation standards and internal accessibility for disabled and frail elderly in Rural and Coastal areas?

Answer:

In terms of Planning Policy the Council already has policies in place that seek to address these issues. Strategy 36 of the Local Plan seeks to secure accessible and adaptable homes as well as care and extra care homes to meet the needs of our elderly population and those with mobility difficulties. Strategy 38 seeks to secure higher construction standards in new homes to improve energy efficiency. These policies are however in need of review in light of what we have learnt over recent years, changes to government policy and guidance and changes in technology. These issues will be looked at by Strategic Planning Committee over the coming year as part of work on the new Local Plan. Topic papers on the issues of health and wellbeing and climate change are due to be considered at the Strategic Planning Committee meetings in September and October this year.

In terms of the existing stock we have plans to decarbonise our council housing stock to deliver affordable warmth to our tenants and reduce the use of fossil fuels. We have successfully secured government grant to install air source heat pumps and associated works, and will be rolling this out across the stock in our ownership at a pace that we can afford. We have a significant programme for adapting council homes to suit the needs of disabled tenants and those with mobility issues. Many of our sheltered properties have already been adapted.

We also operate a number of government schemes aimed at supporting home owners and private tenants improve the insulation in their homes. These are described on our website:

[Energy efficiency - East Devon](#)

We also manage Disabled Facilities Grants to assist with the cost of adaptations to private sector homes and have sufficient resources under the Better Care Fund to meet demand.

Our adopted Climate Change Strategy prioritises the decarbonisation of our housing stock as this represents one of the largest elements of our carbon footprint. The strategy and action plan also promotes 'greener' development.

[Climate Change Strategy 2020 - 2025 - East Devon](#)

Summary of recommendations being presented to Council**21 April 2021** (Minutes in full have been circulated and are available on line.)

Cabinet – 3 March 2021	
337 Proposed Independent Review of Council Management Structure	
RECOMMENDED	4. that a budget of circa £25k to be allocated to this project.
340 Minutes of Exmouth Queen's Drive Delivery Group held on 25 January 2021	
RECOMMENDED	RESOLVED (2) that Cabinet recommends the following to Council: Minute 22 Queen's Drive resourcing That up to £200,000 be made available from the Business Rates Pilot Reserve for a Development Surveyor and an Engagement / Project Officer for a term of 2 years, dedicated to moving forward a suite of place & prosperity based projects in Exmouth and to include Queen's Drive.
344 Minutes of Car Parking TaFF held on 11 February 2021	
RECOMMENDED	RESOLVED (2) that Cabinet recommends the following to Council: Minute 60 The use of cash and incentives to use alternative payment methods 1. that in order to encourage the use of cashless payments in car parks a trial be undertaken in a car park with multiple payment machines, making just one machine available for cash use. 2. that the signage in car parks be reviewed by officers in order to simplify it, with revised wording being brought back to the TaFF. 3. that more prominent messaging be added to car park signage notifying East Devon residents of the annual permit available online. 4. that for the time being the same tariff be used for all payment methods.
346 Cranbrook Town Council - Community Governance Review	
RECOMMENDED	RESOLVED (1) that Cabinet recommends the following to Council:

	<ul style="list-style-type: none"> • That the Council undertake a Community Governance Review of the current Cranbrook Town Council area with a view to establishing whether expansion of the current town boundaries is considered to be appropriate • That the Terms of Reference be agreed, including the timetable and arrangements for public consultation. • That further reports will be brought to Cabinet in order that decisions may be made in respect of draft proposals and final recommendations of the Review. • That a budget of £5000 be made available for administrative costs associated with the Community Governance Review.
348 Housing Options team staffing requirement	
RECOMMENDED	<p>RESOLVED (1) that Cabinet recommends the following to Council:</p> <p>that the requested change to the current staffing arrangement be noted and to agree the upgrading of a part time post to a full time post and the additional budget required for this.</p>

Cabinet – 17 March 2021	
354 Matters of urgency: Impropriety in relation to three Cabinet decisions	
RECOMMENDED	<p>RESOLVED (2) that the following recommendations be agreed:</p> <p>RECOMMEND the following to Council:</p> <p>3. that Resolutions 1 & 2 of Minute 328 (Hayne Lane Site, Honiton) of the Cabinet meeting of 3rd February 2021 be approved.</p> <p>4. the recruitment of an additional lawyer (Grade 9) to support the work of the Monitoring Officer be agreed.</p>
354 Matters of urgency: Council Plan 2021-2023	
RECOMMENDED	<p>RESOLVED (2) that the following recommendations be agreed:</p> <p>RECOMMEND the following to Council:</p> <p>that a budget of £5,000 is agreed to obtain external support to facilitate member workshops.</p>

356 Electric Vehicle charging in public car parks	
RECOMMENDED	<p>RESOLVED (1) that the following recommendations be agreed:</p> <p>RECOMMEND the following to Council:</p> <p>to delegate authority to the Strategic Lead Housing & Environment, Housing, Health & Environment in consultation with the Portfolio Holder for Property and Assets, to agree and enter into legal documents to facilitate participation in the Innovate UK funded Exeter Rapid Charge Project, including a lease(s) with the contractor to install and operate up to 30 rapid charging units in public car parks within the District.</p>

Cabinet – 31 March 2021	
370 Sidmouth and East Beach BMP	
RECOMMENDED	<p>to Council:</p> <p>3. that the council’s budget contribution be raised from £375k to £500k (£125k increase) to match the figure discussed throughout the BMP process</p> <p>4. the approval of a further £125k ‘forward loan’ budget should it be required.</p>
371 Exmouth Beach Management Scheme	
RECOMMENDED	<p>to Council:</p> <p>3. that the Steering Group be established on the basis of the Terms of Reference appended to the report and that its membership be agreed at the Annual Meeting of the Council.</p>
374 Request for additional budget for enhanced Covid secure public toilet cleaning	
RECOMMENDED	<p>to Council:</p> <p>the approval of £71,162 of additional budget (including £19,854 to cover enhanced public toilet cleaning from the 1 April to 21 June 2021 and a further £51,308 contingency budget to potentially extend this enhanced cleaning from the 21 June to 31 December 2021; if required due to a continuation of government restrictions or advice).</p>

375 Capital replacement programme for Grounds and Cleansing plant machinery	
RECOMMENDED	<p>to Council:</p> <ol style="list-style-type: none"> 1. that the appended capital replacement programme of £420,400 to enable StreetScene Operations to meet statutory responsibilities in relation to street cleansing and maintaining an Outstanding Environment, is agreed 2. that the Capital Machinery Budget request be approved for the reasons set out in the report.
376 Levelling Up Fund	
RECOMMENDED	<p>to Council:</p> <ol style="list-style-type: none"> 3. that a budget of up to £100k was made available from the business rate pilot reserve to enable consultancy support to be commissioned.
378 Mobile phone tariff payments in car parks	
RECOMMENDED	<p>to Council:</p> <ol style="list-style-type: none"> 1. To enter into a contract provider “RingGo” for a period of four years (extendable by up to two further years) and to give delegated authority to the Strategic Lead Housing, Health and Environment in consultation with the Strategic Lead Governance and Licensing and the Strategic Lead Finance to agree terms and to finalise the contract, and 2. an exemption to Contract Standing Orders to enable “RingGo” to be used as the preferred supplier, be approved.
379 Exmouth Sideshore car park	
RECOMMENDED	<p>to Council:</p> <ol style="list-style-type: none"> 1. To enter into an agreement with Sideshore to deliver car parking management services for their car park on the basis of an initial period of six months which can be extended by up to 10 years. That delegated authority be given to the Strategic Lead Housing, Health and Environment to agree terms and to enter into the contract in consultation with the Strategic Leads for Finance and Governance and Licensing. 2. To agree to amend the East Devon (Off Street) Parking Places Order as necessary to include the car park.

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Cabinet held at Online via the Zoom app. on 3 March 2021****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 8.21 pm

332 Public speaking

There were no members of the public wishing to speak.

333 Minutes of the previous meeting

The minutes of Cabinet held on 3 February 2021 were confirmed as a true record.

334 Declarations of interest

Min 335. Matters of urgency.

Councillor Jack Rowland, Personal, Council appointed Shareholder of Exeter Science Park Ltd.

Min 335. Matters of urgency.

Councillor Paul Hayward, Personal, Council appointed Director of Exeter Science Park Ltd.

Min 339. Minutes of Strata Joint Executive Committee held on 25 January 2021.

Councillor Paul Arnott, Personal, Chair of the Strata Joint Executive Committee.

Min 340. Minutes of Exmouth Queen's Drive Delivery Group held on 25 January 2021.

Councillor Paul Arnott, Personal, Chair of the Exmouth Queen's Drive Delivery Group.

Min 341. Minutes of Community Grant Panel held on 26 January 2021.

Councillor Paul Hayward, Personal, Treasurer to Newton Poppleford Playing Field Foundation.

Min343. Minutes of Car Parking TaFF held on 2 February 2021.

Councillor Paul Hayward, Personal, Clerk to Newton Poppleford and Harpford parish council that has a free of use car park.

Min 346. Cranbrook Town Council - Community Governance Review.

Councillor Megan Armstrong, Personal, Has family members who live in Cranbrook who could benefit or be affected.

Min 346. Cranbrook Town Council - Community Governance Review.

Councillor Paul Hayward, Personal, Has family members who live in Cranbrook who could benefit or be affected.

Min 347. Cranbrook Sports Pavilion delivery.

Councillor Megan Armstrong, Personal, Has family members who live in Cranbrook who could benefit or be affected.

Min 347. Cranbrook Sports Pavilion delivery.

Councillor Paul Hayward, Personal, Has family members who live in Cranbrook who could benefit or be affected.

Min 349. Sidmouth and East Beach BMP Exemption to standing orders.
Councillor John Loudoun, Personal, Member of the advisory group and a Sidmouth ward member.

Min 349. Sidmouth and East Beach BMP Exemption to standing orders.
Councillor Marianne Rixson, Personal, Town and District councillor for Sidmouth.

335 **Matters of urgency**

Exeter Science Park Ltd (ESPL) - Letter of comfort/support

The Strategic Lead Finance stated that the council had been asked along with all shareholders to provide ESPL with a letter of comfort/support. A template letter had been provided given with a request that this is returned to the Company by the 5 March in order for the accounts to be filed for year ending 31st March 2020 as a going concern and to demonstrate the commitment of shareholders.

RESOLVED:

That Cabinet agreed that as a Shareholder of ESPL the letter as detailed in the report is sent on behalf of the council to acknowledge the continued support of the Company for the next 12 months.

REASON:

To provide support to ESPL who play a key part in the economic objectives of the council.

336 **Confidential/exempt item(s)**

None

337 **Proposed Independent Review of Council Management Structure**

At the December 2020 Cabinet meeting the Leader announced that he wished to initiate an independent review of the Council Management Structure and the Chief Executive was instructed to prepare a report. Accordingly the report set out the procurement considerations for Cabinet and Council to consider.

Discussions included the following:

- Why now? This was not the right time, the past 12 months staff had seen their workloads significantly increased due to the pandemic
- The Country as a whole had changed and adapted its working methods, the future was still uncertain so the review should be delayed
- How can we change structures and processes when we don't know what the new working requirements would be?
- Staff were extraordinarily stressed so to progress with a management review at his time was simply wrong
- The council needed support, stability and unity at this time not a review
- Reviews related to changes an organisation was trying to achieve, with clear objectives, aspirations and ambitions. Any management restructure needed consultation and clear priorities to what was wanted from its management team
- Once the vision and plan of the council was agreed then this was the time to look at its skills-base

- The council plan must be produced and considered first, followed by staff second and then take into account the staff you have to deliver the plan
- What was the evolution of the management review? Was the Chair's handling of the review affecting staff morale?
- Will we use data collected from other councils' reviews and what is the time frame of the review?
- Agree that presently staff were working in unnatural conditions with further pressures added to them outside of work. We were emerging into the 'new normal' so required concurrent planning to produce a good plan to work with new conditions; therefore needing an independent review to be undertaken of the present situation
- Reassure the management team this was to support them and acknowledge the pressures that they have been under
- In economic terms this was exactly the right time to act in order to continue to deliver exceptional services to the residents of East Devon
- We owe this to SMT as professional and responsible employees to do this review

The Portfolio Holder Council and Corporate Co-ordination stated there was never a right time to conduct a management review. This was a review of the senior management structure. The council had moved from Sidmouth to Honiton, invested in technology to develop services, establish remote working and working from home as well as coming out of a pandemic. All this had led to an opportunity to look into the different ways of working and how the staff had responded to this, as well as the stresses and strains this had put onto the organisation. Cabinet was looking to be positive, proactive and engaging to the needs of the organisation. This was the time to take stock and look forward to the needs of the organisation and adapt only if there was evidence of a need to do so. This review was not driven by the need or intention to save money and was looking for an outcome that was not pre-determined. The review would look at the future management structure as the council emerged from the pandemic and build on the positives that had been seen though the way the organisation had worked over the past 12 months.

The Chair explained that the council had lost two members of its SMT over the last year so therefore had lost the benefit that these roles provided, this in his opinion was causing stress and strain across the whole organisation. He stated the Country was emerging out of the pandemic so felt that this was the appropriate time for the review to be conducted. He wished to ensure staff the review was not intended to de-stabilise the council and its staff, nor reduce staff numbers.

RESOLVED:

1. that the contents of this report are noted and endorsed,
2. that delegated authority be granted to the Monitoring Officer to establish a politically balanced member working group comprising of 7 members, to oversee and input into this project. That it also be noted that the working group would include representatives from the Devon Procurement Service, DCC HR Services, Unison and the LGA,
3. that the CEO take all necessary steps to progress this project in consultation with the working group.

RECOMMENDED to Council:

4. that a budget of circa £25k to be allocated to this project.

REASON:

To take forward the Leader's request.

338 **Forward Plan**

Members agreed the contents of the Forward Plan for key decisions for the period 1 March to 30 June 2021.

339 **Minutes of Strata Joint Executive Committee held on 25 January 2021**

Members received and noted the Minutes of Strata Joint Executive Committee held on 25 January 2021.

RESOLVED (1) that the following recommendation be agreed:

Minute 6 Strata Business Plan 2020/21 and beyond

that East Devon District Council, Exeter City Council and Teignbridge District Council approve the Strata Business Plan 2020/21 and beyond including;

- (1)The 21/22 Proposed Savings;
- (2)Hardware budgets being returned to East Devon District Council and Teignbridge District Council;
- (3)Appointment of a Data Analyst post;
- (4)Benchmarking to be undertaken by SOCITM; and
- (5)The mechanism for work prioritisation.

340 **Minutes of Exmouth Queen's Drive Delivery Group held on 25 January 2021**

Members received and noted the Minutes of Exmouth Queen's Drive Delivery Group held on 25 January 2021.

Discussions included the following:

- the car park should stay
- more green space to allow for a change of use
- this was always going to be a temporary car park
- this should be used for leisure facilities
- if used as an area for a beach volleyball club there would be no need to re-grass the area

RESOLVED (1) that the following recommendations be agreed:

Minute 21 Queen's Drive temporary uses

A. That a temporary planning application be submitted for up to 2 years on the former car park site to enable the area to be grassed (seed or turf) and used for fitness uses as per the report.

B. That the temporary use on the main Queen's Drive Space for the 2021 season progress as detailed in the report (paragraphs 3.1-3.8) in respect of arrangements for the bar, the traders, events and replacement of the seating areas.

C. That the former car park site be laid to grass prior to planning permission for change of use being granted.

D. That a request be made to Devon County Council to improve highways signage to alternative car parks and that locality funding towards the cost of the signage be requested from Exmouth County Councillors.

RESOLVED (2) that Cabinet recommends the following to Council:

Minute 22 Queen's Drive resourcing

That up to £200,000 be made available from the Business Rates Pilot Reserve for a Development Surveyor and an Engagement / Project Officer for a term of 2 years, dedicated to moving forward a suite of place & prosperity based projects in Exmouth and to include Queen's Drive.

341 Minutes of Community Grant Panel held on 26 January 2021

Members received and noted the Minutes of Community Grant Panel held on 26 January 2021.

RESOLVED (1) that the following recommendations be agreed:

Minute 47 Current rules of the Community Building Fund

1. That Members defer subject to further discussion which will include data that needs to be obtained, including a timetable to then ensure that any details are considered into any budgetary considerations for 2022/2023.

2. That Members defer the question about whether to include community pubs in the current rules of the fund subject to further discussion and research.

342 Minutes of LED Monitoring Forum held on 27 January 2021

Members received and noted the Minutes of LED Monitoring Forum held on 27 January 2021.

343 Minutes of Car Parking TaFF held on 2 February 2021

Members received and noted the Minutes of Car Parking TaFF held on 2 February 2021.

RESOLVED (1) that the following recommendations be returned to the Car Parking TaFF to consider as part of developing the Car Parking Strategy:

Minute 46 A revised policy for motorhomes and campervans in EDDC pay and display car parks

That the Service Lead - Environmental Health and Car Parks prepare a report with

recommendations for consideration by the Car Park Task and Finish Forum Members at a future meeting in March 2021.

Minute 47 A review of options (including possible asset transfer) for managing all car parks that do not generate any revenue income or operate at a net cost to EDDC

That the Service Lead - Environmental Health and Car Parks prepare a report detailing the costings for each car park on the category 2 list and which do not currently generate any revenue, with a range of possible options for each one, which may include introducing charges or asset transfer amongst others, for the Task and Finish Forum Members to consider at a future meeting.

Minute 48 Consideration of the introduction of evening charges in car parks where we currently do not charge for parking between 18:00 and 08:00 on the following day

To propose the introduction of an evening parking charge of £1 to be reviewed after 1 year.

Minute 49 Consideration of the introduction of Sunday charges for car parking in our inland car parks. (We already charge for car parking on Sundays in the car parks in our coastal towns).

To propose the introduction of a Sunday car parking charge to be reviewed after 1 year.

344 **Minutes of Car Parking TaFF held on 11 February 2021**

Members received and noted the Minutes of Car Parking TaFF held on 11 February 2021.

RESOLVED (1) that the following recommendations be agreed:

Minute 59 The EDDC climate emergency declaration and action plan and the role of our car parking strategy in tackling this (with specific reference to investment in electric vehicle charging infrastructure and appropriate charging tariffs)

1. that the Car Parking Task and Finish Forum endorses the ongoing work with DELETTI phases 1 and 2.
2. that the Service Lead – Environmental Health and Car Parks present a report to Cabinet as a matter of urgency seeking authority to participate in the Innovate UK funded Exeter Rapid Charging project to install and operate up to 30 rapid charging units in EDDC's public car parks this year.
3. that Cabinet also approve that EDDC should investigate the options for providing electric bike charging points and the provision of an ebike rental scheme.

Minute 61 Alternative sources of revenue (events, advertising, private sector management options)

that the Service Lead – Environment Health and Car Parks, Portfolio Holder Economy and Events Officer investigate alternative sources of revenue through the use of car parks in East Devon.

RESOLVED (2) that Cabinet recommends the following to Council:

Minute 60 The use of cash and incentives to use alternative payment methods

1. that in order to encourage the use of cashless payments in car parks a trial be undertaken in a car park with multiple payment machines, making just one machine available for cash use.
2. that the signage in car parks be reviewed by officers in order to simplify it, with revised wording being brought back to the TaFF.
3. that more prominent messaging be added to car park signage notifying East Devon residents of the annual permit available online.
4. that for the time being the same tariff be used for all payment methods.

345 **Minutes of Scrutiny Committee held on 4 February 2021**

Members received and noted the Minutes of Scrutiny Committee held on 4 February 2021.

346 **Cranbrook Town Council - Community Governance Review**

The CEO explained that a request has been received from Cranbrook Town Council requesting that the Council undertake a community governance review under section 80 of the Local Government and Public Involvement in Health Act 2007. The purpose of the review would be to assess whether the current boundaries of the town should be expanded in anticipation of further planning approvals for housing and related development in the neighbouring parish areas but adjacent to Cranbrook itself. The report asked for the authorisation of Council to carry out the review.

During discussion there was a concern raised that presently there were no ward members for the wards of Whimple and Rockbeare.

RECOMMENDED to Council:

- That the Council undertake a Community Governance Review of the current Cranbrook Town Council area with a view to establishing whether expansion of the current town boundaries is considered to be appropriate
- That the Terms of Reference be agreed, including the timetable and arrangements for public consultation.
- That further reports will be brought to Cabinet in order that decisions may be made in respect of draft proposals and final recommendations of the Review.
- That a budget of £5000 be made available for administrative costs associated with the Community Governance Review.

REASON:

- a) In accordance with the provisions of Part 4 of the Local Government and Public Involvement in Health Act 2007; the principal legal framework within which councils must undertake these reviews.
- b) **Alternative Options**
To not take any action and continue with current boundaries
- c) **Risk Considerations**
That objections are raised to the principle of expanding the existing town boundaries
- d) **Policy and Budgetary Considerations**
To be dealt with within current budgets
- e) **Date for Review of Decision**
N/A.

347 **Cranbrook Sports Pavilion delivery**

At the Cabinet meeting of 6 January 2021, Members resolved to require the New Community partners (Cranbrook consortium of developers) to deliver the sports changing rooms secured under the current s106 agreement and for the land and building along with other specific negotiated s106 monies to be paid to Cranbrook Town Council.

Cranbrook Town Council now requested a financial sum to be paid to them in lieu of direct delivery of the changing rooms by the New Community partners. Along with the other monies previously identified, this would enable the Town Council to procure the design and build of a Pavilion as a single entity. The New Community partners had confirmed that the sum they were willing to pay in lieu of direct delivery of the changing rooms was £600,000 which Cranbrook Town Council had indicated it is satisfied with.

While following the resolution on the 6 January the responsibility for transfer of the land and delivery passed back to the New Community Partners and the Town Council respectively, the request from the Town Council would move responsibility for land transfer and building procurement further, so that it rested solely with the Town Council. The arrangement did not involve this Council in any way other than through its normal planning function and the need to agree a deed of variation to the existing Section 106 to capture the arrangement.

The Portfolio Holder Strategic Planning wished to congratulate Cranbrook Town Council for securing this project and delivering these new facilities for their town.

RESOLVED:

That the update report now be considered within the standard terms of the Council's planning function; more specifically through a Deed of variation to the existing Section 106 agreement which would facilitate the transfer of land and monies to Cranbrook Town Council to deliver the Cranbrook Sport pavilion and changing room for the Ingrams site, be noted.

REASON:

The delivery of the enhanced pavilion in one construction exercise, so that it was designed to meet the needs of Cranbrook Town Council and the sporting body

requirements, would ensure that there were no abortive costs. Members had previously accepted that they were satisfied that the Town Council were best placed to deliver the project and that they had appropriate resources to enable them to do so.

348 **Housing Options team staffing requirement**

The Strategic Lead Housing, Health and Environment addressed a staffing requirement within the Housing Options team.

RECOMMENDED to Council:

that the requested change to the current staffing arrangement be noted and to agree the upgrading of a part time post to a full time post and the additional budget required for this.

REASON:

To ensure the Housing Options team are better equipped to tackle the level of pressure on the homelessness service.

349 **Sidmouth and East Beach BMP Exemption to standing orders**

The Portfolio Holder Coast, Country and Environment notified Cabinet of the standing orders exemption used for the new additional work required on the Sidmouth and East Beach BMP. This was keeping the existing consultant to update the Outline Business Case (OBC) to match new government funding rules, which have been updated since the previous OBC was completed.

RESOLVED:

To note that a Standing Order Exemption has been used to continue work on the Sidmouth and East Beach BMP to the value of £62,514.50

REASON:

1. Central Government updated their spending rules making them more favourable, and the current OBC no longer matches these rules and would not be accepted.
2. Keeping the existing consultant to update their own figures and documents is both quicker and cheaper than procuring another consultant to start from scratch. The consultant's price breakdown is similar to their original competitive tender for like for like activities.

350 **Appointment of Surveying/Valuation Consultant Exemption to standing orders**

The Service Lead Planning and Development Management informed members of the appointment of Lambert Smith Hampton as Surveying / Valuation Consultants to undertake the valuation and negotiations of land parcels within Cranbrook town centre, to support EDDC in pursuing the option of purchasing one or more of the Cranbrook town centre parcels from the East Devon New Community Partners, as set out in the revised memorandum of understanding (MOU).

RESOLVED:

that the attached Request for Exemption to Standing Orders Report in respect of the appointment of Lambert Smith Hampton as Surveying / Valuation Consultants to undertake the necessary Valuation and Negotiations of parcels of land to enable EDDC to purchase one or more parcels of land, in or around Cranbrook Centre, be noted.

REASON:

To provide Surveying / valuation and Negotiation Services to the Planning Department. This independent work was urgently required to review the various expectations set out in the MOU before the MOU can be signed.

Attendance List

Present:

Portfolio Holders

M Armstrong	Portfolio Holder Sustainable Homes and Communities
P Arnott	Leader
P Hayward	Deputy Leader and Portfolio Holder Economy and Assets
G Jung	Portfolio Holder Coast, Country and Environment
D Ledger	Portfolio Holder Strategic Planning
M Rixson	Portfolio Holder Climate Action and Emergencies
J Rowland	Portfolio Holder Finance
J Loudoun	Portfolio Holder Council and Corporate Co-ordination
S Jackson	Portfolio Holder Democracy and Transparency
N Hookway	Portfolio Holder Culture, Tourism, Leisure and Sport

Also present (for some or all the meeting)

Councillor Kevin Blakey
Councillor Kim Bloxham
Councillor Susie Bond
Councillor Fred Caygill
Councillor Sarah Chamberlain
Councillor Maddy Chapman
Councillor Bruce De Saram
Councillor Peter Faithfull
Councillor Steve Gazzard
Councillor Marcus Hartnell
Councillor Sam Hawkins
Councillor Ben Ingham
Councillor Vicky Johns
Councillor Fabian King
Councillor Dawn Manley
Councillor Andrew Moulding
Councillor Helen Parr
Councillor Geoff Pook
Councillor Eleanor Rylance
Councillor Philip Skinner
Councillor Brenda Taylor
Councillor Joe Whibley
Councillor Tom Wright
Councillor Jess Bailey
Councillor Eileen Wragg

Also present:

Officers:

Tim Child, Service Lead - Place, Assets & Commercialisation

Amanda Coombes, Democratic Services Officer

Simon Davey, Strategic Lead Finance

Ed Freeman, Service Lead Planning Strategy and Development Management

John Golding, Strategic Lead Housing, Health and Environment

Henry Gordon Lennox, Strategic Lead Governance and Licensing

Susan Howl, Democratic Services Manager

Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Mark Williams, Chief Executive

Chair

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Cabinet held at Online via the Zoom app. on 17 March 2021****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 7.01 pm

351 Public speaking

There were no members of the public registered to speak.

352 Minutes of the previous meeting

The minutes of Cabinet held on 3 March 2021 were confirmed as a true record.

353 Declarations of interest

Min 356. Electric Vehicle charging in public car parks.
Councillor Eleanor Rylance, Personal, owns an electric vehicle.

Min 356. Electric Vehicle charging in public car parks.
Councillor Tom Wright, Personal, owns an electric vehicle.

354 Matters of urgency

There were two late reports that members agreed should be dealt with in this way.

Impropriety in relation to three Cabinet decisions

The Monitoring Officer reported under S.5 of the Housing and Local Government Act 1989 that three decisions which had been taken in 2018, 2019 and 2021 were not in accordance with legal requirements and the Constitution. Of the three decisions two had not been actioned with money being found from alternative sources and one was being returned to Cabinet for it to appropriately recommend the matter to Council for decision. While acknowledging the errors it was stated that thankfully the impact had been minimal. The Monitoring Officer expressed; on behalf of officers, his sincere apologies for these errors. He stated that there were a number of remedial steps being put in place to ensure that there was not a repeat including that report writers were expected to understand whether what is proposed was in accordance with the budget or policy framework to establish whether their recommendations were either for Cabinet or for Council to make.

Discussions included the following:

- This was an unfortunate situation but it hadn't appeared to cause any major issues. Staffing issues were the problem, with the extra workload being put on staff over the last months
- We must look after our staff, they are the backbone of the council. The pressure on the Monitoring Officer was intolerable. Democratic Services had to manage and operate these extra meetings which must put them under constant workload pressure
- Need to look into getting on with the Senior Management review to look into areas of the council that need extra resources

- There should be no blame on any one individual, this just highlights the pressure the staff are under presently. We need to take this extra workload off all staff from the top to bottom
- We need to be the best council we can, a full investigation is required into this issue with independent advice and the use of the Scrutiny committee

The Portfolio Holders for Council and Corporate Co-ordination, and Strategic Planning thanked the Monitoring Officer for his apology but stated it was not needed. They thanked him for his work and said that it could not have been easy for him to have written this report as well as present it to members.

The Chair thanked Cllr Paul Millar for bringing this issue to the council's attention. He also thanked the Monitoring Officer for the report and admitted it could not have been easy to produce.

RESOLVED that Cabinet:

1. accept the content of the report in relation to the issues identified and remedial actions being taken to prevent a reoccurrence
2. thank Councillor Millar for bringing the matter to the attention of the Council.

RECOMMENDED the following to Council:

3. that Resolutions 1 & 2 of Minute 328 (Hayne Lane Site, Honiton) of the Cabinet meeting of 3rd February 2021 be approved.
4. the recruitment of an additional lawyer (Grade 9) to support the work of the Monitoring Officer be agreed.

REASON:

So that members were appraised of three decisions that were ultra vires and to take steps to ensure that one of those decisions was rectified.

Council Plan 2021-2023

The Chief Executive provided details of the first draft of the new Council Plan for 2021-2023. He announced that there would be 3-4 cross party member workshops in April with the aim to have this completed by July.

Discussions included the following:

- This looked like it was at its first stage and just being started. There was a need for swift progress as decisions could not be taken without a Council Plan
- In response to the above comment, it was said that officers were working to full capacity with the challenges of a global pandemic, everyone was managing to the best that they could under exceptional circumstances
- The timeframe dovetails with the budget for the next financial year
- The cross party member workshop were important for consultation and views for the plan

RESOLVED:

That the preparation of the new Council Plan 2021-2023 should progress in accordance with the process and timeline identified in the report.

RECOMMENDED the following to Council:

that a budget of £5,000 is agreed to obtain external support to facilitate member workshops.

REASON:

To assist with the ongoing development of the new Council Plan.

355 **Confidential/exempt item(s)**

None

356 **Electric Vehicle charging in public car parks**

The Service Lead, Environmental Health & Car Parks presented proposals for introducing electric vehicle charging infrastructure into this Council's public car parks this year. He explained the Council had an opportunity to participate in the Innovate UK funded Exeter Rapid Charge Project including a lease(s) with the contractor to install and operate up to 30 rapid charging units in public car parks within the District.

Discussions included the following:

- The was great news and urgently needed due to the climate change emergency
- Pleased a solution had been found especially with it being funded with no cost to the council
- Must be ambitious, we need rapid charges. We must explore ways of getting more vehicle charges so our tourists and visitors have confidence in travelling around the district
- Residents were keen to have these charging points in the district's car parks
- This was new technology and constantly evolving
- This was the start of something new and exceptional, need to continually reassess the usage required. Must keep looking for further available schemes to keep adding to this stock

Members wished to thank Andrew Ennis, Service Lead Environmental Health and Car Parks for his hard work in getting the council to this stage.

RECOMMENDED the following to Council:

to delegate authority to the Strategic Lead Housing & Environment, Housing, Health & Environment in consultation with the Portfolio Holder for Property and Assets, to agree and enter into legal documents to facilitate participation in the Innovate UK funded Exeter Rapid Charge Project, including a lease(s) with the contractor to install and operate up to 30 rapid charging units in public car parks within the District.

REASON:

To introduce significant electric vehicle charging infrastructure via the Innovate UK funded Rapid Charge project.

Attendance List

Present:

Portfolio Holders

M Armstrong

Portfolio Holder Sustainable Homes and Communities

P Arnott	Leader
P Hayward	Deputy Leader and Portfolio Holder Economy and Assets
G Jung	Portfolio Holder Coast, Country and Environment
D Ledger	Portfolio Holder Strategic Planning
M Rixson	Portfolio Holder Climate Action and Emergencies
J Loudoun	Portfolio Holder Council and Corporate Co-ordination
S Jackson	Portfolio Holder Democracy and Transparency
N Hookway	Portfolio Holder Culture, Tourism, Leisure and Sport

Cabinet apologies:

J Rowland Portfolio Holder Finance

Also present (for some or all the meeting)

Councillor Jess Bailey
Councillor Denise Bickley
Councillor Kevin Blakey
Councillor Susie Bond
Councillor Sarah Chamberlain
Councillor Maddy Chapman
Councillor Peter Faithfull
Councillor Cathy Gardner
Councillor Steve Gazzard
Councillor Ben Ingham
Councillor Paul Jarvis
Councillor Vicky Johns
Councillor Tony McCollum
Councillor Paul Millar
Councillor Andrew Moulding
Councillor Helen Parr
Councillor Geoff Pook
Councillor Eleanor Rylance
Councillor Joe Whibley
Councillor Eileen Wragg
Councillor Tom Wright
Councillor Brenda Taylor

Also present:

Officers:

Amanda Coombes, Democratic Services Officer
Simon Davey, Strategic Lead Finance
Andrew Ennis, Service Lead Environmental Health and Car Parks
John Golding, Strategic Lead Housing, Health and Environment
Debbie Meakin, Democratic Services Officer
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)
Mark Williams, Chief Executive
Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)

Chair

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Cabinet held at Online via the Zoom app. on 31 March 2021****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 9.11 pm

357 Public speaking

Josie Parkhouse spoke on minute 381 Restarts Grants. She asked questions concerning the council's spending of Covid-19 grants. She wanted to know how much undistributed funding had been sent back to the treasury and did the council take into account whether businesses had received other sources of central government funding. Were home-based businesses and their associated costs being accepted? Would businesses that had not been successful be recognised if there was to be a further lockdown in the future? She stated there was evidence some businesses had not been successful in receiving ARG funding due to not falling under the categories of retail, tourism and leisure so less important to the local economy.

In response the Chair explained there had been numerous successful schemes over the last year that officers had worked hard to implement, with changes to the criteria as each scheme was set up. The Portfolio Holder Economy and Assets said he would write to Josie Parkhouse with the answers to her question in more detail. He stated the council was basing its schemes on national guidance and each local authority's guidance was different due to its specific economic circumstance.

358 Minutes of the previous meeting

The minutes of Cabinet held on 17 March 2021 were confirmed as a true record.

359 Declarations of interest

Min 357. Public speaking.

Councillor Paul Arnott, Personal, Runs a B&B that has benefitted from these additional grants.

Min 370. Sidmouth and East Beach BMP.

Councillor John Loudoun, Personal, Ward member for area directly affected and member of the Sidmouth Beach Management Steering Group.

Min 371. Exmouth Beach Management Scheme.

Councillor Nick Hookway, Personal, Ward Member for Exmouth beach area.

Min 371. Exmouth Beach Management Scheme.

Councillor Steve Gazzard, Personal, Min 371 Exmouth Town Councillor.

Min 373. Recommend the adoption of Events Strategy and Policy.

Councillor Steve Gazzard, Personal, likely to request permission for a personal event.

Min 379. Exmouth Sideshore car park.

Councillor Paul Millar, Personal, Council appointed Director for Queen's Drive Exmouth Community Interest Company.

Min 381. Restart Grants.

Councillor Paul Hayward, Personal, Treasurer to charity (Newton Poppleford Playing Field Foundation) that could be a potential recipient from this scheme.

360 **Matters of urgency**

There was one late report dealt with under minute 381 Restart Grants.

361 **Confidential/exempt item(s)**

None

362 **Forward Plan**

Members agreed the contents of the Forward Plan for key decisions for the period 1st April to 31 July 2021.

363 **Minutes of Poverty Working Panel held on 15 February 2021**

Members received and noted the Minutes of Poverty Working Panel held on 15 February 2021.

364 **Minutes of LED Monitoring Forum held on 23 February 2021**

Members received and noted the Minutes of LED Monitoring Forum held on 23 February 2021.

365 **Minutes of Arts and Culture Forum held on 24 February 2021**

Members received and noted the Minutes of Arts and Culture Forum held on 24 February 2021.

366 **Minutes of Car Parking TaFF held on 3 March 2021**

Members received and noted the Minutes of Car Parking TaFF held on 3 March 2021.

367 **Minutes of Scrutiny Committee held on 4 March 2021**

Members received and noted the Minutes of Scrutiny Committee held on 4 March 2021.

368 **Minutes of Asset Management Forum held on 9 March 2021**

Members received and noted the Minutes of Asset Management Forum held on 9 March 2021.

369 **Exemption from Standing Orders - Appointment of TerraQuest**

The Service Lead Planning Strategy and Development Management stated the purpose of the report was to notify Members of the use of an Exemption from Standing Orders to enable the appointment of TerraQuest (part of the Planning Portal) to help the Development Management Team.

Discussions included the following:

- The planning team needed this extra support as were working under extreme pressure due to enormous increase in applications
- This represented value for money compared to hiring planning consultants
- TerraQuest had come with excellent references and had been working closely with planning officers to ensure both sides were happy with what it delivered
- applications could well be increased due to the possible trend of people wanting to live in the area as a result of the pandemic
- key point was that this allowed for more efficient use of officers' time and expertise

RESOLVED:

that the use of an Exemption from Standing Orders to enable the appointment of TerraQuest to support Development Management with the process of checking that planning application have been submitted with all the necessary information, be noted.

REASON:

To enable the appointment of TerraQuest to assist the Development Management team.

370 **Sidmouth and East Beach BMP**

Following further funding eligibly for the Sidmouth and East Beach BMP, there was a decision to be made on whether to continue with the preferred (working draft) option and submitting the OBC to the Environment Agency soon; to enable the project to start construction within 2 years. Or whether to pause the project and revisit previous options in the BMP dismissed on unaffordability grounds when first proposed.

Cabinet and members wished to thank Tom Buxton-Smith, Engineering Projects Manager and his team for turning around this controversial scheme, to be more positive and starting again to make the scheme more acceptable to the residents of Sidmouth and improve the amenities at the beach.

RESOLVED that Cabinet;

1. Pause the project for 6 months to look at viability of other previously dismissed options, given they may now be affordable.
2. Approve the investigation of temporary planning permission and installation of rock armour at East Beach.

RECOMMENDED to Council;

3. that the council's budget contribution be raised from £375k to £500k (£125k increase) to match the figure discussed throughout the BMP process
4. the approval of a further £125k 'forward loan' budget should it be required.

REASON:

The Advisory Group were polled on the following:

1. Pause the project to explore other options, which would include investigating and delivering as appropriate temporary protection for East Beach should the delay in delivering protection at East Beach pass the current 2 year time scale envisaged.
2. Continue with Option A, the revised preferred option proposal.

The poll outcome was as follows

12 votes for investigating alternative options due to greater affordability.

3 Votes for continuing with Option A.

1 Vote Abstain.

371 **Exmouth Beach Management Scheme**

Work towards a Beach Management Plan was undertaken in 2013 which assessed Exmouth alongside Dawlish Warren, the latter of which required extensive works at the time. Since it was written, the management of Exmouth has been split from the work at Dawlish Warren, and the Environment Agency's Coastal Protection Scheme addressing flood and coastal risk to the western end of the frontage is nearing completion. There was ongoing depletion of beach material which was affecting the useable space on the shoreline and had uncovered infrastructure on the beach such as storm outfalls.

The proposal seeks to investigate and explore the issues and options for improvement to the beach. Based on the existing 2015 Beach Management Plan, the report was to recommend setting up an Advisory group to assist the scoping of potential beach works (Beach Management Scheme) that could be carried out pending funding being found.

Discussions included the following:

- Pleased local knowledge had been sought
- Beach has changed beyond recognition, huge area of sand lose
- Exmouth beach front was the jewel of the crown for the town, concerns to what may happen to tourism if these issues were not addressed
- The whole of the town's economy relies on the seafront, recycling of sand was a short-term measure
- The need to raise the profile of this problem with the Environment Agency
- The need to work with numerous partners to get structure and knowledge to go forward with the plan

The Portfolio Holder Culture, Tourism, Leisure and Sport wished to thank Tom Buxton-Smith, Engineering Projects Manager and his team for the report.

RESOLVED:

1. that the content of the report and need to set up an Exmouth Beach Management Plan Steering Group to advise Cabinet and the proposed terms of reference for it, be noted,
2. Request that following being established the Exmouth Beach Management Plan Steering Group progress work towards developing a new beach management plan for Exmouth, with further reports to be brought back to Cabinet as it developed and identified whether any interim actions were required.

RECOMMENDED to Council:

3. that the Steering Group be established on the basis of the Terms of Reference appended to the report and that its membership be agreed at the Annual Meeting of the Council.

REASON:

Exmouth beach and seafront was an important asset to the town and wider area. It provided recreational facilities to local residents as well as bringing in both day visitors and holiday makers. The visitors to the beach provided an economic benefit to the town and local businesses, many of whom were reliant on the tourist trade. Beach works were unlikely to attract significant central government funding, so expectations on what could

be afforded should be realised and what could be done with whatever funds were available should be guided by an advisory group made up of local beach users. This group would consider various options and the likely funding required, and make recommendations to cabinet. Although the existing BMP was due for updating, given the beach loss it seemed prudent to advance any physical works as quickly as feasible, rather than delay by updating the BMP first.

The BMP would need to be updated and it would be an efficient use of resources to follow the design and implications of any physical works with an updated BMP.

This would fulfil the current service plan objective to look at options for managing Exmouth Beach following the 2015 BMP and its outstanding action to address beach levels from the 2020s.

372 **Financial Monitoring Report 2020/21 - Month 11 February 2021**

The Finance Manager gave a summary of the Council's overall financial position for 2020/21 at the end of month eleven (28 February 2021). Current monitoring indicated that:

The General Fund Balance was being maintained at or above the adopted level.

A significant overspend against budget was predicted from a combination of additional expenditure and reduced income as result of Covid-19. This overspend was being mitigated through additional Government Funding, including the income guarantee scheme, the healthy financial position of the General Fund Balance as a result of 2019/20 Outturn position and steps taken by services. The shortfall remained in line with earlier forecasts and as previously agreed would be covered by use of the General Fund Balance which leaves the balance within the adopted range with no further action required.

The Housing Revenue Account Balance was being maintained at or above the adopted level.

The Portfolio Holder Finance wished to applaud the efforts of John Symes and his team in what had been a difficult period.

RESOLVED:

that the variances identified as part of the Revenue and Capital Monitoring process up to Month 11 be noted.

REASON:

The report updated Members on the overall financial position of the Authority at set periods and included recommendations where corrective action was required for the remainder of the financial year.

373 **Recommend the adoption of Events Strategy and Policy**

East Devon had a tradition of hosting successful, large events which had been shown to boost the local economy. The council had also facilitated many events that were delivered directly by community groups. East Devon District Council currently supported over 300 events per year and a significant proportion of these events were community led.

The Events Strategy was designed to support the marketing and promotion of East Devon public realm spaces that could be used for different types of events across the District. The Events Policy was to ensure local consultation and collaboration, allowing for the delivery of safe, legal, efficient and successful events, avoiding duplication and providing excellent customer service.

Discussions included the following:

- The importance of consultation and getting public coordination of ideas
- Town and Parish councils need to be included as key stakeholders
- The policy shows openness and transparency for anyone wishing to run an event as well as showing what the council could offer

Cabinet wished to thank the Events team for doing a fantastic job especially during a pandemic and all its rule changes; appreciating the amount of hard work it took to get events up and running.

RESOLVED:

that the Events Strategy and Events Policy be adopted with delegated authority granted to the Strategic Lead Housing, Health and Environment to make minor amendments to the policy in consultation with the Portfolio Holder Culture, Tourism, Leisure and Sport.

REASON:

Supporting the Statement of Intent and Council Plan, the objective of the policies was to promote the outstanding environment and public realm open spaces as events locations to enable to:

- deliver an events programme that promoted health and wellbeing opportunities for residents and communities,
- celebrated the outstanding environment, built community spirit, attracted visitors and improved visitor experience,
- positively increased the tourism profile and supports local businesses.

374 **Request for additional budget for enhanced Covid secure public toilet cleaning**

There was a request for an additional budget of £19,854 to extend the enhanced cleaning of public toilets from 1 April to the 21 June 2021. In addition the second request was for a further contingency budget of £51,308 to provide 6 months of enhanced cleaning of public toilets from the 21 June 2021 to the 31 December 2021 if required.

Discussions included the following:

- With the expectation of an increased summer influx of visitors enhanced cleaning was essential
- Had grant funding been explored to relieve these financial pressures?

RECOMMENDED to Council:

the approval of £71,162 of additional budget (including £19,854 to cover enhanced public toilet cleaning from the 1 April to 21 June 2021 and a further £51,308 contingency budget to potentially extend this enhanced cleaning from the 21 June to 31 December 2021; if required due to a continuation of government restrictions or advice).

REASON:

Due to continued Covid-19 secure guidelines and site specific risk assessments, enhanced cleaning was still required of public toilets, covering the period 1 April until 21 June 2021 in line with the Government's roadmap and steps of restriction easing.

On the 23 March 2020 public toilets were closed across the district in response to the Covid-19 pandemic. 10 Category-A toilets were re-opened on the 22 May 2020 with enhanced cleaning implemented between 8am-4pm within existing budget and resources.

On the 18 June 2020 Cabinet approved a 9-month budget of £76,962 which allowed Streetscene to open an additional 4 toilets with enhanced cleaning and extend the opening times for all 14 toilets from 8am-8pm from the 29 June - 30 September and from 8am -7pm from 1 October 2020 to 31 March 2021. Now it was coming to the end of that agreed budgetary period it was recommended to continue with the enhanced cleaning of the public toilets until the 21 June 2021 at the earliest; in line with the phased ending of government restrictions.

Further to this it was recommended that a £51,308 contingency budget should be set aside should government restrictions or guidance extend beyond 21 June 2021, to cover an additional 6 months enhanced cleaning up to 31 December 2021.

375 **Capital replacement programme for Grounds and Cleansing plant machinery**

The Service Lead StreetScene presented the report which explained why a Capital Machinery Budget was required and gave information to approve the procurement of replacement machinery within StreetScene. During discussions it was asked what measures could be put in place to ensure people took their litter home or disposed of it correctly. It was not right that the burden of clean up was down to others.

RECOMMENDED to Council:

1. that the appended capital replacement programme of £420,400 to enable StreetScene Operations to meet statutory responsibilities in relation to street cleansing and maintaining an Outstanding Environment, is agreed
2. that the Capital Machinery Budget request be approved for the reasons set out in the report.

REASON:

Approving the Capital Machinery Budget for essential and scheduled machinery replacements would allow keeping parks and streets clean and safe in the face of increased demand. There were 12 significant pieces of large machinery that were at the end of their life span and would ordinarily need replacing via the tender process. If these were not replaced then these pieces of kit would be unable to meet the statutory requirements to keep the streets clean to an agreed level. There would be incurred higher maintenance costs associated with keeping machines on the road beyond their life span.

376 **Levelling Up Fund**

The Service Lead Growth, Development and Prosperity presented the report that considered the prospectus for the Levelling Up Fund, that was published as part of the suite of documents accompanying the Budget earlier in month. He explained the

potential for a bid or bids to be made to this Fund by the deadline for the first round of the 18 June 2021. East Devon was in the lowest tier in terms of the national priorities so the report considered how to maximise the chances of success including in terms of engaging with our Members of Parliament and wider stakeholders. The report put forward proposed next steps including in terms of establishing a budget for consultancy support.

Discussions included the following:

- Local MPs needed to endorse bids in order for them to become successful
- Joint bids could be more successful
- Reassurance from our MPs that bids would be considered properly and actively supported.

RESOLVED:

1. Note the publication of the Levelling Up Fund prospectus and the associated timescales for the submission of bids to the first round.
2. Endorse the next steps for the development of bids as identified.

RECOMMENDED to Council:

3. that a budget of up to £100k was made available from the business rate pilot reserve to enable consultancy support to be commissioned.

REASON:

To maximise the chances of the council submitting successful bids to the Levelling Up Fund.

377 The Future of New Homes Bonus Consultation

The Service Lead Planning Strategy and Development Management presented the report which sought to make Members aware of a current government consultation on the future of the New Homes Bonus and to seek Members agreement to responses to the various consultation questions. Officers had sought to consider the options put forward as best as they can but without more information it was not possible to model the likely financial implications of each option for the council.

RESOLVED:

having considered the government consultation on the Future of New Homes Bonus that the proposed responses to the consultation questions as the council's formal response be agreed and submitted to the government.

REASON:

To ensure that the Council respond to the consultation on the Future of New Homes Bonus and seek to influence the future of this important funding stream.

378 Mobile phone tariff payments in car parks

The Service Lead Environmental Health and Car Parks stated the necessary steps to enter into a framework contract with a new provider for delivering pay by mobile phone services for our car parks customers. During discussion it was highlighted that not everyone had mobile phones so there was still a need for cash options in car parks.

RECOMMENDED to Council:

1. To enter into a contract provider “RingGo” for a period of four years (extendable by up to two further years) and to give delegated authority to the Strategic Lead Housing, Health and Environment in consultation with the Strategic Lead Governance and Licensing and the Strategic Lead Finance to agree terms and to finalise the contract, and
2. an exemption to Contract Standing Orders to enable “RingGo” to be used as the preferred supplier, be approved.

REASON:

The provider offered the convenience of a single mobile phone app for public parking across the region and the contract provides value for money for both the council and its car parking customers.

379 **Exmouth Sideshore car park**

The Service Lead Environmental Health and Car Parks Members are being asked to consider a proposal to provide car park management services at Sideshore car park in Exmouth. The Council’s car parks’ team would enter into an initial six month legal agreement with the site operator to provide civil parking enforcement services. This will be the first time that this Council has entered such a commercial agreement and the initial period will be extended if the relationship is found to be mutually beneficial.

Discussions included the following:

- First agreement of its kind for the council
- The wish for enough disabled access spaces
- The car park would offer all day parking on its own tariffs
- There would be 6 EV charging points

RECOMMENDED to Council:

1. To enter into an agreement with Sideshore to deliver car parking management services for their car park on the basis of an initial period of six months which can be extended by up to 10 years. That delegated authority be given to the Strategic Lead Housing, Health and Environment to agree terms and to enter into the contract in consultation with the Strategic Leads for Finance and Governance and Licensing.
2. To agree to amend the East Devon (Off Street) Parking Places Order as necessary to include the car park.

REASON:

To enable the council to work with the Community Interest Company (CIC) to deliver services based on a commercial style model. This would provide revenue to support the ongoing work of the CIC in developing the Watersports Centre but would also deliver additional funding for the CIC’s charitable and community initiatives. The council would retain a small proportion of overall revenue to sustain a fair and proportionate management service using transparent civil parking enforcement rules.

380 **Exemption from Contract Standing Orders - Fire Risk Assessments (Housing)**

The Strategic Lead Housing, Health and Environment presented the report which explained that in line with The Regulatory Reform (Fire Safety) Order 2005 and in line with EDDC’s Fire Safety Policy the council must undertake fire risk assessments (FRA) of all communal areas. Compliance with this duty was by law and to ensure the safety of residents and staff in blocks of flats, community centres and district. To ensure continuity

with the large volume of improvement work carried out it was beneficial to EDDC and its residents to direct award this contract to FCS Live. An exemption from contract standing orders was applied.

RESOLVED:

that the use of an exemption from Contract Standing Orders in accordance with 3.2 of the Council's Contract Standing Order, be noted.

REASON:

The fire risk assessments were due to be completed and any delay in this process could leave the service and council at risk. The approval of the exemption would ensure unbroken continuity in risk assessments and would support the continuation of the large fire safety improvement work that had taken place following the previous round of fire risk assessments carried out by FCS Live.

Carrying out Fire Risk Assessments was a specialist area with a limited number of contractors who meet specific criteria and due diligence requirements, as outlined in our fire safety policy. FCS Live met those credentials, as evidenced during the last procurement exercise and had proven to be a trusted and competent contractor.

Following the Grenfell Tower tragedy it was paramount that the council engage with a contractor it trusted to assess the fire risk within its blocks of flats. The impending Building Safety Act would put even greater responsibility on the council to ensure its properties were maintained and monitored to the highest standard and therefore these risk assessments needed to be carried out as a matter of urgency.

381 **Restart Grants**

The Strategic Lead Finance submitted the report which implemented the Government's Restart Grant Scheme that would provide support to businesses to help them reopen safely.

RESOLVED:

that the Restart Grant Scheme policy be agreed and to grant delegated authority to the Service Lead for Revenues, Benefits, Customer Services & Corporate Fraud & Compliance to make any technical changes to the policy.

REASON:

To deploy the Restart Grant Scheme to businesses in East Devon in accordance with government guidance.

Attendance List

Present:

Portfolio Holders

M Armstrong	Portfolio Holder Sustainable Homes and Communities
P Arnott	Leader
P Hayward	Deputy Leader and Portfolio Holder Economy and Assets
G Jung	Portfolio Holder Coast, Country and Environment
D Ledger	Portfolio Holder Strategic Planning
M Rixson	Portfolio Holder Climate Action and Emergencies

J Rowland	Portfolio Holder Finance
J Loudoun	Portfolio Holder Council and Corporate Co-ordination
S Jackson	Portfolio Holder Democracy and Transparency
N Hookway	Portfolio Holder Culture, Tourism, Leisure and Sport

Also present (for some or all the meeting)

Councillor Denise Bickley
Councillor Susie Bond
Councillor Fred Caygill
Councillor Sarah Chamberlain
Councillor Maddy Chapman
Councillor Bruce De Saram
Councillor Alan Dent
Councillor Peter Faithfull
Councillor Steve Gazzard
Councillor Sam Hawkins
Councillor Mike Howe
Councillor Vicky Johns
Councillor Dawn Manley
Councillor Paul Millar
Councillor Andrew Moulding
Councillor Helen Parr
Councillor Eleanor Rylance
Councillor Joe Whibley
Councillor Eileen Wragg

Also present:

Officers:

Nicholas Christo, Area Manager West
Amanda Coombes, Democratic Services Officer
Simon Davey, Strategic Lead Finance
Andrew Ennis, Service Lead Environmental Health and Car Parks
Ed Freeman, Service Lead Planning Strategy and Development Management
John Golding, Strategic Lead Housing, Health and Environment
Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)
Andrew Hancock, Service Lead StreetScene
John Symes, Finance Manager
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)
Tom Buxton-Smith, Engineering Projects Manager
Angela Gordon Lennox, Events Officer
Andrew Wood, Service Lead - Growth Development and Prosperity

Chair

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Scrutiny Committee held at Online via the Zoom app on 4 March 2021****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 9.07 pm

131 Public speaking

There were no members of the public wishing to speak

132 Minutes of the previous meeting

The minutes of Scrutiny Committee held on 4 February 2021 were confirmed as a true record.

Members noted that the figure stated in minute 128, the supplementary question to question 9 was incorrect. The Chair read out a statement on behalf of the Service Lead – Streetscene stating that the costs to East Devon District Council was closer to £75,000 and not £250,000 advising it was a joint beach management plan covering Dawlish and Sidmouth, led by the Environment Agency.

133 Declarations of interest

Minute 137. Report on staff morale.

Councillor Ian Hall, Personal, Member of GMB Union.

Minute 137. Report on staff morale.

Councillor John Loudoun, Personal, Receives a pension from Unison.

Minute 139. Forward Plan.

Councillor Andrew Colman, Personal, Exmouth Town Councillor.

Minute 139. Forward Plan.

Councillor Chris Wright, Personal, Director of Exmouth Rugby Club, a tenant of East Devon District Council.

Minute 139. Forward Plan.

Councillor Iain Chubb, Personal, Devon County Councillor.

Minute 139. Forward Plan.

Councillor Olly Davey, Personal, Exmouth Town Councillor.

Minute 139. Forward Plan.

Councillor Vicky Johns, Personal, Ottery St Mary Town Councillor.

134 Matters of urgency

There were no matters of urgency.

135 Confidential/exempt item(s)

There were no confidential/exempt items.

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

There were no items called-in.

137 **Report on staff morale**

The Chair welcomed Mark Everdon from Unison to assist Members with their discussions and reminded Members that discussions of employment matters including staff morale should remain general and individuals should not be identified in any way.

The Chief Executive addressed the reasons for the report which followed expressions of concerns made by Committee Members and said in response to those concerns a Health and Safety survey was undertaken of all staff over a 10 day period. Members noted 67% of staff had responded. In response to queries raised by Members about the choice of survey the Chief Executive confirmed it was a recommended form of survey with a proven methodology for analysing work related stress focusing on the last six months at work.

He asked Members to be mindful when considering recommendations, advising that he had a duty of care and a legal obligation to keep all employees safe from harm and addressed the difficulty of fulfilling his duty and obligation when the harm resulted from Members behaviour towards staff.

The Chief Executive gave a detailed overview of his report and referred Members to the LGA Peer Review report and the Investors in People report. He felt it was important to note that both reports were independent external validations of the quality of this organisation and that this was very important to staff morale.

Members noted the key issues identified in the survey included:

- Staff morale/sickness during Covid-19 - challenges of homeworking, work load, depression and stress and anxiety.
- An overall increase of 66% in all absences related to depression and stress during April 2020 to January 2021 compared to the same period of the previous year.
- 42 employees (8.4% of the workforce) had given depression or stress as the reason for absence.
- 6% of employees in the last six months had experienced bullying and 11% had seldom been bullied.
- 38% of employees had stated they were seldom, sometimes, often or always subject to personal harassment in the form of unkind words or behaviour.
- The two lowest scores related to demand and change which included:
 - Having to work intensively.
 - Having to work very fast.
 - Having to neglect some tasks.
 - Different groups demanding things that are hard to combine.
- Priority for further assessment was required in Housing, Streetscene and Planning Departments.
- Appendix 3 comprised of a total of 164 employees leaving comments.
- The most positive comments included:

- Colleagues / my team is supportive.
 - My Manager is supportive.
- The most common negative comments included:
- Our already large workload has increased significantly recently / my / my team's workload is overwhelming / too large.
 - We need more staff / previous staff or managers have left and not been replaced.
 - Conduct of some Councillors.
 - Home schooling children and working is hugely stressful.

The Chief Executive reminded Members that the Council had regularly carried out staff surveys and that the results had always been treated with respect to help build up a picture of a hard-working organisation and a well-earned reputation as a good employer.

He asked Members to consider:

- The number of issues raised in the latest survey as he felt it was clear that depression, stress and anxiety amongst staff was a concern and said he was in no doubt Officers were continuing to work whilst being depressed or otherwise impacted.
- The issues related to workload and staff absences to help understand and prioritise these workloads.
- Impact on staff (mainly managers) of a change of political culture and the working environment.

The Chief Executive, felt from his own personal perspective, it was very hard to maintain a high sense of morale and motivate for his staff because of what he had experienced from the issues that had been highlighted in the survey and drew Members attention to the Member / Officer protocol in the Member Code of Conduct.

Finally, he asked Members to consider the Council's future reputation as a good employer and the possible legal liabilities in terms of employment based claims as to whether the changes that had been experienced over the last six months were temporary changes or permanent.

The Chair invited Mark Everdon from Unison to speak.

Mark Everdon representing Unison gave an overview of his role as a Regional Organiser for Unison working with employers on stress, mental health issues within the workplace and outlined to Members about how to deal with these issues and what happens if they were not dealt with highlighting the impact of cost implications of sick absences, productivity issues within the workplace, turnover of staff and loss of experience within the workplace.

Before questions and debate commenced, the Chair reminded Non-Committee Members that they were not able to recommend any motions nor should they name individuals.

Comments and questions raised by Non-Committee Members and responses from the Chief Executive and Mark Everdon including:

- The Portfolio Holder for Council and Corporate Co-ordination said he took the survey very seriously as it was a snapshot and indicator of staff concerns and advised Members it was not a political tool and should not be dealt with in a partisan way. He felt it should be set against the backdrop of the pandemic which clearly had an impact.

He drew Members attention to the negative comments in Appendix 3 about the new Councillors / new political leadership. He said it was a broad phrase used to collect comments made by staff relating to some or possibly all Members and felt that the term 'new members' could apply to any new member in all the political group. He referred to the new political leadership being Cabinet and the broader leadership of the ruling group and the recognition for the need to all look at what we are doing, the implications of what we are doing and how we need to change and asked for each group leader to look at their group also. He invited the Chief Executive to go away with his SMT to look at the detail to be done to support staff and come back to Scrutiny to give an update and said he was happy to work with the Chief Executive and SMT as Portfolio Holder.

- Clarification sought on whether this Council's rate was with the national norm in terms of sickness / absence. Mr Everdon commented that he was not able to answer the question as he did not know the sick absence rate but highlighted the need to look at the rise that was happening and whether it was different to the previous year. The Chief Executive drew Members attention to the 66% increase in staff absence being attributed to depression, stress and anxiety.
- Clarification sought on whether this Council's levels of stress and mental health was above or below experienced in other councils. Mr Everdon commented that stress was unique to each council and could not be compared to other councils.
- From an organisational wellbeing point of view it's been on a downward trajectory for quite a few months.
- Concerns raised that Members do not listen or draw on the experiences of their officers.
- As Members we need to carefully look at our Code of Conduct, understand what the issues are, understand why things are going wrong and try and do something about it.
- The need to develop an action plan for the Council's future direction.
- In September 2019 the LGA Peer Review described this council as an organisation with a hard-working and committed work force and staff morale has always been high achieving gold and platinum level standards. The February 2021 shows that staff morale has disappeared replaced by depression, stress and anxiety amongst staff brought on by additional pressures resulting from changing political behaviours, uncertain organisational direction and a more interfering approach to operational matters.
- The February 2021 survey shows we now have an inappropriate working environment and a blame culture with officers increasingly fearful to do their jobs.
- Concerns raised about inadequate equipment for members of staff to work from home. In response the Chief Executive advised all members of staff working from home are required to carry out an online safe workplace assessment.
- The data on absence increases caused by depression, stress and anxiety are serious and cannot be left to go with mitigation and resolution.
- The ICT should be made more reliable to ensure that working from home is made as pleasant as possible and a suggestion was made to assess the evidence in appendix one.
- Working as a team working together with common objectives, common goals to serve the residents of East Devon to the best of our ability.
- There would be quite a lot of people with the same responses as the survey who have experienced general anxiety felt during the second lockdown including anxiety about job insecurities.
- A suggestion to hold more regular surveys to understand where things are going and to hear what officer have to say.

- It is clear from the survey that the stress has been caused by the new administration and the mistreating of officers.
- The role of the Leader is to take charge and be responsible for all councillors across the Council regardless of political party. We need to stop micro-managing of officers.
- The recognition of many other factors influencing morale which needs to be addressed.
- The most upsetting and serious claims stem from the change of administration last year.
- Does the Leader accept the outcome of the report and agree that it is totally unacceptable that 7 staff members say they are being bullied, intimidated and harassed. Does the Leader agree that as Leader he is totally responsible for the deplorable actions of his administration and consider his position? The Leader commented that it had been the most challenging times for local government in our history and could not be more proud of our staff and officers. He raised concerns that the focus of the meeting had been on the path of the report which had a political element to it and said correlation is not causation. He referred to new councillors being Conservatives, Cranbrook, Liberals, Greens, Independents, Independent Progressive Group and East Devon Alliance and there was no proof or indication from where any problems are coming and replied a blanket no to all the questions raised.
- Support was shown to the Chief Executive for being open and honest.
- Allegations of rumours that there had been bullying and harassment of Officers from Cabinet Members of East Devon District Council and clarification was sought from the Chief Executive whether this was still affecting the health and wellbeing of officers and whether the Chief Executive had experienced any harassment or bullying since the new administration had been put in power following an email sent by the Chief Executive on 23 October 2020 outlining the treatment by a Cabinet Member. In response the Chief Executive confirmed bullying was still on-going and that he had also been personally bullied and advised the core issue was for all Members to understand the Code of Conduct for Councillors that each councillor had signed up to and to adhere and uphold those standards expected. The Chief Executive advised Members that he had personally spoken to a number of Officers who were off sick with stress as a long term condition and the reason given was because there was nowhere to go when the issue was Member behaviour. He said it was an impossible situation for an officer to deal with.

Comments and questions raised by Committee Members and responses from the Chief Executive and Mark Everdon including:

- Support was shown to the Chief Executive for his comprehensive report and his honesty and sadness was shown for the morale of staff being so low.
- Members were reminded about a duty of care to the Chief Executive.
- Clarification sought about whether the Chief Executive had kept the menacing emails online and whether he know who they are from and a suggestion was made to bring in an outside body to address this. The Chief Executive commented there would be a record of all the emails received but had not kept a separate file and advised at this stage to bring in an outside body would be premature and addressed the reasons why.
- Staff have had an extremely difficult year working from home, trying to juggle home life, home schooling, child care issues and IT issues which is a reflection of the national mood as well.

- There are lessons for the management and there are lessons for Members to be learned. Members need to reflect on their own behaviour.
- The need to not act defensively and the need to recognise we do have a problem and to decide how to deal with it.
- Suggestion to use the same survey in six months to see if there is an improvement to make like for like comparisons. The Chief Executive gave reassurance that the Health and Safety Executive survey was used as a consequence to what was identified in appendix two.
- Suggestion to take some of the main issues and survey down into them.
- The survey highlighted a lot of officers were feeling overloaded with work.
- Clarification should whether the same survey would be used in the future. In response the Chief Executive confirmed for consistency purposes the same survey would be used.
- It would be good to obtain information across the sector to compare sickness levels and stress with other industries. In response the Chief Executive confirmed information could be obtained in due course to look at comparisons and highlighted a key point that as Chief Executive it was his duty to provide a safe working environment for employees.
- Clarification sought on whether the wording on bullying was phrased differently in the previous survey. The Chief Executive commented that staff morale was worse and that perceived bullying had been a feature in the most recent survey.
- Suggestion to receive feedback and engagement from the next stage so that Members can understand what they can do to make things better.
- Clarification sought on whether there were additional resources to assist SMT and Managers.
- Suggestion to introduce mandatory Code of Conduct training. In response the Strategic Lead – Governance and Licensing and Monitoring Officer advised that following the May 2019 elections it was a mandatory requirement for all Councillors to undertake Code of Conduct training and highlighted the difference of reading it and having it in practice.
- Bullying is not accepted and had been highlighted at the Peer Review to improve Officer / Member relationships.
- It is not acceptable that 5% of the entire workforce mention bullying but must remember that 95% did not mention it.
- The need to treat officers with respect.

It was proposed by Councillor Parr, seconded by Cllr Chapman that:

1. The Chief Executive be thanked for his for his very thorough and comprehensive report.
2. The Administration acknowledges the serious problem of decline in staff morale, which if left unresolved will put at risk the Council's reputation as a good Employer and also possible legal liabilities in terms of employment based claims.
3. In view of the recent lack of effective enforcement action in the case of a councillor found to be in breach of 4[a] and 5[h] of the Code of Conduct, the Administration endorses the Member Code of Conduct and the Member/Officer Protocol, and states its expectations that effective enforcement action is taken in the future, where breaches of the Codes occur.
4. The Scrutiny Committee invites Councillors Arnott, Loudoun and Gardner to attend a meeting of the Committee to be arranged at the earliest opportunity to address the matters in the report of the Chief Executive, and say how they intend to deal with this most serious problem. This should include requesting the Chief Executive undertakes more regular staff surveys to monitor progress and if necessary involves an outside agency.

The Committee resolved that there should be a recorded vote.

The above motion failed following a recorded vote as follows:

Councillor Brown	For
Councillor Ranger	Against
Councillor Chapman	For
Councillor Chubb	For
Councillor Colman	Against
Councillor Davey	Against
Councillor Hawkins	Against
Councillor Johns	Against
Councillor King	Against
Councillor McCollum	Against
Councillor Parr	For
Councillor Rylance	Against
Councillor Taylor	Against
Councillor Wright	For

The following was proposed by Councillor Ranger and seconded by Councillor King.

That the Committee:

1. Thanks the Chief Executive for his report.
2. Asks the Chief Executive to undertake a follow up staff survey at a suitable future point.
3. Requests the Chief Executive to discuss this survey data with staff representatives and to feedback to the Portfolio Holder for Council & Corporate Co-ordination the outcome and actions resulting from that engagement to form an action plan.
4. Recommends that the Chief Executive, Members of the SMT and the Portfolio Holder for Council & Corporate Co-ordination discuss this survey data, and any other relevant information, and identify what actions are necessary to address the four key broad sets of issues identified within this report at Appendix 3 –
 - (i) Workload, staffing shortages / vacancies and management support for staff;
 - (ii) Home working and staff isolation;
 - (iii) Member conduct with staff;
 - (iv) Staff communications.
5. Ask the Chief Executive to update this Committee in light of the completion of the above four recommendations.

The Committee resolved that there should be a recorded vote.

The above proposal was carried on a recorded vote as follows:

Councillor Brown	Against
Councillor Ranger	For
Councillor Chapman	Against
Councillor Chubb	Against
Councillor Colman	For
Councillor Davey	For
Councillor Hawkins	For
Councillor Johns	For
Councillor King	For
Councillor McCollum	For

Councillor Parr	Against
Councillor Rylance	For
Councillor Taylor	For
Councillor Wright	Against

RESOLVED:

1. That the Chief Executive was thanked for his report.
2. That the Chief Executive undertake a follow up staff survey at a suitable future point.
3. That the Chief Executive discusses this survey data with the staff representatives and to feedback to the Portfolio Holder for Council and Corporate Co-ordination the outcome and actions resulting from the engagement to form an action plan.
4. That the Chief Executive. Members of the SMT and the Portfolio Holder for Council and Corporate Co-ordination discuss this survey data, and any other relevant information, and identify what actions are necessary to address the four key broad sets of issues identified within this report at Appendix 3 –
 - (i) Workload, staffing shortages/vacancies and management support for staff;
 - (ii) Home working and staff isolation;
 - (iii) Member conduct with staff;
 - (iv) Staff communications.
5. That the Chief Executive updates this Committee in light of the completion of the above four recommendations.

138 **Quarterly Monitoring of Performance - Quarter 3 2020-21**

Members agreed to postpone this item until the next meeting.

139 **Forward Plan**

Members agreed to postpone this item until the next meeting.

Attendance List

Councillors present:

C Brown (Chair)
V Ranger (Vice-Chair)
E Rylance
M Chapman
I Chubb
A Colman
V Johns
O Davey
S Hawkins
F King
T McCollum
H Parr
B Taylor
C Wright

Councillors also present (for some or all the meeting)

F Caygill
M Allen
M Armstrong
P Arnott

J Bailey
D Bickley
K Blakey
K Bloxham
S Bond
G Jung
S Chamberlain
B De Saram
A Dent
P Faithfull
I Hall
M Hartnell
P Hayward
N Hookway
B Ingham
S Jackson
P Jarvis
D Key
D Ledger
J Loudoun
A Moulding
G Pook
G Pratt
M Rixson
J Rowland
P Skinner
I Thomas
P Twiss
J Whibley
T Woodward
T Wright

Officers in attendance:

Henry Gordon Lennox, Strategic Lead Governance and Licensing
Wendy Harris, Democratic Services Officer
Susan Howl, Democratic Services Manager
Sarah Jenkins, Democratic Services Officer
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)
Mark Williams, Chief Executive

Councillor apologies:

Non-Committee Member:
P Millar

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Strategic Planning Committee held at Online via the zoom app on 23 February 2021****Attendance list at end of document**

The meeting started at 2.04 pm and ended at 4.06 pm

103 Public speaking

There were no members of the public that wished to speak.

104 Minutes of the previous meeting

The minutes of the Strategic Planning Committee meeting held on 15 December 2020 were confirmed as a true record with the following minor amendment on page 4 which should read '30 hectares of land'.

105 Declarations of interest

Minute 108. River Axe Nutrient Management Plan.

Councillor Paul Hayward, Personal, Employed as Parish Clerk to All Saints and Chardstock Parish Councils that are in the Axe Nutrient Management Plan area.

Minute 109. Section 106 and Community Infrastructure Levy Internal Audit Report.

Councillor Eleanor Rylance, Personal, Broadclyst Parish Councillor and resident of the West End of East Devon.

Minute 109. Section 106 and Community Infrastructure Levy Internal Audit Report.

Councillor Mike Howe, Personal, Bishops Clyst Parish Councillor.

Minute 109. Section 106 and Community Infrastructure Levy Internal Audit Report.

Councillor Olly Davey, Personal, Exmouth Town Councillor.

Minute 109. Section 106 and Community Infrastructure Levy Internal Audit Report.

Councillor Paul Hayward, Personal, Employed as Parish Clerk to All Saints, Chardstock and Newton Poppleford & Harpford Parish Councils that receive S106 monies.

Minute 110. Habitats Mitigation Non-Infrastructure Contributions.

Councillor Eleanor Rylance, Personal, Broadclyst Parish Councillor and resident of the West End of East Devon.

Minute 111. East Devon Playing Pitch Strategy.

Councillor Andrew Moulding, Personal, President of Cloakham Lawns Sports Centre which has football and cricket pitches.

Minute 111. East Devon Playing Pitch Strategy.

Councillor Ian Thomas, Personal, Member of Uplyme and Lyme Regis Cricket Club.

Minute 112. Summary of Self-Build Monitoring Report (31/10/19 - 30/10/20).

Councillor Eleanor Rylance, Personal, Broadclyst Parish Councillor and resident of the West End of East Devon.

Minute 112. East Devon Landscape Character Assessment - minor amendment.
Councillor Paul Hayward, Personal, Employed as Parish Clerk to All Saints, Chardstock and Newton Poppleford & Harpford Parish Councils.

Non-Committee Members

Minute 111. East Devon Playing Pitch Strategy.
Councillor Ian Hall, Personal, Chairman of Cloakham Lawn Sports Centre.

106 **Matters of urgency**

There were no matters of urgency.

107 **Confidential/exempt item(s)**

There were no confidential/exempt items.

108 **River Axe Nutrient Management Plan**

The Committee considered the Service Lead – Planning Strategy and Development Management’s report outlining the concerns raised by Natural England in the Local Plan about the declining water quality from excess phosphates in the river which was mostly caused from agricultural run-off and sewage discharge within the catchment area.

The proposed Management Plan would address these issues which included a methodology for calculating the impacts and potential mitigation that could be applied to address these issues.

The Service Lead – Planning Strategy and Development Management summarised the mitigation work and Members noted the three different options that were hoped to reduce the amount of discharge into the watercourse which included on-site sewage treatment plants, the creation of wetlands and tree planting measures in the catchment area and changes in agricultural practices to reduce run-off.

Comments made by Non-Committee Members included:

- Concerns raised about the impact on the environment of the river and attention was drawn to para. 4.3 addressing the need for a significant reduction on the phosphate levels. A BBC report highlighted a catastrophic decline in freshwater fish from our rivers as a result of pollution and concerns were raised about which fish and other creatures would be next;
- All our watercourses in this area are heavily polluted;
- The River Axe is important for the Seaton Wetlands. It is a major watercourse with a lot of tributaries and we could do a lot to learn and to improve the quality;
- Concerns raised that the pollution could have potential impacts downstream;

The Service Lead – Planning Strategy and Development Management agreed with the comments made and said it was the council’s primary concern from a planning authority perspective that developments that were granted permission should not make the situation worse and that the council should be trying to improve the situation beyond that but can only within our remit.

The Service Lead – Planning Strategy and Development Management highlighted there was a wider area of work ongoing to help improve the quality of the watercourse and Members noted that Natural England and the Environment Agency had provided grants

over the last 5-6 years to farmers to help improve their working practices to stop water run-off capturing waste which had already started to see some benefits.

Comments made by Committee Members included:

- Spillages of slurry can be extremely damaging to watercourses and can actually kill a river by completely killing all the fish and vegetation and clarification was sought on whether the council had any powers to enforce this. In response it was advised the Environment Agency and Natural England had the powers to investigate and take action with pollution events.
- Clarification sought on whether there were any other watercourses that had similar issues. In response the Service Lead – Planning Strategy and Development Management advised he was not aware of any other watercourses in the area where this was the case;
- The Council has a moral obligation to reduce and minimise watercourse pollution;
- The need to liaise with adjoining district councils in a meaningful way. In response it was advised that South Somerset and Dorset Councils as well as other agencies had been included in discussions and were aware of the issues;
- Concerns raised that most the nutrients going into the River Axe is from farming and referred to para. 2.16 of the report where it states that agricultural supply stems from the application of fertilizer in the form of manure and slurry on the fields. Farmland needs to play a part in decreasing phosphates;
- A suggestion was made to refer the report to Overview Committee to consider the environmental implications and that a further report should be brought back to Strategic Planning Committee to update Members on the progress in these matters.
- There should be a cost to developers for mitigation against concerns with the local sewage quality so that sewage works can be improved;
- Clarification sought on whether the Rivers Yarty and Coly were suffering with similar concerns as both rivers were tributaries of the River Axe. In response the Service Lead - Planning Strategy and Development Management advised there may be a possibility of high levels of phosphates running through both rivers since they feed into the Axe but wider works would be needed to help understand how much tributaries are affected and what can be done as mitigation;
- A suggestion to write to the MP to raise with the Secretary of State for the Environment to help deal with this extremely serious problem which will get much worse in the long run;
- Clarification sought on whether the East Devon Catchment Partnership had met to discuss this issue and a suggestion to set up a working group as soon as possible. In response the Service Lead - Planning Strategy and Development Management advised as the East Devon Catchment Partnership was made up of partnerships' already working on trying to improve water quality it did not make sense to set up a further working group. He advised the existing arrangements were sufficient but this would be reviewed as and when the situation progresses.

RESOLVED:

- 1. That the Committee notes the work being undertaken at and for the River Axe and endorses the River Axe Nutrient Management Plan as evidence to inform council and partner decisions.**
- 2. That the Committee notes that the report should have specific relevance, as a material consideration, to inform local plan policy making and determination of planning applications.**

3. That the Committee refers the report to the Overview Committee for further consideration regarding the alarming environmental implications in the report.
4. That the Committee requires a further urgent report in six months to update on the progress in those matters.

109 **Section 106 and Community Infrastructure Levy Internal Audit Report**

The Service Lead – Planning Strategy and Development Management updated Members on the findings of the South West Audit Partnership audit to ensure appropriate arrangements were in place to manage receipt and expenditure of Section 106 and CIL contributions summarising the four keys issues highlighted with actions agreed:

- Over 1,000 outstanding actions on the current Exacom System.
In response the Service Lead – Planning Strategy and Development Management highlighted many of the outstanding actions were administration processes and only 7% related to payments that needed to be invoiced or chased. Members noted that no monies had been lost through the process.
- Not all demand notices had been raised in a timely manner and concerns were raised about the recovery process.
In response the Service Lead – Planning Strategy and Development Management advised that this was the result of a resourcing issue and when the resource was in place this would be prioritised.
- Out of date Participatory Budgeting Guide.
In response the Service Lead – Planning Strategy and Development Management confirmed this had been completed and was published on the website.
- Town and Parish Councils not being advised on how much S106 monies had been collected.
- In response the Service Lead – Planning Strategy and Development Management updated Members about a public facing module via the Exacom System that would provide free access to information which would be available on the website by the end of March 2021.

A Committee Member raised concerns that a lot of money has been spent in the past employing temporary staff to get this work completed and that it had never been completed. He sought a firm commitment that it would be completed within the timeline and not waylaid or the S106 Officer diverted to do different work. In response the Service Lead – Planning Strategy and Development Management confirmed it was on course to be resolved in the next few months.

RESOLVED:

That the findings and recommendations of the attached internal audit report on the management of the receipt and expenditure of S106 and CIL contributions be noted.

110 **Habitats Mitigation Non-Infrastructure Contributions**

The Committee considered the Service Lead – Planning Strategy and Development Management’s report that sought Members agreement to increase non-infrastructure charges to reflect the additional costs involved in delivering the strategy.

The Service Lead – Planning Strategy and Development Management drew the Committees’ attention to Table 1 on page 29 of the report that outlined the current non-
page 73

infrastructure contribution required per dwelling and Table 2 on page 30 that outlined the proposed revised charges of an increase of £6.81 per house per site.

The Service Lead – Planning Strategy and Development Management proposed one minor change to the proposed recommendation to give applicants a reasonable notice of change and asked Members to consider amending the date to applications received after 1 April 2021 which would also tie in with the new financial year.

The following point was raised by Committee Members:

- Clarification sought on para. 2.1 about which project was unachievable. In response the Service Lead – Planning Strategy and Development Management advised he could not recall the project but was happy to follow this up and advise.

RESOLVED:

That the revised non-infrastructure habitats mitigation contributions as shown in Table 2 within the report be required for all applications for residential developments within the habitats mitigation zone that are received after 1 April 2021 be agreed.

111 **East Devon Playing Pitch Strategy**

The Committee considered the Service Lead – Planning Strategy and Development Management’s report detailing an updated East Devon Playing Pitch Strategy that had previously been before Strategic Planning Committee Members on 26 March 2019.

The Service Lead – Planning Strategy and Development Management outlined the work undertaken to date and also highlighted the delays due to the pandemic.

Members noted Sport England had responded to the current issues and options consultation advising that they would be objecting if an up-to-date playing pitch strategy did not accompany the new Local Plan when it was submitted for examination.

The Service Lead – Planning Strategy and Development Management outlined three options to take this work forward as follows and advised Members the work was anticipated to be completed within 12 to 18 months:

- Option 1 – Officers of the Council to complete the work.
- Option 2 – To defer the work.
- Option 3 – To commission consultations to complete the work.

The Service Lead – Planning Strategy and Development Management highlighted that option 2 was not a viable option considering the comments by Sport England and option 3 would have cost implications.

The Chair advised Members that he had requested this report to Strategic Planning Committee following a meeting with representatives of the Football Foundation who advised there was up to £3m available match funding for East Devon Community Sports Clubs from April 2021.

Comments made by Non-Committee Members included:

- Suggestion to work alongside the LED Monitoring Forum which was working with Sport England and Strategic Leisure to undertake an audit within the district of all leisure facilities. In response the Service Lead – Planning Strategy and

Development Management advised it would be good to join up the work that the LED especially as they are undertaking a district wide audit and would help to progress this project more quickly;

- There was a big need to include netball as a sport in the Axe Valley. There is an underrepresentation on ladies' sport in Devon.

Comments made by Committee Members included:

- Clarification sought on whether the inventory included clubs currently playing on local village playing fields;
- Clarification sought on whether it would be expedient to request from villages their insights from their neighbourhood plans about emerging sports pitches in order to get some synergies going between neighbourhood plans and the local plan. In response the Service Lead – Planning Strategy and Development Management advised all sources would be used to identify all aspirations and needs of communities
- Clarification sought on diversity and site specificity of sports.
- It would be good to see some properly elite sports being introduced into Devon that are not already here.
- Concerns raised about the options and did not want to use consultants to complete the playing pitch strategy;
- Clarification sought on what long term strategic communications had officers had to achieve better relationships. In response the Service Lead – Planning Strategy and Development Management advised the next stage would be to engage with all of the governing bodies and the clubs.
- It is important the Local Plan takes priority and the need to complete the playing pitch strategy as soon as we are out of the pandemic;
- Support was shown to keep the playing pitch strategy in-house to keep control and to allow us to ask the questions rather than a third party coming in starting afresh and making a profit;
- A suggestion was made for a further recommendation for officers to liaise with Strategic Leisure's current analysis of sports facilities across the district so that the work by the LED Monitoring Forum does not overlap. In response the Service Lead – Planning Strategy and Development Management advised he was keen to work with Strategic Leisure to try and move this work forward.

RESOLVED:

- 1. That progress to date on a new playing pitch strategy for East Devon be noted;**
- 2. That the options for progressing the new playing pitch strategy be considered and Option A – Officers of the Planning Policy Section complete the Playing Pitch Strategy – though noting that Local Plan production is a priority and concentrating on it could delay completion of the strategy – work may need to be fitted in when time and opportunities permit be agreed;**
- 3. Officers liaise with Strategic Leisure's current analysis of sports facilities across the district be agreed.**

112 **Summary of Self-Build Monitoring Report (31/10/19 - 30/10/20)**

The Service Lead – Planning Strategy and Development Management presented the report outlining the latest monitoring figures on demand for plots from 30 October 2019 until 31 October 2020. The demand for plots showed there was 23 individuals added to the self-build register.

Members noted the ongoing interest in self-builds in the district as a means of looking ahead towards the next local plan and attention was drawn to para. 3.2 that looked at those measures.

Points raised by Committee Members included:

- A suggestion for a Facebook page for members of the community to exchange ideas and experiences;
- Members concurred with the planning options listed in para. 3.2. Specifically addressing the option to reduce or delete the pre-application advice charges for people wishing to build a single self-build dwelling;
- Concerns raised whether people were aware of the register as there did not appear to be a large number of people coming forward with their interest as it has been running for several years now;
- Supportive of a specific Cranbrook register to benefit from variety rather than bland landscapes that Cranbrook currently have in the newer phases and would like to see it as a planning requirement for the larger scale developments coming forward;
- A suggestion to provide a field with fully serviced plots with utilities installed and outline planning permission for houses to make is easier for genuine self-builders;

RESOLVED:

1. That 23 individuals added to the self-build register during the latest monitoring period (31/10/19 – 30/10/20) be noted.
2. The need to permission 13 plots suitable for self-build between 31/10/20 and 30/10/23 to meet the level of demand between 31/10/19 and 30/10/2020 shown in Part 1 of the self-build register be noted;
3. That the demand for self-build plots indicated on the register should be taken into account in our planning, housing, regeneration and estate functions be noted;
4. To speak to the Communications Team to promote as to opportunities to promote self-build options within the district;
5. The creations of a self-build forum be agreed;
6. To research avenues within the local plan process to deliver fully serviced self-build plots be agreed.

113 **East Devon Landscape Character Assessment - minor amendment**

The Committee considered the Service Lead – Planning Strategy and Development Management’s report that sought approval for a minor amendment to the landscape character area mapping. This was to ensure that the East Devon Landscape Character Assessment work to the Otterton peninsula in appendix A properly reflects local landscape character and remains relevant as guidance for planning policy and development management decisions across the district.

RESOLVED:

That the minor mapping and description changes to the 2019 East Devon Landscape Character Assessment be approved.

Attendance List

Councillors present:

P Arnott

K Blakey
S Chamberlain
O Davey (Vice-Chair)
P Hayward
N Hookway
M Howe
B Ingham
D Ledger (Chair)
A Moulding
E Rylance
I Thomas

Councillors also present (for some or all the meeting)

J Bailey
S Bond
I Hall
M Hartnell
S Jackson
G Jung
G Pratt
M Rixson
J Rowland
E Wragg

Officers in attendance:

Ed Freeman, Service Lead Planning Strategy and Development Management
Shirley Shaw, Planning Barrister
Wendy Harris, Democratic Services Officer
Debbie Meakin, Democratic Services Officer
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Councillor apologies:

M Allen

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Strategic Planning Committee held at Online via the zoom app on 30 March 2021****Attendance list at end of document**

The meeting started at 2.02 pm and ended at 4.15 pm. The meeting was adjourned at 3.30 pm and reconvened at 3.35 pm.

114 Public speaking

There were no members of the public that wished to speak.

115 Minutes of the previous meeting

The minutes of the Strategic Planning Committee meeting held on 23 February 2021 were confirmed as a true record.

116 Declarations of interest

Minute 120. Urban Capacity Study.
Councillor Eleanor Rylance, Personal, Broadclyst Parish Councillor.

Minute 120. Urban Capacity Study.
Councillor Olly Davey, Personal, Exmouth Town Councillor.

Minute 120. Urban Capacity Study.
Councillor Paul Arnott, Personal, Colyton Parish Councillor.

117 Matters of urgency

There were no matters of urgency.

118 Confidential/exempt item(s)

There were no confidential/exempt items.

119 East Devon Local Plan - Committee Work Programme for 2021

The Service Lead – Planning Strategy and Development Management presented the report which provided a proposed work plan for the coming year. He updated Members on the local plan summarising that Officers were currently going through and analysing around 650 responses received from the issues and options consultation that ended on 15 March 2021 and advised a detailed report highlighting the key issues would be brought to the next meeting in April, with a view to bringing a draft local plan to Strategic Planning Committee at the end of the year for Members to scrutinize before the start of the consultation in the Spring next year.

Members' views were sought on the draft timetable on page 14 of the report that summarised the proposed committee dates that Members would discuss and feedback on key papers.

The Service Lead – Planning Strategy and Development Management outlined Section 4 of the report and encouraged Member discussion on the importance of establishing a local plan strategy at an early stage of plan making and drew Members attention to some key challenges detailed in Section 5 highlighting the importance of keeping to the work programme so that Members receive a draft local plan in December.

Comments made by Non-Committee Members included:

- Clarification sought on the membership of the external panel detailed on page 22. The Service Lead – Planning and Development Management advised the HELAA Panel was only an advisory panel made up of Members and professional advisors and developers to provide technical advice on viability and deliverability of development sites.
- Concerns raised about the lack of climate change evidence and the need to build more energy efficiency homes. Comment made about when was the Government going to stipulate that housing must be energy efficient.
- Comment made about the possibility of a reduction in demand for employment sites due to the impact of homeworking. The Service Lead – Planning Development Management concurred but highlighted it was difficult to look at the impacts due to the current lockdown rules and current uncertainties.
- Comment made whether this was an opportunity to revive town centres by having more office space in empty buildings with the opportunity of accommodation. The Service Lead – Planning and Development Management advised these questions were asked in the issues and options consultation which would be fed back to Members at the next meeting.

Comments made by Committee Members included:

- Strong concerns expressed about climate change and the need for it to be placed centrally within the planning system.
- The need to build houses that are by design well insulated, cheap to heat and dry and warm.
- The need to incorporate homeworking into the design planning.
- The need to keep people close to their communities.
- Clarification sought on the joint strategy work. The Service Lead – Planning Strategy and Development Management advised that since all the relevant councils had formally agreed to do a non-statutory strategic plan for the Greater Exeter area this council had been working on a timetable for the production of the plan and looking at resourcing of external consultants to undertake a lot of the work. He advised a report would be brought to Strategic Planning Committee in June to seek Members views.
- Clarification sought on the Duty to Co-operate. The Service Lead – Planning Strategy and Development Management commented that as well as having a duty to co-operate with our partner authorities there was also a duty to co-operate with Dorset, South Somerset, Natural England and the Environment Agency among others.
- Clarification sought on whether the Climate Action Officer, when in place, would have a role within the work plan. The Service Lead – Planning Development Management advised he was keen to work with the Climate Action Officer
- Clarification sought about the impact of the timescale if the Cranbrook Plan DPD was found to be unsound. The Service Lead – Planning Strategy and Development Management advised he was confident it would be found sound but if not there were various scenarios that could be addressed and incorporated into the local plan.

- A suggestion was made to report to Full Council half yearly to endorse the progress. The Service Lead – Planning Development Management advised interim reports could be brought to Full Council if Members wished but highlighted this would result in additional work that could delay the progress across the year.

RESOLVED:

1. **That the Committee endorse the proposed programme for committee consideration of local plan reports through 2021 and into 2022.**
2. **That the Committee agree to work towards an early draft local plan for committee consideration in December 2021**

120 **Urban Capacity Study**

The Committee considered the Service Lead – Planning Strategy and Development Management’s report on the Urban Capacity Study which sought Members’ agreement to publish work undertaken on the production of a study assessing the potential housing capacity within the urban areas of the larger towns in East Devon.

The Service Lead – Planning Strategy and Development Management highlighted the joint methodology appended to the report which helped to understand what capacity East Devon had to meet the housing needs from within the existing built up areas.

The report outlined the high level assessment and breakdown of the key towns and Members noted that there was a potential maximum supply of 766 homes which was significantly less than one year’s housing supply.

The Service Lead – Planning Strategy and Development Management sought Members guidance on whether to adopt a proactive approach to the delivery of the 766 homes or his preferred approach to note that those sites exist with a chance that a number of them would come forward as windfall sites. He raised concerns that the proactive approach was likely to be time and highly resource intensive which could have a potential impact on the local plan production.

Comments made by Non-Committee Members included:

- Comment made about a report about how much surplus house building there had been in Devon which would help to reach the minimum requirement within one year. The Service Lead – Planning Strategy and Development Management highlighted that supply ebbs and flows over time and a small surplus one year can help to minimise the impacts of underprovision in others. He also commented that if those sites do not come forward the council could be in a position of not being able to maintain an adequate supply and not meeting the Government’s requirement which is not a position the council wants to be in.

Comments made by Committee Members included:

- An effort should be made to contact landowners and invite them to bring their properties forward for consideration.
- A comment was made about the amount of commercial properties that might become available due to post Covid-19.
- Clarification sought on what type of dwelling is a notional dwelling. The Service Lead – Planning Strategy and Development Management advised that the number of homes each site could accommodate was based on an Officer assessment taking into account the surrounding area such as access roads, parking, garden spaces

- Public perception that there is infill happening all over the district.
- Clarification sought on historical data of infill sites. The Service Lead – Planning Strategy and Development Management did not have the information to hand but directed Members to the annual housing monitoring reports.
- Joined up and ambitious thinking is needed to achieve the best results from the Government’s levelling up fund.
- Cranbrook cannot be considered as it does not have a defined town boundary.
- The need to dedicate some Officer time to work on the bigger schemes to actively encourage development in towns and work with the towns and the other built up area boundaries to bring forward good quality schemes.
- We do not need to have every single site that you have identified at this stage in the local plan we just need to agree in principle that when urban sites come forward we make the best possible use of the land.
- Suggestion made to revisit this again when we discuss the town centres and built up area boundaries to encourage the development of higher density. In response the Service Lead – Planning Strategy and Development Management advised it could be done through policy to encourage the reuse of vacant land within towns to promote higher density and through the plan process gather sufficient evidence through sites being put forward to allocate some of these sites.

The following amendment to the motion was proposed by Councillor Eleanor Rylance and seconded by Councillor Olly Davey.

That Strategic Planning Committee note the work in relation to the Urban Capacity Study summary of findings report and related appendices and endorse its use as evidence to support production of the new Local Plan with a caveat that we explore higher densities in towns.

A further amendment was proposed by Councillor Kevin Blakey and agreed by Councillor Eleanor Rylance and Councillor Olly Davey

That Members note the limited capacity available within the existing built up area boundaries of the main towns and the potential need to find land outside of these areas to meet the future development needs of the district when the identified areas within the towns are exhausted.

RESOLVED:

- 1. That the Committee notes the work in relation to the Urban Capacity Study summary of findings report and related appendices and endorses its use as evidence to support production of the new Local Plan with a caveat that we explore higher densities in towns.**
- 2. That Members note the limited capacity available within the existing built up area boundaries of the main towns and the potential need to find land outside of these areas to meet the future development needs of the district when the identified areas within the towns are exhausted.**

121 **The Future of New Homes Bonus Consultation**

The Committee considered the report of the Service Lead – Planning Strategy and Development Management on the future of new homes bonus consultation which was critical to the financial position of the Council.

The report outlined the financial implications of reaching the peak of £4.5m funding through the new homes bonus in the 2017/18 financial year and receiving approximately £2.5m in the 2021/22 financial year.

The Service Lead – Planning Strategy and Development Management gave a broad overview of the options being pursued through the consultation and the responses received.

Comments made by Committee Members included:

- Slight concern raised about the planning framework being governed by people who do not really understand how local authorities deliver houses.
- The need for Government support to enable councils to be more incentivized to deliver more social housing.
- Would like to see the delivery of houses that people could actually afford to live in on local wages.
- The need to focus on delivering more social housing that is affordable.
- Good set of predictable questions.

RESOLVED:

That Members consider the government consultation on the Future of New Homes Bonus.

RECOMMENDED to Cabinet:

That the proposed responses to the consultation questions form the Council's formal response to be submitted to the government be agreed.

122 **National Planning Policy Framework and National Model Design Code Consultation**

The report presented to the Committee provided details of a current government consultation on changes to the National Planning Policy Framework and a new National Model Design Code which provided a framework for the production of design codes.

The Service Lead – Planning Strategy and Development Management summarised the key issues in the proposed amendments to the Framework which included flood risk and climate change and how to make the planning system work in support of better design and style in towns and villages.

The Service Lead – Planning Strategy and Development Management drew Members attention to the National Model Design Code which was helpful guidance when considering aspects of design and beauty.

Comments made by Committee Members included:

- The need to consider climate change. It is more important to consider how warm and dry the house is rather than it looking pretty. We should not be able to produce houses that are not designed with climate change in mind.
- Beauty is in the eye of the beholder.
- Clarification sought on who decides what is beautiful and what is ugly and if a building is considered ugly would this become a valid reason for objecting to a planning application. The Service Lead – Planning Strategy and Development Management advised design was very subjective and said design was already a key consideration of any planning applications. In general people appreciate something that is well designed irrespective of their particular taste.

- The need to look at good design as inspiring.

RESOLVED:

That Members consider the proposed changes to the National Planning Policy Framework and the proposed National Model Design Code and agree the proposed responses to the consultation for submission on behalf of the Council.

123 **East Devon District Design Guide**

The Service Lead – Planning Strategy and Development Management presented a report on the East Devon District Design Guide addressing the reasons for the delay and summarising the progress made on the production of the Guide.

The Service Lead – Planning Strategy and Development Management asked Members to consider a number of key options about how design guides and design coding should be taken forward in the district.

These options were:

- District Design Guide and Checklists
- District Design Codes
- Site Specific Design Codes
- No Design Codes

Members noted that a further report would be brought to Strategic Planning Committee in early 2022 to consider the need for and scope of the work.

Points raised by Committee Members during discussion included:

- Disappointment was expressed about the lack of a design guide template when involved with the Axminster Neighbourhood Plan. The Service Lead – Planning Strategy and Development Management said he understood the desire to have a design guide but advised there was no requirement to have it as part of a neighbourhood plan.
- A preference was shown to opt for the Site Specific Design Code as each town and village in East Devon had an enormous variety of existing buildings that were made from all sorts of materials.
- Concentrating on strategic developments as a district council is absolutely the right way to go and local circumstances should be taken into account.
- It is important to be clear on what the scope of a design code is in the guide.
- Fully in agreement that where large developments are proposed there is a design code that takes some account of the local housing.
- Fully support neighbourhood plans but concerns were raised about replicating the design codes of the past. Modern designs should not be ignored.

RESOLVED:

1. **That Members consider the current position with the proposed East Devon Design Guide and the national design guidance and agree that work ceases on the Design Guide.**
2. **That Members agree that Officers focus on undertaking design coding for the main site allocations emerging from the new Local Plan and note that this would need to be done through supplementary planning documents post adoption of the Local Plan.**

3. That a further report be brought to Committee in early 2022 to consider the need for and scope of design coding needed alongside the draft local plan, options for undertaking this work and the likely resource implications.

Attendance List

Councillors present:

D Ledger (Chair)
O Davey (Vice-Chair)
P Arnott
K Blakey
P Hayward
M Howe
B Ingham
A Moulding
E Rylance
I Thomas

Councillors also present (for some or all the meeting)

S Bond
P Faithfull
S Jackson
G Jung
M Rixson
E Wragg

Officers in attendance:

Ed Freeman, Service Lead Planning Strategy and Development Management
Shirley Shaw, Planning Barrister
Wendy Harris, Democratic Services Officer
Debbie Meakin, Democratic Services Officer

Councillor apologies:

J Bailey
S Chamberlain
P Skinner

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Planning Committee held at online via the zoom app on 15 February 2021****Attendance list at end of document**

The meeting started at 10.00 am and ended at 12.05 pm.

In the absence of Councillor Chamberlain the Committee agreed to Councillor Olly Davey being Vice Chair for this meeting.

213 Declarations of interest

Minute 216. 20/1953/VAR (Major) - OTTERY ST MARY.
Councillor Geoff Pratt, Personal, Regular customer of Sainsburys at Ottery St Mary.

Minute 216. 20/1953/VAR (Major) - OTTERY ST MARY.
Councillor Philip Skinner, Personal, Customer of Sainsburys in Ottery St Mary.

Minute 218. 20/2256/FUL (Minor) - HONITON ST MICHAELS.
Councillor Colin Brown, Personal, Known to the applicant.

Minute 219. 20/2496/COU (Minor) - AXMINSTER.
Councillor Kim Bloxham, Personal, As Vice Chair of Licensing and Enforcement Committee advised she would abstain on this planning application.

Minute 220. 20/2799/FUL (Minor) DUNKESWELL AND OTTERHEAD.
Councillor Bruce De Saram, Personal, Known to the applicant.

Minute 220. 20/2799/FUL (Minor) DUNKESWELL AND OTTERHEAD.
Councillor Geoff Pook, Personal, Known to the architect and had worked with him on other projects at least five years ago.

Minute 221. 20/2785/FUL (Minor) - CLYST VALLEY.
Councillors Kim Bloxham, Olly Davey, Bruce De Saram, Steve Gazzard, David Key, Philip Skinner, Cllr Wragg Personal, Known to applicant as a member of this council.

Minute 221. 20/2785/FUL (Minor) - CLYST VALLEY.
Councillor Mike Howe, Pecuniary, In accordance with the code of good practice for Councillors and Officers dealing with the planning matters as set out in the Constitution, Councillor Howe advised that he was the applicant in respect planning application 20/2785/FUL and was removed to the virtual lobby while this application was being discussed and did not participate in the debate or vote.

Non-Committee Members

Minute 217. 20/1958/FUL (Minor) - YARTY.
Councillor Paul Hayward, Personal, Clerk to Chardstock Parish Council.

Minute 218. 20/2256/FUL (Minor) - HONITON ST MICHAELS.
Councillor Phil Twiss, Personal, Lives within the Blackdown Hills Area of Outstanding Natural Beauty and advised he was very protective of this area.

214 18/1653/MOUT (Major) - BROADCLYST

Applicant:

Johnstone Land (South West) Ltd.

Location:

Land North Of Moonhill Copse, West Clyst, Exeter.

Proposal:

Outline planning application (appearance, landscaping, layout and scale reserved) for up to 71 dwellings, together with access and associated infrastructure, landscaping and drainage.

RESOLVED:

Approved as per officer recommendation but with the following changes to the planning obligations and the following additional and amended conditions:

Planning obligations secured as follows:

- Habitat mitigation contribution of £354 per residential unit
- Connection to the district heating system as advocated by Strategy 40 of the EDDC Local Plan.
- 50% affordable housing to be 70% rented and 30% shared ownership
- Provision of an onsite locally area for play (LAP);
- Provision and maintenance of protected bat corridors;
- Financial contribution of £3250 per dwelling towards highway improvements (including £500 per dwelling Travel Plan contribution).

Additional and Amended conditions:

1. Conditions numbered in order sequence;

2. Condition 12 to read:

Prior to the commencement of any works on site to the relevant element (including demolition and site clearance or tree works), details of the design of building foundations, access roads and car park surface construction(temporary and permanent) the layout (with positions, dimensions and levels) of service trenches, ditches, drains and other excavations on site (insofar as they may affect trees on or adjacent to the site) , shall be submitted to and approved in writing by the Planning Authority. (Reason: To ensure the continued well being of retained trees in the interests of the amenity of the locality in accordance with Policy D3 (Trees and Development Sites) of the East Devon Local Plan.

3. Condition 14 deleted;

4. Condition 15 to read:

The reserved matters application(s) shall be submitted in accordance with the recommendations of Section 6 of the Ecological Impact Assessment undertaken by Clarkson and Woods Ecological Consultants dated November 2019, or any addendum to the report approved in writing by the Local Planning Authority. and the development shall thereafter be carried out in accordance with the recommendation set out therein. Reason: To ensure that the protected species found to be on

site/have the potential to be on site are dealt with in an appropriate and sensitive manner to safeguard their future and to replace lost habitats in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan.

5. Condition 21 to read as follows:

Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

- (a) Soakaway test results in accordance with BRE 365 and groundwater monitoring results in line with our DCC groundwater monitoring policy.
- (b) A detailed drainage design based upon the approved Flood Risk Assessment & Drainage Strategy Taverner's Field Broadclyst 30th October 2019 v5 and Drainage Addendum dated 8th February 2021 and the results of the information submitted in relation to (a) above.
- (c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
- (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (e) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (e) above.

(Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with Policy EN22 – Surface Run-Off Implications of New Development of the East Devon Local Plan, SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.)

6. Additional two conditions as follows:

The site access and visibility splays shall be constructed, laid out and maintained for that purpose where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be at least 43 metres in both directions.

(Reason: To provide a satisfactory access to the site with and to provide adequate visibility from and of emerging vehicles in accordance with Policy TC7 – Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031).

The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 20 metres back from its junction with the public highway.

(Reason: To prevent mud and other debris being carried onto the public highway in accordance with Policy TC7 – Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031).

215 **19/1161/OUT (Minor) - EXE VALLEY**

Applicant:

Mr & Mrs Reeves.

Location:

Land West Of Kilmore House, Poltimore, EX4 0AT.

Proposal:

Outline application with all matters reserved for the erection of five affordable dwellings and three open market dwellings.

RESOLVED:

Refused as per officer recommendation.

216 **20/1953/VAR (Major) - OTTERY ST MARY**

Applicant:

Sainsburys Supermarkets Limited.

Location:

Sainsburys, Hind Street, Ottery St Mary, EX11 1BW.

Proposal:

Variation of Condition 14 (yard usage hours) of planning permission 09/2354/MFUL (erection of Class A1 food store, customer car parking, service access and associated development, as varied by 11/1173/VAR) to allow use of the yard from 6am (instead of 7am) Monday to Saturday for a temporary period of one year from the date of decision, formally extending the earlier start which began temporarily on 3 August 2020 as a result of the Government's response to the Coronavirus pandemic.

RESOLVED:

Approved as per officer recommendation.

217 **20/1958/FUL (Minor) - YARTY**

Applicant:

Alistair Rattenbury.

Location:

1A Green Lane, Chardstock, Axminster, EX13 7BL.

Proposal:

Construction of garden studio/office and decking.

RESOLVED:

Approved as per officer recommendation.

218 **20/2256/FUL (Minor) - HONITON ST MICHAELS**

Applicant:

Richard Hooper.

Location:

Middle Hill House, Church Hill, Honiton, EX14 9TE.

Proposal:

Proposed conversion of agricultural building to form residential dwelling and associated works.

RESOLVED:

Approved as per officer recommendation.

219 **20/2496/COU (Minor) - AXMINSTER**

Applicant:

Andrew Swann.

Location:

2 & 4 St Georges, Chard Street, Axminster, EX13 5DL.

Proposal:

Change of use of ground floor of buildings from shops (Class E) to micropub (sui generis)

RESOLVED:

Approved as per officer recommendation.

220 **20/2799/FUL (Minor) DUNKESWELL AND OTTERHEAD**

Applicant:

Mr N Chapman.

Location:

Higher Northcott Farm, Blackborough, Cullompton, EX15 2JF.

Proposal:

Construction of single and two storey rear extensions.

RESOLVED:

Approved as per officer recommendation.

221 **20/2785/FUL (Minor) - CLYST VALLEY**

Applicant:

Mr Michael Howe (The Stores Mills & Son).

Location:

The Stores, Clyst St Mary, Exeter, EX5 1BR.

Proposal:

Replacement of existing flat roof to store and raising roof height by 150mm.

RESOLVED:

Approved as per officer recommendation.

Attendance List

Councillors present:

E Wragg (Chair)
K Bloxham
C Brown
A Colman
O Davey
B De Saram
S Gazzard
M Howe
D Key
G Pook
G Pratt
P Skinner

Councillors also present (for some or all the meeting)

P Hayward
A Moulding
P Twiss

Officers in attendance:

Chris Rose, Development Manager
Shirley Shaw, Planning Barrister
Wendy Harris, Democratic Services Officer
Amanda Coombes, Democratic Services Officer
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Councillor apologies:

S Chamberlain
T Woodward

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Planning Committee held at Online via the Zoom App on 10 March 2021****Attendance list at end of document**

The meeting started at 10.00 am and ended at 3.45 pm (The Committee adjourned at 12.50 pm and reconvened at 1.20 pm)

222 Minutes of the previous meeting

The minutes of the meetings held on 10 February and 15 February 2021 were agreed as true records.

223 Declarations of interest

Minute 225. Cranbrook Monkerton District Heating.
Councillor Jess Bailey, Personal, Husband works in renewable energy.

Minute 225. Cranbrook Monkerton District Heating.
Councillor Kim Bloxham, Personal, Cranbrook Town Councillor and a Lead for Eon. Also a resident of Cranbrook and a recipient of district heating.

Minute 225. Cranbrook Monkerton District Heating.
Councillors Olly Davey and Tony Woodward, Personal, Known to the public speaker as a member of the same Political Party.

Minute 225. Cranbrook Monkerton District Heating.
Councillor Philip Skinner, Personal, Known to the owners of Hill Barton.

Minute 225. Cranbrook Monkerton District Heating.
Councillor Sarah Chamberlain, Personal, Broadclyst Parish Councillor.

Minute 226. 20/1838/MFUL & 20/1839/LBC (Major) EXMOUTH LITTLEHAM.
Councillors Bruce De Saram and Tony Woodward, Personal, Exmouth Town Councillor.

Minute 226. 20/1838/MFUL & 20/1839/LBC (Major) EXMOUTH LITTLEHAM.
Councillor Eileen Wragg, Personal, Visited the Student Union bar at Rolle College when it belong to University of Plymouth.

Minute 226. 20/1838/MFUL & 20/1839/LBC (Major) EXMOUTH LITTLEHAM.
Councillor Joe Whibley, Personal, Exmouth Town Councillor and a Member of the Planning Committee at Exmouth Town Council.

Minute 226. 20/1838/MFUL & 20/1839/LBC (Major) EXMOUTH LITTLEHAM.
Councillor Olly Davey, Personal, Exmouth Town Councillor; student at Rolle College and had been employed at Rolle College for several years.

Minute 226. 20/1838/MFUL & 20/1839/LBC (Major) EXMOUTH LITTLEHAM.
Councillor Steve Gazzard, Personal, Exmouth Town Councillor and visited the Student Unions Bar at Rolle College.

Minute 227. 19/2710/MFUL (Major) EXMOUTH WITHYCOMBE RALEIGH.

Councillors Olly Davey, Bruce De Saram, Steve Gazzard, Tony Woodward Personal, Exmouth Town Councillor

Minute 227. 19/2710/MFUL (Major) EXMOUTH WITHYCOMBE RALEIGH.

Councillors Jess Bailey, Kim Bloxham, Olly Davey, Bruce De Saram, Steve Gazzard, David Key, Mike Howe, Geoff Pratt, Philip Skinner Joe Whibley, Eileen Wragg and Tony Woodward, Personal, Lobbied in respect of this planning application.

Minute 227. 19/2710/MFUL (Major) EXMOUTH WITHYCOMBE RALEIGH.

Councillor Joe Whibley, Personal, Exmouth Town Councillor; Member of Exmouth Town Council's Planning Committee

Minute 230. 20/2265/FUL (Minor) SIDMOUTH TOWN.

Councillors Jess Bailey, Kim Bloxham, Olly Davey, Bruce De Saram, Mike Howe, Geoff Pratt, Philip Skinner, Joe Whibley, Eileen Wragg Personal, Lobbied in respect of this planning application.

224 **Planning appeal statistics**

The Committee received and noted the Development Manager's report setting out four appeal decisions notified, of which three had been dismissed and one allowed.

Members' attention was drawn to the appeal decision allowed for the creation of a means of access to a highway for planning application 20/0988/FUL – Abbotsford, Longmeadow Road, Lympstone. The Inspector determined that the access to the highway did not have a harmful effect to highway safety and did not agree that the loss of tree and hedgerow would have an adverse effect to the surrounding area and therefore allowed the appeal.

The Chair sought clarification on the Inspector's decision to overrule the concerns raised by Devon County Highways. In response the Development Manager advised it was rare and highlighted to Members it was also rare for Devon County Highways to also object to an application.

225 **Cranbrook Monkerton District Heating**

The Chair welcomed Henry Gent to the meeting.

Before inviting Mr Gent to speak the Chair invited the Service Lead – Growth, Development & Prosperity to present his report.

The Service Lead – Growth, Development & Prosperity gave a presentation to the committee outlining the Council's commitment to deliver zero carbon development in the West End of the District.

He updated Members on the Government's proposal to introduce a Future Homes Standard of no fossil fuels in new homes from 2025 with a further consultation in 2023 and a commitment to meet at least 75% carbon savings.

He outlined a proposal for a Section 106 Deed of Variation to provide a heat network for up to 12,000 homes and 2m sq ft of commercial space in Cranbrook including up to the boundary of Monkerton and summarised the following key points:

1. Completion of a journey started 10 years ago;

2. The delivery of policy compliant zero carbon / district heating scheme in line with Cranbrook DPD Policy;
3. Technical study work undertaken to look at the different technological solutions to understand what is feasible;
4. The Cranbrook Viability Assessment had allowed a figure of £6,588.00 to get to zero carbon;
5. Cost effective solution that can be delivered at scale and pace.

Questions raised by Committee Members:

- Clarification sought on whether the waste plant would be built and the contractual arrangements in respect of delivering the plant. In response the Service Lead - Growth, Development & Prosperity advised planning permission had been granted and funding had been secured to deliver the facility. He further advised the Council was currently awaiting the outcome to a large bid of £8m to the government's heat network investment programme which invests to support the rollout of district heating schemes.
- Clarification sought on para 4.2 on page 33 of the report about where the last two options fit into the delivery. In response the Service Lead - Growth, Development & Prosperity advised the preferred strategy was to utilise waste heat from the energy from waste plant. He referred to the convertor station for France-Aldernay-Britain (FAB) project highlighting if that option went ahead there may also be an opportunity to harness waste heat from this source in the future. He also referred to solar thermal and advised that option would require its own site of 70 acres of land to support it including space for inter-seasonal storage of hot water.

Mr Henry Gent spoke about the heat network and said it should not be extended until a number of concerns had been addressed. These concerns were as follows:

1. Dwellings connected to a heat network are currently allowed to get away with less insulation
1. From June 2022 connection of new homes to the existing heat network would probably fail Building Regulations. This was because from 2025 the Future Home Standard would apply and it was not clear whether new homes connected to a network heated by an incinerator would pass the primary energy efficiency test. In response the Service Lead - Growth, Development & Prosperity said he was absolutely confident the heat network would be Building Regulations compliant.
2. The Climate Change Committee stated in December 2020 that all new energy from waste incinerators should have carbon capture and storage. The Clyst St Mary incinerator was to be built without carbon capture and storage.
3. Houses at Cranbrook and Tythe Barn already have to deal with breakdowns of heat which would be even more likely with an incinerator fed with commercial rubbish. In response the Service Lead - Growth, Development & Prosperity confirmed there had been some issues with temporary energy centres and outlined a few causes of temporary outages. The transition to a permanent solution and associated infrastructure would enable a more robust and resilient service.

He said the Council was at risk of forcing future residents into an unwelcomed contract that encouraged the use of plastic by underrating the cost of disposing of plastic and that the Council should be encouraging the cost of disposable plastic at its full cost instead of subsidising the disposable plastic at the expense of householders.

Comments received from Committee Members included:

- A correction was made to Mr Gent's statement. It was advised the power plant would be situated in the parish of Farringdon and not Clyst St Mary.
- The need to focus on insulation of houses.
- The need to work towards passivhaus standard.
- Producing energy from waste was welcomed. It was highlighted that some biomass plants were importing vast amounts of wood from Eastern Europe, cutting down swathes of forests.
- Concerns raised about trying to reduce the amount of waste produced and assurance was sought that it would be built with carbon capture and storage.
- It was questioned whether waste would have to be imported if there was not enough waste and what type of waste would be imported.

Councillor Kim Bloxham, Ward Member for Cranbrook supported the report as it was a way forward to deliver the much needed eastern transmission mainline which would provide additional resilience for households in the eastern areas of the town and proposed the recommendations as written which was seconded by Councillor Philip Skinner.

RESOLVED:

1. **That the Committee note the further technical work that has been undertaken to support the delivery of low and zero carbon development in the West End of the District.**
2. **That the Committee agrees the principle of the proposed Deed of Variation based on the core provisions set out in paragraph 6.2.**
3. **That delegated authority be given to the Service Lead – Strategic Planning and Development Management in consultation with the Chair of Planning Committee and the Ward Members to agree the detailed provisions of the Deed of Variation.**

226 **20/1838/MFUL & 20/1839/LBC (Major) EXMOUTH LITTLEHAM**

Applicant:

Acorn Property Group.

Location:

Land At The Former Rolle College, Exmouth, EX8 2BL.

Proposal:

(20/1838/MFUL)

Demolition of existing buildings and the residential development of 33 new homes in a mix of 10 dwellings and 19 apartments and the conversion and refurbishment of Eldin House to create four apartments, partial demolition of potting shed and greenhouse and extensions to create dwelling, together with vehicle and pedestrian accesses, landscaping and associated infrastructure.

(20/1839/LBC)

Conversion and refurbishment of Eldin House into four self-contained flats, partial demolition of potting shed and greenhouse and extensions to create dwelling.

RESOLVED:

20/1838/MFUL – Approved as per officer recommendation but also subject to the following:

1. A Section 106 Unilateral Undertaking securing the financial contribution towards affordable housing;

2. Change to the wording of condition 11 to read:
With the exception of demolition and site clearance works, full details of the method of construction of hard surfaces in the vicinity of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The method shall adhere to the principles embodied in BS 5837:2012 and AAIS Arboricultural Practice Note 1 (1996) and involvement of an arboricultural consultant and engineer is recommended. The development shall be carried out strictly in accordance with the agreed details.
(Reason - To ensure retention and protection of trees on the site during and after construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 – Design and Local Distinctiveness and D3 – Trees and Development Sites of the Adopted New East Devon Local Plan 2013-2031)

3. Change to the wording of condition 12 to read:
With the exception of demolition and site clearance works, a detailed Construction Specification / Method Statement for footings and floor slabs shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. This shall provide for the long term retention of the trees and detail the means by which any necessary root severance and soil disturbance is minimised by providing a specification for root pruning in accordance with BS 3998: 2010. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement.
(Reason - To ensure retention and protection of trees on the site during and after construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 – Design and Local Distinctiveness and D3 – Trees and Development Sites of the Adopted New East Devon Local Plan 2013-2031)

4. Change to the wording of condition 15 to read:
With the exception of demolition and site clearance works, no development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
 - (a) A detailed drainage design based upon the approved Flood Risk Statement Land Off Douglas Avenue, Exmouth and the approved Drainage Strategy Plan 1001 Rev P05
 - (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
 - (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - (d) A plan indicating how exceedance flows will be safely managed at the site. No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

(Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-construction since it is essential that the proposed surface water

drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed in accordance 20/1838/MFUL with policy EN22- Surface Water Run-Off Implications of New Development) of the East Devon Local Plan 2013-2031).

20/1839/LBC – Approved as per officer recommendation.

227 **19/2710/MFUL (Major) EXMOUTH WITHYCOMBE RALEIGH**

Applicant:

S Paull (Yourlife Management Services Ltd.)

Location:

Site Of Redgate & Land At Tesco, Salterton Road, Exmouth.

Proposal:

Erection of extra care / assisted living accommodation (Class C2) with communal facilities and car parking; erection of Class B1(b) and B1(c) accommodation (322 sqm employment floorspace) with associated car parking; development to be accessed from Salterton Road.

RESOLVED:

Refused contrary to officer recommendation with the wording of the reason for refusal delegated to the Development Manager.

Members determined that the proposal did not address the previous refusal on the site and associated appeal decision resulting in an unjustified loss of employment land without adequate mitigate contrary to Strategies 22 and 32 of the Local Plan, Policies EE2 and EE3 and Action EEA1 of the Exmouth Neighbourhood Plan and guidance in the NPPF.

228 **19/0101/FUL (Minor) DUNKESWELL AND OTTERHEAD**

Applicant:

Cutler

Location:

Greenways, Awliscombe, Honiton, EX14 3PJ.

Proposal:

Construction of five dwellings (comprising a mix of affordable and market dwellings)

RESOLVED:

Deferred for the following reasons:

1. To ask the applicant to carry out an up-to-date Local Housing Needs Survey to justify the need for 3 affordable units for shared ownership; and,
2. To ask EDDC Housing to consider taking on the units and to advise if they are not interested in doing this to outline their reasons.

229 **20/2563/FUL (Minor) DUNKESWELL AND OTTERHEAD**

Applicant:

Mr & Mrs Groombridge & Lozinska

Location:

St Isidore Farm, Combe Raleigh, Honiton, EX14 4TG.

Proposal:

Associated operational development in conjunction with the approval 20/0686/PDR for the change of use of an existing agricultural building to a shop.

RESOLVED:

Approved as per officer recommendation but subject to a change to condition 8 to amend the hours from 9am to 7pm in the interests of protecting the amenity of the area and AONB.

The amended condition to read as follows:

No lights shall be on within the building outside the hours of 7am to 7pm on any day.

(Reason - To limit light spill from the windows and doors hereby permitted in the interests of protecting the character of the AONB in accordance with Strategy 46 - Landscape Conservation and Enhancement and AONBs of the East Devon Local Plan 2013-2031.)

In addition, a further recommendation was made by Committee that Legal Services and Development Management draft a letter from the Committee to the local MP's advising of their dissatisfaction at the Prior Approval process in terms of undermining local democracy, the Local Plan and Neighbourhood processes and asking the MP's to lobby Government to reverse the legislation. The draft letter to be brought back to the next Committee on the 17th February as a late item for agreement.

230 **20/2265/FUL (Minor) SIDMOUTH TOWN**

Applicant:

Mr R & C Gliddon.

Location:

Flat, Sheffield House, Church Street, Sidmouth, EX10 8LX.

Proposal:

Change of use from one flat to two flats and alterations.

RESOLVED:

Approved contrary to officer recommendation with conditions delegated to officers in consultation with the Chair of Planning Committee and the Ward Members.

Members considered that the benefit from the provision of small units in Sidmouth Town Centre outweighed any flood risk harm and need to comply with the sequential test.

231 **20/2551/VAR (Minor) YARTY**

Applicant:

Maria Baciu

Location:

Axe View Solar Farm, Wadbrook, EX13 7AS.

Proposal:

Variation of Condition 2 (Approved Plans) and Condition 8 (Inverter Station and CCTV details) of application 19/1056/VAR (Installation of ground mounted photovoltaic solar arrays with transformer stations; internal access track; biodiversity enhancement; landscaping; fencing; security measures; access gate and ancillary infrastructure (without complying with Condition 16 of planning permission 17/1378/VAR, to extend the operational lifespan of solar farm to 40 years) to reflect changes to layout, fencing, infrastructure specification and appearance, and to allow siting of an additional storage container.

RESOLVED:

Approved as per officer recommendation.

232 **20/2543/OUT (Minor) EXE VALLEY**

Applicant:

Mr N Marks.

Location:

The Retreat, Stoke Canon, Exeter, EX5 4EG.

Proposal:

Outline application with all matters reserved for the construction of a detached bungalow.

RESOLVED:

Refused as per officer recommendation.

Attendance List

Councillors present:

E Wragg (Chair)
S Chamberlain (Vice-Chair)
K Bloxham
C Brown
O Davey
B De Saram
S Gazzard
M Howe
D Key
G Pratt
P Skinner
J Whibley
T Woodward
J Bailey

Councillors also present (for some or all the meeting)

P Arnott
F Caygill
S Hawkins
P Hayward

N Hookway
F King
B Taylor

Officers in attendance:

Wendy Harris, Democratic Services Officer
Amanda Coombes, Democratic Services Officer
Chris Rose, Development Manager
Shirley Shaw, Planning Barrister
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Councillor apologies:

A Colman
G Pook

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Planning Committee held at Online via the Zoom App. All Councillors and registered speakers will have been sent an appointment with the meeting link. on 17 March 2021****Attendance list at end of document**

The meeting started at 10.02 am and ended at 3.20 pm. (The meeting was adjourned at 1.30 pm and reconvened at 2pm)

233 Declarations of interest

Minute 236. 20/1582/FUL (Minor) BUDLEIGH & RALEIGH.

Councillor David Key, Personal, Known to the applicant over several years through the Young Farmers Club.

Minute 236. 20/1582/FUL (Minor) BUDLEIGH & RALEIGH.

Councillor Philip Skinner, Personal, Received a telephone call from the applicant in respect of this planning application.

Minute 237. 20/1895/FUL (Minor) AXMINSTER.

Councillors Olly Davey, Bruce De Saram, Sarah Chamberlain, David Key, Mike Howe, Philip Skinner and Tony Woodward, Personal, Lobbied on this planning application.

Minute 237. 20/1895/FUL (Minor) AXMINSTER.

Councillor Eileen Wragg, Personal, Received two emails from an objector in respect of this planning application.

Minute 239. 20/1801/FUL (Minor) TALE VALE.

Councillors Jess Bailey, Colin Brown, Sarah Chamberlain, Olly Davey, Bruce De Saram, Steve Gazzard, David Key, Eileen Wragg, Geoff Pratt, Mike Howe, Tony Woodward, Personal, Lobbied on this planning application.

Minute 239. 20/1801/FUL (Minor) TALE VALE.

Councillor Philip Skinner, Personal, Known to the applicant and the applicant's family for over 20 years as Ward Member and was not predetermined or biased as a Planning Committee Member.

Minute 240. 20/1636/FUL (Minor) FENITON.

Councillor Jess Bailey, Bruce De Saram, Colin Brown, Olly Davey, Steve Gazzard, Mike Howe, David Key, Eileen Wragg, Geoff Pratt, Tony Woodward, Personal, Received an email with photographs from Councillor Bond, Ward Member, in respect of this planning application.

Minute 241. 20/1808/FUL (Minor) FENITON.

Councillor Steve Gazzard, Personal, Lobbied on this planning application.

Non-Committee Member

Minute 238. 20/2133/FUL (Minor) YARTY.

Councillor Paul Hayward, Personal, Clerk to Chardstock Parish Council who have opposed this planning application and have been present at parish council meetings as Clerk and Ward Member simultaneously where another objector had voiced their objections; Known to the applicant's partner as he is employed as parish maintenance

for Chardstock Parish Council and have communicated with him on multiple occasions on parish maintenance matters; Also had attended the site as Ward Member without predetermination.

234 **Matters of urgency**

There was one late report that the Chair agreed would be discussed in Minute 242.

235 **20/2514/FUL (Minor) BUDLEIGH & RALEIGH**

Applicant:

Mr & Mrs Robert & Meg Harris

Location:

The Coach House, 9A Fore Street, Budleigh Salterton, EX9 6NG.

Proposal

Change of use from ancillary accommodation to the main dwelling to an independent residential use (Use Class C3) for holiday letting purposes.

RESOLVED:

Approved contrary to officer recommendation.

Members considered that the economic and tourism benefits outweighed the harm from flood risk and failure of the sequential test. Conditions delegated to officers in consultation with Ward Member and Chair.

236 **20/1582/FUL (Minor) BUDLEIGH & RALEIGH**

Applicant:

Wyatt

Location:

Barns At Higher Hawkerland Farm, Sidmouth Road, Aylesbeare, EX5 2JW.

Proposal:

Change of use and subdivision of Barns 1 and 2 and part of Barn 3 from agricultural use to form 10 storage and distribution units (Use Class B8), including external alterations to provide roller shutter door and a by-pass door to each unit, provision of infill cladding to the existing hit and miss boarding to the external walls and provision of a gravel finish to the existing earth hardstanding to form Yard 1 and Yard 2 to be used for additional external storage associated with the units (retrospective).

RESOLVED:

Refused as per officer recommendation.

237 **20/1895/FUL (Minor) AXMINSTER**

Applicant:

Mr Peter Crosby.

Location:

Green Acres, Lyme Road, Axminster, EX13 5BH.

Proposal:

Construction of garage and barn (partially retrospective).

RESOLVED:

Refused contrary to officer recommendation.

Members considered that by reason of the size, scale and design of the building, and perceived lack of need, the proposed structure was harmful to the local residential character and visual amenity of the area contrary to Policy D1 and Strategy 46. In addition, Members considered that the proposal would add to vehicular use of the access and present an increased harm to highway safety contrary to Policy TC7. Wording of the reasons for refusal delegated to officers in consultation with the Chair of Planning Committee and the Ward Members.

238 **20/2133/FUL (Minor) YARTY**

Applicant:

Mrs Carinna Parsons

Location:

Myrtle Farm, Chardstock, EX13 7DD.

Proposal:

Replacement farm buildings.

RESOLVED:

Deferred to seek further evidence and information from the applicant regarding the agricultural need for the buildings. Such information and evidence to include submission of a Business Plan and justification for the size and scale of buildings proposed.

239 **20/1801/FUL (Minor) TALE VALE**

Applicant:

Mrs A Golding

Location:

Edenvale Turf, Courtlands, Dulford, Cullompton, EX15 2EQ.

Proposal:

Proposed replacement dwelling.

RESOLVED:

Refused as per officer recommendation.

240 **20/1636/FUL (Minor) FENITON**

Applicant:

Mr Donovan Galling.

Location:

The Workshops, Deer Park Farm, Buckerell, Honiton, EX14 3EP.

Proposal:

Replacement of former showroom and workshop building with B1/B2/B8 units, extension and change of use to B1 and B8 of the existing stores building, addition of an entrance canopy and use of the yard for outside storage and parking.

RESOLVED:

Approved as per officer recommendation but subject to:

1. An addition condition restricting any outside storage to no higher than 4m;
2. Condition 4 re-worded to clarify no B2 use of the existing building;
3. Additional condition requiring the submission of a dark roof colour for the new building.

241 **20/1808/FUL (Minor) FENITON**

Applicant:

Mr & Mrs Goodall.

Location:

Owl Cottage, Treaslake Farm, Buckerell, EX14 3EP.

Proposal:

New driveway, construction of single and two storey extensions to dwelling and enlargement of parking area and garden.

RESOLVED:

Approved as per officer recommendation.

242 **Proposed letter to MP's in relation to permitted development in rural areas**

The Chair introduced the late report that Members confirmed they had received and welcomed comments from Committee Members that included:

- Members welcomed the letter as it had set out the position and concurred that an additional example be included in the letter to address the fall-back position.
- It was highlighted that the various changes of use of buildings had brought both desirable and undesirable planning applications.
- The biggest issue for local authorities is that people are not building out for whatever reason.
- Need to focus on achieving our carbon neutral target for the district by giving examples.
- Reference was made to PDQ Rights and Members were reminded that it was the Law Courts that had determined that a fall-back position should be given weight when making decisions and not the Government.

RESOLVED:

That the letter with the proposed amendments be agreed and the final version to be delegated to the Chair and to Officers.

Attendance List

Councillors present: (for some or all the meeting)

E Wragg (Chair)
S Chamberlain (Vice-Chair)
J Bailey
C Brown
A Colman
O Davey
B De Saram
S Gazzard
M Howe
D Key
G Pratt
P Skinner
T Woodward

Councillors also present (for some or all the meeting)

P Arnott
D Bickley
S Bond
A Dent
I Hall
P Hayward
S Jackson
G Jung
D Ledger
A Moulding
T Wright

Officers in attendance: (for some or all the meeting)

Chris Rose, Development Manager
Shirley Shaw, Planning Barrister
Wendy Harris, Democratic Services Officer
Alethea Thompson, Democratic Services Officer
Nicola Cooper, Solicitor
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Councillor apologies:

K Bloxham
G Pook
J Whibley

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Planning Committee held at Online via the Zoom App on 7 April 2021****Attendance list at end of document**

The meeting started at 10.02am and ended at 3.20pm. The meeting was adjourned at 1.25pm and reconvened at 1.45pm.

243 Apology from a Planning Committee Member

The Chair gave a brief introduction to this agenda item of an apology from a Planning Committee Member. The Chair advised a letter had been sent to the Exmouth Journal in August 2020 by Councillor Philip Skinner expressing his concerns about the withdrawal of the Greater Exeter Strategic Plan in which he had made some unwelcomed personal comments about the Chair. The Chair asked for an apology from Councillor Skinner for these defamatory comments.

Councillor Skinner openly and sincerely apologised for the comments he had made.

244 Minutes of the previous meeting

The minutes of the meetings held on 10 March and 17 March 2021 were agreed as true records.

245 Declarations of interest

Minute 250. 20/1799/FUL (Minor) - EXMOUTH TOWN.

Councillors Andrew Colman, Bruce De Saram, Joe Whibley, Olly Davey, Steve Gazzard and Tony Woodward, Personal, Exmouth Town Councillor.

Minute 250. 20/1799/FUL (Minor) - EXMOUTH TOWN.

Councillors Bruce De Saram, Personal, Lobbied on this application.

Minute 250. 20/1799/FUL (Minor) - EXMOUTH TOWN.

Councillor Eileen Wragg, Personal, In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution, Councillor Wragg, as Ward Member, stepped down from the Committee and the Vice Chair chaired the item.

Minute 250. 20/1799/FUL (Minor) - EXMOUTH TOWN.

Councillor Eileen Wragg, Personal, Lives seven doors away from the property with the planning application.

Minute 25r1. 20/2834/COU (Minor) - EXMOUTH TOWN.

Councillors Andrew Colman, Bruce De Saram, Joe Whibley, Steve Gazzard, Olly Davey, Tony Woodward, Personal, Exmouth Town Councillor.

Minute 251. 20/2834/COU (Minor) - EXMOUTH TOWN.

Councillors Bruce De Saram, Eileen Wragg, Kim Bloxham, Steve Gazzard, Tony Woodward; Joe Whibley, Personal, As district councillors the land for this application is owned by EDDC.

Minute 251. 20/2834/COU (Minor) - EXMOUTH TOWN.
Councillors David Key, Eileen Wragg, Kim Bloxham, Olly Davey, Philip Skinner, Tony Woodward, Personal, Lobbied on this application.

Minute 251. 20/2834/COU (Minor) - EXMOUTH TOWN.
Councillor Eileen Wragg, Personal, In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution, Councillor Wragg, as Ward Member, stepped down from the Committee and the Vice Chair chaired the item.

Minute 251. 20/2834/COU (Minor) - EXMOUTH TOWN.
Councillor Joe Whibley, Personal, Lobbied on this application and had two telephone conversations with a resident

Minute 251. 20/2834/COU (Minor) – EXMOUTH TOWN.
Councillor Joe Whibley, Chair of Licensing Committee which this application could come before Committee at a future date.

Minute 251. 20/2834/COU (Minor) - EXMOUTH TOWN.
Councillors Kim Bloxham & Tony Woodward, Personal, Members of the Licensing Committee which this application could come before Committee at a future date.

Minute 254. 20/2825/COU (Minor) - YARTY.
Councillor Kim Bloxham, Personal, Member of the East Devon Traveller Forum.

246 **Planning appeal statistics**

The Committee received and noted the Development Manger's report setting out nine appeal decisions notices, of which seven had been dismissed and two allowed.

The Development Manager drew Members' attention to the two appeals allowed and advised the appeal of application 20/0848/FUL which related to an educational facility in Poltimore had been allowed as the Inspector felt the applicant had justified the location for the school. The appeal of application 20/0411/LBC for the removal of an existing rear porch and construction of an extension to the rear elevation was also allowed as the Inspector determined the importance of maintaining the building would outweigh the harm to the listed building.

The Committee noted an end of year report would be going to Strategic Planning Committee shortly to outline the Local Planning Authority's performance with regard to appeals for last year.

247 **20/2875/OUT (Minor) - AXMINSTER**

Applicant:
Ms D Day.

Location:
Land East of Fairacre, Lyme Road, Axminster, EX13 5BH.

Proposal:
Outline application for the demolition of a garage and erection of a dwelling, all matters reserved except access.

RESOLVED:

Approved as per officer recommendation but with a change to Condition 8 to read as follows to ensure space is provided on site for construction vehicles and deliveries:
Condition 8. As part of any reserved matters application relating to layout, details of the following shall be provided:

- An area for on-site parking and loading and unloading area during the whole construction period to prevent the use of/blocking of the shared access lane during construction; and,
- An area for on-site parking and associated turning provision for a minimum of 2 no. cars post construction to serve the dwelling.

Thereafter at all times the parking and turning areas shall be kept free of obstruction and available for use for these purposes.

(Reason - To ensure adequate and safe provision is made for the occupiers and in the interests of highway safety in accordance with Policies TC7 - Adequacy of Road Network and Access and TC9 - Parking Provision in New Development of the Adopted East Devon Local Plan 2013-2031.)

248 **21/0030/FUL (Minor) - DUNKESWELL & OTTERHEAD**

Applicant:

Mr & Mrs S Cannon.

Location:

Hunthayes Barn, Hunthayes Farm, Awliscombe, EX14 3QB.

Proposal:

Conversion of existing brick barn and stone barns to form one dwelling.

RESOLVED:

Approved contrary to officer recommendation.

Members considered the proposal to be in a sustainable location and of an acceptable design. Conditions delegated to the Development Manager in consultation with the Ward Members and Chair of Planning Committee.

249 **21/0372/FUL (Minor) - DUNKESWELL & OTTERHEAD**

Applicant:

Jo & Mathew Davis.

Location:

Barn at Otter View Farm (NE of Shaugh Cottage), Luppitt, Honiton, EX14 4TP.

Proposal:

Proposed conversion of agricultural building to form residential dwelling and associated works.

RESOLVED:

Approved contrary to officer recommendation.

Members considered the proposal to be in a sustainable location with the building no longer required for agricultural use. Conditions delegated to the Development Manager in consultation with the Ward Members and Chair of Planning Committee.

250 **20/1799/FUL (Minor) - EXMOUTH TOWN**

Applicant:

Mrs K Rowsell

Location:

105 Victoria Road, Exmouth, EX8 1DR.

Proposal:

Proposed new one bed annexe with under-croft for two vehicle parking.

RESOLVED:

Refused contrary to officer recommendation.

Members considered that:

1. By reason of its design, scale, height and bulk the proposed building would create a visually intrusive and discordant feature within the streetscene which would be out of character and detrimental to the character and appearance of the area. The proposal would be contrary to the provisions of Strategy 6 (Development within Built-Up Area Boundaries) and policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031 and EB2 of the Exmouth Neighbourhood Plan.
2. The proposed development by reason of its height, bulk, massing and proximity to the site boundaries would result in an unacceptable relationship with the surrounding properties with an unduly harmful overbearing and over dominant impact which would be to the detriment of the residential amenities of the occupiers of surrounding properties. The proposal is considered to be contrary to the provisions of policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031).

251 **20/2834/COU (Minor) - EXMOUTH TOWN**

Applicant:

Nick Christo (EDDC Streetscene)

Location:

Land adjacent to Manor Hotel, The Beacon, Exmouth.

Proposal:

Change of use of area of land adjacent Manor Hotel for the siting of tables and chairs until 30 September 2021.

RESOLVED:

Refused contrary to officer recommendation.

Members considered that:

1. By reason of the close relationship of the site with residential properties, the proposed use would result in a detrimental loss of amenity to the residents with the benefits from the proposal failing to outweigh the harm contrary to policies D1 and EN14 of the Local Plan.
2. That the proposal would result in a harmful visual impact on the Conservation Area

contrary to Strategy 49 and Policies D1 and EN10 of the Local Plan and policies EB1 and EB2 of the Exmouth Neighbourhood Plan.

252 **20/1647/MFUL & 20/1648/LBC (Major) - OTTERY ST MARY**

Applicant:

Mr Chris Riley (PCR Homes Ltd.)

Location:

Salston Manor Hotel, Ottery St Mary, EX11 1RQ.

Proposal:

Construction of 13 dwelling houses within the grounds of Salston Manor and construction of single and two storey extensions to listed building to form two dwellings and enlargement of two previously approved apartments.

RESOLVED:

(20/1647/MFUL)

Approved as per officer recommendation.

(20/1648/LBC)

Approved as per officer recommendation.

253 **20/1316/FUL (Minor) - OTTERY ST MARY**

Applicant:

Mr N M Eyres.

Location:

The former Colbert Hall, Mill Street, Ottery St Mary, EX11 1AD.

Proposal:

Conversion of rear section of vacant part retail premises into three town houses (class use C3a).

RESOLVED:

Approved as per officer recommendation.

254 **20/2825/COU (Minor) - YARTY**

Applicant:

Ms Charmaine Lee.

Location:

Hawkwell Park, Wareham Road, Hawkchurch.

Proposal:

Retrospective application for retention of use of land as a residential caravan site without restricting the occupation to gypsies and travellers only.

RESOLVED:

Refused as per officer recommendation.

Attendance List

Councillors present:

E Wragg (Chair)
S Chamberlain (Vice-Chair)
K Bloxham
C Brown
A Colman
O Davey
B De Saram
S Gazzard
D Key
G Pratt
P Skinner
J Whibley
T Woodward

Councillors also present (for some or all the meeting)

P Arnott
D Bickley
S Bond
P Faithfull
P Hayward
S Jackson
V Johns
A Moulding

Officers in attendance:

Chris Rose, Development Manager
Shirley Shaw, Planning Barrister
Wendy Harris, Democratic Services Officer
Sarah Jenkins, Democratic Services Officer
Nicholas Christo, Area Manager West

Councillor apologies:

J Bailey
M Howe
G Pook

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Audit and Governance Committee held at Online via the Zoom app. on 18 March 2021****Attendance list at end of document**

The meeting started at 2.30 pm and ended at 3.23 pm

75 Public speaking

There were no members of the public registered to speak.

76 Minutes of the previous meeting

The minutes of the Audit and Governance Committee held on 28 January 2021 were confirmed as a true record.

77 Declarations on interest

None

78 Matters of urgency

None

79 Confidential/exempt item(s)

None

80 Audit Findings report - Grant Thornton

Jackson Murray from Grant Thornton explained the report presented the observations arising from the audit that were significant to the responsibility of those charged with governance to oversee the financial reporting process, as required by International Standard on Auditing (UK) 260 and the Code of Audit Practice ('the Code').

The audit approach was based on a thorough understanding of the Council's business and was risk based, and in particular included:

- an evaluation of the Council's internal controls environment, including its IT systems and controls; and
- substantive testing on significant transactions and material account balances, including the procedures outlined in this report in relation to the key audit risks.

Grant Thornton concluded that having substantially completed the audit of financial statements and subject to outstanding queries being satisfactorily resolved, we anticipate issuing an unqualified audit opinion.

The Chair wished to thank the Finance team for getting the council to the point where the audits were almost completed.

RESOLVED:

that the report be noted and that if there were any further changes to the report that they be viewed in consultation with the Chair of Audit and Governance committee, who would update the committee if that was to happen.

81 **Letter of representation**

Members were asked to note the letter to Grant Thornton in respect of the audit of the Financial Statements for the year ended 31 March 2020 confirming the council's position, documents produced and the sound processes in place.

The Portfolio Holder Finance wished to thank Simon Davey, John Symes and their team for the hard work in getting the council to where they were now.

RESOLVED:

that the letter be noted and signed by the Strategic Lead Finance and the Chair of Audit and Governance Committee.

82 **Statement of Accounts 2019/20 including Annual Governance Statement**

The Council's Statement of Accounts for 2019/20 had now been audited and was available to the Committee for approval. A report from the Council's external auditors Grant Thornton detailing the work carried out and audit conclusion was also on the agenda.

RESOLVED:

that the 2019/20 Statement of Accounts be adopted and delegated authority was given to the Strategic Lead Finance and the Chair of Audit and Governance Committee to sign off when all matters were concluded.

83 **Annual Audit Plan 2021/22 and Review of Internal Audit Charter - SWAP**

Alastair Woodland from SWAP introduced the Internal Audit Plan for 2021/22 that also incorporated the 'Internal Audit Charter' which set out the operational relationship between EDDC and the South West Audit Partnership (SWAP). This was a flexible plan that may be amended during the year to deal with shifts in priorities or new and emerging risks. Any changes to the plan would be reported to the Committee. The outcomes of each of the audits would provide senior management and Members the assurance that the current risks faced by the Authority in specific areas were adequately controlled and managed.

During discussions it was decided that two audits be swapped around. The 'Accounts Receivable (Debtors)' audit would be moved to Quarter 3 and 'Leisure East Devon (LED)' audit be brought forward to Quarter 1.

RESOLVED:

that the Internal Audit Plan for 2021- 22 and the Internal Audit Charter, be approved.

84 **Internal Audit Plan Progress to include EDDC's Fleet Management review - SWAP**

Alastair Woodland from SWAP provided an update on the 2020/21 Internal Audit Plan as at March 2021.

RESOLVED:

that the progress made in delivery of the 2020/21 internal audit plan and significant findings, be noted.

85 **Accounting Policies Approval**

The Finance Manager presented the report which explained that it was good practice for the Committee to approve the Accounting Policies to be adopted in advance of the preparation of the Accounts.

RESOLVED:

that the Accounting Policies for the 2020/21 Statement of Accounts, be approved.

86 **Audit and Governance Forward Plan**

Members noted the contents of the Committee Forward Plan for 2021/22.

Items to be considered at the July committee included:

- Internal Audit Plan 2020-21 Outturn Report
- Internal Audit Annual Opinion Report 2020-21
- Internal Audit Plan Progress
- Statement of Accounts 2020/21
- External Audit Plan
- Annual audit letter
- Risk Management Review
- S106 and CIL update
- DBS Checks for Councillors - update from LGA
- Review of the Anti-Fraud Theft and Corruption Policy
- Review of the Anti-Bribery Policy
- Review of the Whistleblowing Policy
- Review of the Local Code of Corporate Governance
- RIPA update and policy review

Attendance List

Councillors present:

S Hawkins (Chair)
F King (Vice-Chair)
D Barrow
J Bailey
S Gazzard
P Hayward
N Hookway

Councillors also present (for some or all the meeting)

P Arnott
S Jackson

A Moulding
J Rowland

Officers in attendance:

Amanda Coombes, Democratic Services Officer
Simon Davey, Strategic Lead Finance
Debbie Meakin, Democratic Services Officer
Jackson Murray, Grant Thornton
John Symes, Finance Manager
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)
Alastair Woodland, SWAP

Councillor apologies:

G Pook
P Twiss

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Licensing and Enforcement Committee held Online via the Zoom App on 17 February 2021****Attendance list at end of document**

The meeting started at 10.02 am and ended at 10.45 am

60 Public Speaking

There were no members of the public registered to speak.

61 Minutes of the previous meeting

The minutes of the meeting held on 18 November 2020 were agreed as a correct record.

62 Declarations of interest

Minute 66. Pavement Licence Update Report.
Councillor Steve Gazzard, Personal, Member plans to hold a temporary event on the Strand, Exmouth, to raise funds for charity.

63 Matters of urgency

There were no matters of urgency.

64 Confidential/exempt item(s)

There were no confidential / exempt items.

65 Quarterly Licensing Update Report

A report from the Licensing Manager had been circulated in advance and provided an update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005, Taxi legislation and General Licensing and the new Business & Planning Act.

The Licensing Manager highlighted the following points from the report:

- A high level of enquiries were being received regarding temporary event notices or time limited premises licences for later this year despite the current national Covid-19 lockdown
- The Council's Street Trading policy has regard to consideration of local need or appropriateness of the location where there was the potential for conflict with businesses selling similar goods
- Taxi drivers were being supported with an online process as there were difficulties with booking a GP appointment for the required medical assessment due to the pandemic
- No response had been received from local MPs Simon Jupp and Neil Parish, or from Grant Schapps, MP Secretary of State for Transport and Rishi Sunak, MP Chancellor of the Exchequer, to the Council's letter sent in November 2020 regarding the impact of the coronavirus on the taxi and private hire trade
- Taxi and private hire drivers had been supported by the Council by way of the Additional Restrictions Grant (ARG)

In response to the report, the following points were discussed:

- There was concern regarding the use of EDDC land for events due to the Covid-19 pandemic, and in particular, land close to listed buildings or in a conservation area
- It was noted that the Police and Environmental Health have the ability to raise objections to temporary event notices, although it would be advisable to address general concerns about the use of EDDC land during the pandemic before applications were received
- There was a requirement under the Licensing Act for EDDC to have a clear policy on landowner permission
- The Licensing Service was responding to a large number of pre-application advice enquiries, with approximately 3 – 4 traders contacting the Council on a daily basis and higher demand for space on seafronts in the District
- It was noted that Cornwall Council identified suitable locations for temporary events in advance and goes out to tender annually
- EDDC had already received three applications for summer festivals despite the current national lockdown
- Members noted the lack of response from MPs to the Council's letter regarding the impact of the coronavirus on the taxi and private hire trade and agreed unanimously that this should be followed up

RESOLVED

1. that the report be noted
2. that, due to the lack of any response to the Council's letter of November 2020, a follow up letter be sent to Simon Jupp MP, Neil Parish MP, Grant Schapps, MP Secretary of State for Transport and Rishi Sunak, MP Chancellor of the Exchequer regarding the impact of the coronavirus on the taxi and private hire trade.

The Committee wished to record its thanks to members of the Licensing team for their excellent work during the current challenging times and thanked the Licensing Manager for his comprehensive report.

66 **Pavement Licence Update Report**

A report from the Licensing Manager had been circulated providing an update on the streamlined process for the grant of pavement licenses under The Business and Planning Act 2020, part of the Government's business recovery plan for tourism and the hospitality trades resulting from the Covid-19 pandemic. The arrangement had been put in place for a year and confirmation was awaited as to whether there would be an extension beyond 30 September 2021. The outcome of a review by the Home Office and Local Government Association was expected imminently.

The report also addressed the need for recruiting additional staff resource to deal with the increase in workload for both pavement licenses and taxi administration and outlined possible options.

In response to a question, the Licensing Manager advised that the £100 fee for a pavement licence would cover EDDC's costs where an application was straightforward but would not cover costs should additional work be required.

RESOLVED

1. that the content of the report be noted, in particular the process that District Councils adopted in July 2020 by issuing pavement licences to businesses within the District
2. that the adopted application process will continue with licences being granted, where suitable, to 30 September 2021.

67

Report on Taxi and Private Hire Vehicle Statutory Standards

The Licensing Manager had prepared a report to inform the Committee of updates and progress concerning new 'Statutory Taxi and Private Hire Vehicle Standards.' Members' attention was drawn to correspondence from the Minister for Roads, Buses and Places, Baroness Vere, who had written to all Council Leaders expressing the expectation that Councils would sign up to the national taxi refusal database known as NR3 (Appendix A of the report refers).

The Licensing Manager advised that the Committee would need to consider the costs and other potential implications of signing up to the national database and an update would be brought to the April meeting.

Members noted that a national database would only be effective if all local authorities agreed to sign up.

RESOLVED that the report be noted.

Attendance List

Councillors present:

K Bloxham (Chair of this meeting)
F Caygill
M Chapman
A Dent (Vice-Chair of this meeting)
S Gazzard
P Jarvis
G Pratt
T Wright

Councillors also present (for some or all the meeting)

G Jung

Officers in attendance:

Nicola Cooper, Solicitor
Rebecca Heal, Solicitor
Susan Howl, Democratic Services Manager
Sarah Jenkins, Democratic Services Officer
Lucy Maxwell, Licensing Officer
Stephen Saunders, Licensing Manager
Louise Bennett, Licensing Officer

Councillor apologies:
J Whibley (Chair of the Committee)
T Woodward

Chair

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Licensing and Enforcement Sub Committee held Online via the Zoom App on 24 February 2021****Attendance list at end of document**

The meeting started at 9.30 am and ended at 11.06 am

32 Minutes of the previous meeting held on 14 October 2020

The minutes of the meeting held on 14 October 2020 were agreed as a correct record.

33 Declarations of interest

Minute 36. Determination of an application for the grant of a premises licence to authorise the sale of alcohol for consumption ON the premises and the provision of regulated entertainment at Ric's Kitchen, Castle Mount, Victoria Place, Axminster EX13 5NH.

Councillor Ian Hall, Personal, The member knows the interested party and her husband.

34 Matters of urgency

There were no matters of urgency.

35 Confidential/exempt items

There were no confidential / exempt items.

36 Determination of an application for the grant of a premises licence to authorise the sale of alcohol for consumption ON the premises and the provision of regulated entertainment at Ric's Kitchen, Castle Mount, Victoria Place, Axminster EX13 5NH.

The Sub-Committee considered the application for the grant of a new premises licence to authorise the sale of alcohol for consumption ON the premises for Ric's Kitchen, Castle Mount, Victoria Place, Axminster EX13 5NH.

The Chair of the meeting introduced the members of the Sub-Committee and the East Devon District Council Officers present. The Chair confirmed that the meeting was a hearing to consider an application for a premises licence under the Licensing Act 2003.

The applicants present and entitled to make representations were Mr Richard Edgell and Mr Ian Keene. The interested party present was Mrs Gillian Mayers. There were no responsible authorities in attendance.

The legal advisor to the Sub-Committee summarised the procedure for the hearing.

The Licensing Officer outlined the application for the sale of alcohol for consumption on the premises, along with regulated entertainment. The premises are in central Axminster and trade as a bistro.

The Police had raised representations relating to the prevention of crime and disorder and also the protection of children from harm. The Police had requested 30 minutes drinking up time to be factored in to the licensed hours and for additional conditions relating to CCTV, tightening up of the Challenge 25 policy and a refusals register, to be placed within the licence should it be granted. The report confirmed that the applicant had agreed to the requests from the Police.

The Licensing Officer's report also outlined the concerns raised by the interested party and the response from the applicant which sought to address those concerns. As the interested party did not consider that their concerns had been alleviated in full, the matter had continued to the Sub-Committee hearing.

The applicants addressed the Sub-Committee and outlined the background to the opening of Ric's Kitchen, the concerns raised by the interested party and the actions proposed to be taken by the applicants to address those concerns, particularly with regard to noise and soundproofing.

In response to a question to the applicant from the interested party regarding soundproofing, the applicant confirmed that he would be happy to consider the guidelines provided by East Devon District Council and how they could be implemented.

The interested party addressed the Sub-Committee and emphasised the need for soundproofing which was key to protecting their private dwelling from noise disturbance from Ric's Kitchen which immediately adjoined their property.

There were no questions for the interested party.

The Chair thanked the applicants and the interested party for their contributions and advised that all participants other than the members of the Sub-Committee would be put into the virtual waiting room until the Sub-Committee had reached a decision.

The recording and livestreaming of the hearing was paused.

The recording and livestreaming of the hearing recommenced and the Council's legal advisor summarised the advice given to the Sub-Committee during its consideration of the application.

The legal advisor confirmed that her involvement had been to assist with formulating the wording for the decision which had already been made by the Sub-Committee in private session. The legal advisor had also assisted with formulating a recommendation which would be added to the decision to the effect that the applicant should liaise with the Council's Environmental Health services in connection with the proposed soundproofing.

RESOLVED

That, the Sub-Committee having read the report and heard all the representations, the premises license be granted.

The Sub-Committee had listened carefully and fully understood the interested party's concerns. The Sub-Committee was of the view that, at this stage, the concerns were not backed by enough evidence to convince the Sub-Committee that the licensing objective, which was the subject of the representation, would be sufficiently compromised.

The Sub-Committee requested that the applicant liaise with East Devon District Council's Environmental Health service in connection with the soundproofing which the applicant had offered to install in order to alleviate the concerns of the interested party.

The Chair advised the interested party that they would have recourse to EDDC's Environmental Health service should they have concerns regarding noise disturbance at a future time.

Attendance List

Councillors present:

K Bloxham (Chair)
A Dent
T Wright (Vice-Chair)

Councillors also present (for some or all the meeting)

I Hall
D Manley

Officers in attendance:

Stephen Saunders, Licensing Manager
Lesley Barber, Licensing Officer
Rebecca Heal, Solicitor
Susan Howl, Democratic Services Manager
Sarah Jenkins, Democratic Services Officer
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)
Louise Bennett, Licensing Support Officer

Councillor apologies:

None

Chair

Date:

Report to: Council



Date of Meeting 28th April 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Learning review

Report summary:

To request a budget for external support into the learning review of the circumstances surrounding the redundancy of the Strategic Lead Organisational Development and Transformation.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That Council approve a budget of £18,150 (exc VAT) and an exemption to contract standing orders to enable the East of England Local Government Association to be appointed to assist in carrying out the learning review.

Reason for recommendation:

At the Extraordinary Council meeting of 9th February 2021, which confirmed the redundancy of the Strategic Lead Organisational Development and Transformation, the Council also resolved as follows;

'this Council agrees that given the serious matters raised by this report, the Portfolio Holder for Council & Corporate Co-ordination should expeditiously and with the assistance of the relevant SMT officer, provide a detailed report for the Scrutiny Committee to consider all matters associated with the employment status of the Strategic Lead (Organisational Development & Transformation) as referenced in the report "Resolving an employment matter" considered at this meeting. The report will cover the period from at least 1 January 2020, and it will provide a full detailed account of all matters that have led to this meeting's deliberations.'

The Portfolio Holder and Monitoring Officer have been in discussion and also liaison with outside bodies with a view to securing external support to this process given the sensitivity of the issues raised. The East of England Local Government Association have been recommended and following discussion with them and an initial review of the some of the detail, they have confirmed their willingness to assist and have provided a proposal that both the Portfolio Holder and Monitoring Officer are happy with. In broad terms the proposal covers;

EELGA proposes that a learning review approach is undertaken in relation to the issues experienced at the council. A learning review is a structured approach to identifying root causes of issues that have led to unhelpful or unintended outcomes. It is designed to identify at corporate, departmental, team or individual level the in/actions or collection of in/actions which have led to issues identified or complained of by one or more individuals.

The purpose of such a review is to identify what could or should be done to prevent a recurrence of said issues. Unlike an investigation it is not intended to apportion blame or recommend any particular formal sanction for those involved. Taking the learning review approach allows participants to reflect on their own contribution and that of others in order to fully appreciate how

the situation may have been approached differently to achieve a more favourable outcome or how this could be done in future.

Once the review has been completed an analysis is provided with a report containing recommendations at a corporate, departmental, team and individual level to develop and implement improvements to policy, process, and practice. The review will commence with an initial document review of information related to the redundancy exercise, this will include, policy and processes as set out by the authority and any reports, emails or other documents related to the events to be reviewed.

The fee proposed is £18,150 (exc VAT) and while this not an insignificant sum, it is expected that it will not be as high as this as there is a contingency sum included and also it is considered that the amount of time allocated for conducting interviews is probably over cautious. The rate is based on being a member of the LGA and therefore is preferential. Our contract standing orders would normally require quotes to be obtained from three suppliers but it is considered appropriate not to do that in this case and to use the EELGA given their experience in this area and in local government in particular and as they were recommended as an appropriate body to assist.

Officer: Henry Gordon Lennox, Monitoring Officer

Portfolio(s) (check which apply):

- Climate Action and Emergencies
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Culture, Tourism, Leisure and Sport
- Democracy and Transparency
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information [9th February 2021 Council Minutes](#)

Link to [Council Plan](#):

Priorities (check which apply)

- Outstanding Place and Environment
- Outstanding Homes and Communities
- Outstanding Economic Growth, Productivity, and Prosperity
- Outstanding Council and Council Services

Financial implications:

A supplementary budget is being requested of £18,150 for Council to approve, this will be met from the General Fund Balance. Members should also note the request for an exemption to Contract Standing Orders.

Legal implications:

It is permissible for an exemption to contract standing orders to be granted given the sum involved. Otherwise there are no legal implications requiring comment.

Report to: Council

Date of Meeting 28th April 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Standards Complaints Procedure

Report summary:

To seek Council's approval to a revised complaint process for dealing with complaints that Members have breached the Member's Code of Conduct together with related revisions to the Constitution.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That Council;

1. **Adopts the revised Member Code of Conduct Complaints Procedure (Annex 2) and agrees to the Constitutional amendments required to implement this with effect from Annual Council;**
2. **Thanks Alison Willan for her service to the Council during her 9 year period as the Independent Person.**

Reason for recommendation:

Over its past few meetings the Standards Committee has been considering revising the process for considering complaints that Members have breached the Code of Conduct. The background information section contains the links to the meetings of 12th October 2020 and 19th January 2021 together with our existing procedure.

The most recent Standards Committee met on 23rd April 2021 – the link to the agenda is contained in the background links – having been postponed from 12th April (following the death of HRH Duke of Edinburgh) and 19th April (due to concerns over the issuing of agendas during the mourning period). The meeting of 23rd April 2021 was called at short notice. The reason being that were the Committee to make recommendations to Council to revise the membership of the Standards Committee, it was prudent to obtain Council's approval to this ahead of preparation for Annual Council. Unfortunately the late calling of the meeting meant that three voting members of the Committee were unable to attend and therefore while the meeting went ahead it was technically inquorate.

The intention was for the minutes from the Standards Committee to be added to the Council agenda as a late item. The meeting did consider the complaints procedure and did make recommendations to Council. However, given that the meeting was inquorate the minutes can't be presented. The draft minutes from the committee are appended to this report and the recommendations above are based on the Committee's views. While inquorate the meeting was attended by the Independent Representative and one of the Town / Parish Representatives who gave their views to the Standards Committee.

There were a number of revisions required to the procedure which have been made and the updated procedure is attached at Annex 2. The Constitutional changes required are detailed in paragraph 8 of the report to the 23rd April meeting and are summarised below;

- a. The specific arrangements for the Standards Committee (Article 9 and its Terms of Reference (Section 2 of Part 3 of the Constitution)) be revised to include a Standards Assessment Sub Committee and to give more detail on its role. It will comprise a three member panel drawn from the membership of the Standards Committee with one Independent Representative and one Town / Parish Representative plus one of the Independent Persons. The Chair and membership to be rotated and it can be called on an ad hoc basis.
- b. The Hearings Sub-Committee Terms of Reference be revised to say that membership shall be drawn from the Standards Committee but shall not include any member who sat on the Assessment Sub-Committee that considered the complaint at the earlier stage, save where to do so would mean that the Hearing Sub-Committee is incapable of being constituted.
- c. Increase the size of the Standards Committee to 7 District Council members (from 5), 3 Independent Representatives (from 2) and 3 Town / Parish Representatives (from 2).

Officer: Henry Gordon Lennox, Monitoring Officer

Portfolio(s) (check which apply):

- Climate Action and Emergencies
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Culture, Tourism, Leisure and Sport
- Democracy and Transparency
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information

[Standards Committee – 13th October 2020](#)

[Standards Committee – 19th January 2021](#)

[Standards Committee – 23rd April 2021](#)

[EDDC's current complaint procedure](#)

Link to [Council Plan](#):

Priorities (check which apply)

- Outstanding Place and Environment
- Outstanding Homes and Communities
- Outstanding Economic Growth, Productivity, and Prosperity
- Outstanding Council and Council Services

Financial implications:

There are no direct financial implications from the recommendations.

Legal implications:

It is for Council to adopt any revised Standards procedure and to make Constitutional amendments. Otherwise there are no other specific legal implications requiring comment.

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Standards Committee held at Online via the zoom app on 23 April 2021

Attendance list at end of document

The meeting started at 10.00 am and ended at 11.20 am

35 Public speaking

There were no members of the public registered to speak.

36 Minutes of the previous meeting held on 19 January 2021

The minutes of the meeting held on the 19 January 2021 were agreed as a correct record.

37 Declarations of interest

40. East Devon District Council Standards Regime update.

Councillor Eleanor Rylance, Personal, member of Broadclyst Parish Council.

40. East Devon District Council Standards Regime update.

Councillor Pauline Stott, Personal, Member of Exmouth Town Council.

38 Matters of urgency

There were no matters of urgency.

39 Confidential/exempt item(s)

There were no confidential/exempt items.

40 East Devon District Council Standards Regime update

The committee considered the report of the Monitoring Officer, which set out an update on the Council's standards regime. The report set out:

- The possible arrangements for an introduction of a Standards Assessment Sub-Committee;
- Review of code of conduct;
- Deferral of training costs decision;
- Recruitment of co-opted Independent Representative and Independent Person.

The Monitoring officer outlined that the composite procedure document was included in the agenda papers, and that it introduced member assessment early in the process.

The suggested new procedure takes on board the Best Practice Recommendations from the Committee for Standards in Public Life. Any revised procedure would necessitate Constitutional changes to include reference to a Standards Assessment Sub Committee and its role; and to increase the size of the Standards Committee from five members to seven.

There would also be a need to make additional appointments to the two co-opted positions, specifically the Parish representative and Independent representative.

The Monitoring Officer pointed out that there were two changes needing to be made to the flowchart in Appendix 1. Reference to Stage 6 in a box referring to Standards Hearings Sub-Committee should be amended to Stage 5, and Stage 1 should include reference to informal resolution as an option.

The recommendations are to be presented to Council for approval as a new process. Cabinet had recommended an additional lawyer be appointed to support the work of the Monitoring Officer in dealing with complaints, so the Standards Committee need to endorse the recommendation before it goes to Council.

The procedure as written advocates that Members pay for their own training if imposed by way of a sanction, but this had not been formally decided. The committee debated where the responsibility lay for payment of training.

The report outlined the work undertaken to recruit to the vacancies of co-opted representatives. The Chair confirmed that interviews had been held this week to recruit, so the Committee would soon have two new members sitting on it.

This meeting was the last to be attended by Alison Willan as the Independent Person, her tenure extended by an additional year due to the pandemic. The Standards Committee thanked Alison for her many years of service (nine) and the amazing contribution that she had made. She had also offered to meet with the new representatives to explain the role required of them.

Discussion included the following points;

- Possible rotation of members on the Standards Committee in future balanced against the building up of knowledge and experience gained over time.
- Better to start a new procedure, if it is approved by Council, with a set membership to embed the process, with the expectation that changes may be required and that the situation is reviewed in future.
- Political Groups are entitled to appoint representatives to committees, so rotation by thirds may prove difficult.
- On page 19, 'information' needs to be replaced by 'informal' resolution.
- On page 21, the reference to an external investigator, is to retain the option and flexibility in certain circumstances to use other parties, such as Monitoring Officers in other Councils if it proved difficult to progress matters in-house. The flexibility is to be retained but without any intention of so doing unless proven to be necessary.
- On page 22, clarification was given in relation to the fact that decision notices will be published in cases of a breach, but in cases of a finding of no breach the subject Member has a choice of whether the decision is published or not. At stage 3, the finding of the Monitoring Officer will already be published.
- On page 26, paragraph k, the Monitoring Officer will provide additional wording to clarify that there should be no actions which impede the democratic process, or the ability of Members to undertake their Council duties.
- In relation to recommendation 3 in the report relating to training which may be imposed as a sanction;
 - A Council cannot be required to pay for training

- A Member cannot be forced to pay for training
- There is no training budget available for the purposes of implementing sanctions imposed by Standards Committee Hearings
- Town & Parish Councils are unlikely to have budgets for such purposes
- Public expectations will not necessarily be that public money is used to provide training for Members imposed as a sanction, since the Standards Regime is essentially a punitive one
- Money cannot be deducted from a Member's Allowance for training currently

Following discussion the Monitoring Officer will undertake some benchmarking with other Councils in relation to whether training is provided under the circumstances referred to, and to provide wording which will include the option for this Council to pay for training.

In relation to the Review of the Code of Conduct, the Monitoring Officer said that he was awaiting the nomination from one of the Political Groups to the proposed Working Party, but that Guidance was also still awaited from the Local Government Association (LGA) and so it was not necessary to adopt the new Code immediately. Committee members agreed that it would be included on the Committee's Future Work Programme, to be addressed after the Elections and Annual Council in May.

At the conclusion of debate Cllr Rylance proposed and Cllr Gardner seconded Recommendation 1, and following a vote this was carried.

The Chair then moved Recommendation 2, and following a vote this was carried.

The Chair moved Recommendation 3, and following a vote, this was carried.

Already raised at the start of the meeting, the Chair moved Recommendation 4, and following a vote, this was carried.

RESOLVED TO RECOMMEND to Council

- 1. that the necessary Constitutional amendments are agreed to adopt and implement the proposed procedure for handling Code of Conduct complaints, subject to the amendments agreed;**
- 2. that the recommendation of Cabinet of 17 March 2021 to recruit an additional lawyer to support the work of the Monitoring Officer be supported;**
- 3. that the responsibility for any training imposed by way of sanction determined, and as set out in the revised complaint procedure be adopted.**
- 4. To thank Alison Willan for her service to the Council during her 9 year period as the Independent Person.**

41 Code of Conduct Complaints update 1 January 2020 - 31 December 2020

The committee considered the report of the Monitoring Officer, which provided an update on Code related cases received for the last calendar year.

The Monitoring Officer referred to the backlog of cases, and that the Committee would receive updates until all cases were closed. Some cases would run for some time given their nature and complexity, and there are a number of complicating factors which provide reasons for delays, including the length of time it takes to receive information required from those involved. If Council approves the new procedure, it will then become operational after

Annual Council and has rigorous timescales to adhere to, and time will be set aside to clear cases which are outstanding.

The Monitoring Officer also outlined how he would be refining the reporting of complaints to Committee in future, to include identifying the source of the complaint in general terms, for example from a Member, member of the public or other, and to distinguishing between closed and outstanding cases.

Other points made during discussion included the need to consider Member-Officer relations; training after elections of Members in how to handle situations where they might disagree with officers, such as at Planning Committees; and how to resolve issues of understanding informally between Members and Officers outside of formal meetings.

RESOLVED that the report be noted.

42 **Code of Conduct Complaints update 1 January 2021 - 31 March 2021**

The Committee considered the report of the Monitoring Officer on Code related cases for the first quarter of 2021.

The Monitoring Officer pointed out that the first nine complaints of the report related to EDDC councillors, which was a situation he had not experienced in six years of working for the Council and was not good for the public to see.

Following discussion on the Member-Officer Protocols, the need for training and a more prescriptive approach being required to guide communications between Members and Members, and Members and Officers which included the use of social media the following recommendations were proposed.

RECOMMENDED;

That the Standards Committee;

- 1) Request that the Monitoring Officer reviews the Member–Officer Protocols
- 2) Request that Group Leaders convene a meeting in the next Council year to consider ways to temper the behaviours between Members and Members, and Members and Officers, including training and a protocol into the use of social media which may reduce the number of complaints

The Chair moved the recommendations and following a vote they were carried.

RESOLVED that;

- 1) **the report of the Monitoring Officer be noted.**
- 2) **the Monitoring Officer reviews the Member–Officer Protocols.**
- 3) **Group Leaders convene a meeting in the next Council year to consider ways to temper the behaviours between Members and Members, and Members and Officers, including training and a protocol into the use of social media which may reduce the number of complaints.**

Attendance List

Councillors present:

C Gardner (Chair)

E Rylance

Co-opted Members present:

Mr Martin Goscomb

Cllr P Stott

Councillors also present (for some or all the meeting)

A Moulding

P Arnott

Officers in attendance:

Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)

Susan Howl, Democratic Services Manager

Amanda Coombes, Democratic Services Officer

Councillor apologies:

D Barrow

P Twiss

S Bond

B Nelson

Chairman

Date:

ANNEX 2 – Standards Process



STANDARDS PROCESS

FOR DEALING WITH COMPLAINTS THAT
MEMBERS HAVE BREACHED THE CODE OF
CONDUCT

Adopted by Council April / May 2021

CONTENTS:

1. Introduction
2. Making a complaint
3. Initial Assessment (Stage 1)
4. Standards Assessment Sub-Committee (Stage 2)
5. Monitoring Officer Investigation (Stage 3)
6. Independent Investigation (Stage 4)
7. Standards Hearing Sub-Committee (Stage 5)
8. General matters

Appendix 1:	Complaint Flow Chart
Appendix 2:	Basic and Local Assessment Criteria
Appendix 3:	Standards Assessment Sub-Committee Procedure
Appendix 4:	Standards Hearing Sub-Committee Procedure

Definitions used in this document:

Code of Conduct	means the Code of Conduct for Members which the Council and town or parishes are required to adopt under Section 27 of the Localism Act 2011
Complainant	means the individual who has submitted a complaint.
Council	means East Devon District Council
Member	means a member or co-opted member of East Devon District Council, or of a parish or town council within its area
Monitoring Officer	means the senior officer of the Council who has the statutory responsibility for maintaining the register of Member's interests and who is responsible for administering the arrangements for dealing with complaints of Member misconduct. It includes any officer nominated by the Monitoring Officer to act on his or her behalf in that capacity.
Independent Person	means a person appointed under Section 28(7) of the Localism Act 2011; (i) whose views must be sought and taken into account before a decision is made on an allegation of member misconduct under these arrangements. (ii) who may be consulted by the Subject Member about the complaint.
Subject Member	means a Member against whom a complaint has been made that they have not complied with the Code of Conduct.

1. Introduction

- 1.1 The Localism Act 2011 abolished the previous Standards Board regime for dealing with complaints in relation to Member conduct.
- 1.2 Section 27 of the Localism Act 2011 requires a local authority to adopt a code of conduct to govern the conduct that is expected of its Members (and co-opted members) when acting in their official capacity and which must, when taken as a whole, be compliant with the Nolan principles. A town or parish council may adopt its own code or that of its principal authority (in East Devon that is the District Council).
- 1.3 Each year, at the Annual Council meeting in May, the Council agrees the Member's Code of Conduct as part of the adoption of the Constitution.
- 1.4 Section 28 of the Localism Act 2011 requires the Council to have in place arrangements through which allegations that a Member's conduct has breached the Code of Conduct can be investigated and decided upon. This process must involve an Independent Person, who is independent of the Council and who is an important safeguard in the process. There are certain restrictions on who this person can be.
- 1.5 This document sets out the local procedure for dealing with complaints that a Member has failed to comply with the Code of Conduct. It has been adopted by the Council for this purpose. A flow chart of the process is contained at Appendix 1.
- 1.6 Both the Member's Code of Conduct and this standards procedure will be subject to regular review.

2. Making a complaint

- 2.1 The expectation is that all complaints must be lodged using the official form in order for us to progress it any further. Further details and an online form can be found on our [How to Complain about a Councillor](#) pages of our website.
- 2.2 Reasonable adjustments can be made to assist anyone who has a disability that prevents a complaint being made online. Please contact the Monitoring Officer on 01395 517535 to obtain further assistance or via email monitoringofficer@eastdevon.gov.uk.
- 2.3 It is very important that anyone completing the form gives as much detail as possible as insufficient information may result in the complaint not progressing (see Section 3). The name of the Member and the relevant paragraphs of the Code of Conduct that it is felt they have breached should be included together with a description of the event/actions that led to the breach. Relevant evidence (such as email exchanges, witness accounts or recordings) to support the alleged breach should be referenced / provided.
- 2.4 Potential Complainants are encouraged to explore whether the matter can be resolved without the need to submit a formal complaint under this process.
- 2.5 Complainants are also encouraged to think about the outcomes and / or remedy they are seeking. A list of possible outcomes is set out in Section 8.7.
- 2.6 Complaints submitted online will be acknowledged immediately. If submitted by any other means, we will acknowledge your complaint within five working days.
- 2.7 Relevant Codes of Conduct for each of the Parish or Town Councils can be found on their websites, the home page for them can be found on our webpage using the link above.

2.8 Complainant confidentiality

When we receive a complaint, the Member who is being complained about will, in normal circumstances, be told who has complained about them. Confidentiality may be permitted where the Monitoring Officer is satisfied that there are very good grounds for withholding the Complainant's identity. Anonymous complaints will not therefore be accepted for consideration unless they are exceptionally serious or significant - Section 8.3 provides further detail.

Where a Complainant asks for their identity to be kept confidential, the Monitoring Officer will consider the request before informing the Member that a complaint has been made. If the Monitoring Officer doesn't think it is appropriate to grant a request for confidentiality the Complainant will be offered the opportunity to withdraw the complaint rather than proceed with it. In a case where confidentiality is granted, the Monitoring Officer will decide how the complaint should be taken forward.

2.9 Complaints by District Councillors

Under the Council's Constitution East Devon District Councillors should consult with the Monitoring Officer before making any complaint against another District or Town / Parish Councillor.

3. Initial Assessment (Stage 1)

- 3.1 The Monitoring Officer will first assess the complaint against the Basic Criteria to ensure that it is a valid complaint. The Basic Criteria are contained at Appendix 2.
- 3.2 The outcome of the initial assessment will usually be confirmed to the Complainant by the Monitoring Officer within four weeks of the complaint being lodged.
- 3.3 Where a complaint is valid, the Monitoring Officer may then seek further clarification or relevant information from the Complainant. It is essential that the Complainant provide sufficient information to enable the Subject Member and those responsible for assessing the complaint to understand the substance of the complaint. If the Complainant is unable or unwilling to provide any further information, the Monitoring Officer will determine whether it is appropriate to proceed with consideration of the complaint. The Monitoring Officer may decide not to progress a complaint or it may be referred to the Standards Assessment Sub Committee for consideration. It is ultimately the responsibility of the Complainant to provide the supporting evidence for their complaint to justify a the complaint progressing.
- 3.4 Once the Monitoring Officer is satisfied that sufficient information has been provided, the Subject Member will be notified of the complaint and given the opportunity to respond. The Subject Member will normally be given a reasonable period of time to respond (usually two weeks).
- 3.5 Once the Subject Member has provided comments the Monitoring Officer may consider whether there is scope for informal resolution (see Section 4.5 'Other action' for more detail) which, if successful, may resolve the complaint. If successful the matter is concluded.
- 3.6 Once the Subject Member's views have been provided or the deadline has passed and no comments have been received and / or any attempts at informal resolution have been unsuccessful, the complaint will then be placed before the next available Standards Assessment Sub-Committee for a decision on how the complaint is to progress.
- 3.7 A Complainant will be kept informed of how the complaint progresses and the date of the Standards Assessment Sub-Committee. It is expected that the Standards Assessment Sub-Committee will consider the matter within six weeks of the confirmation of the initial assessment referred to in Section 3.2 above.

4. Standards Assessment Sub-Committee (Stage 2)

- 4.1 Meetings of the Assessment Sub-Committee will generally be held in private given that the information to be discussed relates to individuals, is subject to confidentiality at this stage (see Section 8.3 below) and has not been subject to any formal findings and may therefore be potentially unfounded and damaging.
- 4.2 The Assessment Sub-Committee will be drawn from members of the Standards Committee as detailed in the Council's Constitution. The process to be followed at the Assessment Sub-Committee is detailed in Appendix 3.
- 4.3 The Standards Assessment Sub-Committee will receive reports from the Monitoring Officer to assess any valid complaint and determine the appropriate action to be taken. The Monitoring Officer's report will summarise the complaint, the Subject Member's views (if any) and will provide such documentation as is appropriate and will detail any attempts at informally resolving the complaint. The report will make a recommendation to the Assessment Sub-Committee but it will be for the Assessment Sub-Committee to consider and determine how the matter progresses. At this stage, the Assessment Sub-Committee will not normally consider any further representations or correspondence from either the Complainant or Subject Member.
- 4.4 The report of the Monitoring Officer will be written having regard to the 'Local Assessment Criteria' (Appendix 2).
- 4.5 The Assessment Sub-Committee will consider the Monitoring Officer's report and, having regard to the 'Local Assessment Criteria' and the views of the Independent Person, it will take a decision on how a complaint progresses, on the basis of one or more of the following options:

(1) No further action

Circumstances where 'no further action' may be appropriate:

- Behaviour not subject to the Code of Conduct.
- The complaint is the same or substantially the same as a complaint previously dealt with.
- The period since the alleged behaviour is so significant that it is considered to be inequitable, unreasonable or otherwise not in the public interest to pursue.
- The complaint discloses such a minor or technical breach of the Code of Conduct that it is not in the public interest to pursue.
- The complaint is or appears to be trivial, malicious, politically motivated, tit-for-tat or otherwise submitted with an improper motive and the complaint is not considered to disclose sufficiently serious potential breaches of the Code of Conduct to merit further consideration.
- The complaint is covered by the Council's persistent and vexatious complaints policy and the complaint is not considered to disclose sufficiently serious potential breaches of the Code of Conduct to merit further consideration.
- The Member has provided a satisfactory remedy to the complaint.

- The complaint is about a person who is no longer a Member of a relevant council.
- There is evidence to suggest a potential breach of the Code of Conduct but the circumstances do not warrant further action.

The case is closed and a letter will be sent to both the Complainant and Subject Member with an explanation as to why. The Subject Member has the option to request that details of the complaint and outcome be published on the Council's website. If not, details of the complaint remain confidential.

The Monitoring Officer will deal with actions arising from a decision of 'no further action'.

(2) Monitoring Officer Investigation

The Assessment Sub-Committee decide that the complaint should be investigated. The Monitoring Officer carries out an appropriate investigation into the complaint under Stage 3.

(3) Other action

Where a decision of 'other action' may be appropriate:

- Less serious complaints where the Member wishes to put their actions right or where it would be beneficial to remind a Member(s) of the requirements of the Code of Conduct, matters that should be included on their Register of Interests or declarations of interest at meetings.
- A general breakdown in relationships at the Council where other action such as mediation might help.
- Complaints where the public interest in conducting an investigation does not justify the costs of such an investigation.
- Where there is behaviour indicating a lack of experience or the Member(s) may benefit from additional training or mentoring.
- Where the issue appears to be in the political arena and therefore appropriate for referral to a leader(s) of a political group to deal with.
- Where it appears that the town/parish council would be best placed to resolve the issue.
- Where there is the same alleged breach of the Code of Conduct by many of the Council's Members, indicating a poor understanding of the Code of Conduct and / or authority's protocols and procedures.

'Other action' affords an opportunity for informal resolution between the Complainant and the Subject Member – such as an apology, commitment to undertake training or mediation. It does not represent a finding of whether there has been a breach of the Code of Conduct.

Where 'other action' is decided a letter is sent to the Complainant and the Subject Member setting out the action taken with an explanation. The Subject Member has the option to request that details of the complaint and outcome be published on the Council's website. If not, details of the complaint remain confidential.

The Monitoring Officer will deal with actions arising from a decision of 'other action'. Where there is a clear expectation from the Assessment Sub-Committee of an informal resolution being achieved but the Monitoring Officer is unable to achieve this, the complaint will be referred back to the Assessment Sub-Committee for a further decision on the complaint under this stage. If there is no clear expectation of an outcome then the complaint will not be referred back.

(4) Referral to Independent Investigation

This is likely to be considered where the complaint has raised an issue which is serious enough to warrant a detailed investigation, there is a conflict of interest or it is otherwise appropriate in the circumstances.

If a matter is referred to independent investigation, the complaint progresses to Stage 4.

(5) Refer to the Police

Where the Complainant alleges criminal conduct (including failure to register or declare a Disclosable Pecuniary Interest, or voting at a council meeting where such an interest exists), this is a criminal offence as well as potentially being a breach of the Code of Conduct. It may be considered appropriate to refer the matter to the Police in isolation or for the matter to be considered as a breach of the Code of Conduct as well. If to be considered as a potential breach of the Code of Conduct, consideration will be given as to whether the matter is held pending any other investigations and their outcome being known.

[NOTE: Complainants may refer criminal allegations directly to the Police]

The Monitoring Officer will deal with actions arising from a decision of 'referral to the Police'.

5. Monitoring Officer Investigation (Stage 3)

- 5.1 The Monitoring Officer, or a sufficiently experienced officer of the Council or an external investigator, will conduct an appropriate investigation into the complaint.
- 5.2 The investigation will be proportionate and will include interviews with everyone the investigating officer decides will help them assess the complaint and reach a conclusion on whether there has been a breach of the Code of Conduct.
- 5.3 The Independent Person is consulted on the complaint prior to a decision being reached. Their views will be recorded in the decision.
- 5.4 If no breach is found the case is closed and parties notified why. The Subject Member has the option to request that details of the complaint and outcome be published on the Council's website. If not, details of the complaint remain confidential.
- 5.5 If a breach is found then the Monitoring Officer seeks to agree an appropriate resolution and / or sanctions with the parties. Where this cannot be agreed, the Monitoring Officer will determine an appropriate resolution and / or sanctions and if the Subject Member accepts them then the matter is concluded. The decision, detailing the findings, paragraphs of the Code of Conduct breached, reasoning, views of the Independent Person and outcome / sanctions will be sent to the Complainant and the Subject Member. The decision will be published on the Council's website.
- 5.6 Where the Subject Member does not agree the resolution and / or sanctions, the Monitoring Officer refers the complaint for Independent Investigation (Stage 4).
- 5.7 Normally an outcome from the Monitoring Officer Investigation is likely to be obtained within two months of the referral by the Assessment Sub-Committee. More complex cases may well take longer.

6. Independent Investigation (Stage 4)

- 6.1 The Monitoring Officer will instruct a suitable investigator who will be independent of the Council and the parties involved. The investigation will be proportionate and will include interviews with everyone the investigator decides will help them assess the complaint and reach a conclusion on whether there has been a breach of the Code of Conduct.
- 6.2 Where the complaint progresses straight from Stage 2 to this stage, the Independent Person will be consulted prior to a decision being reached. Their views will be incorporated into the decision.
- 6.3 Where the Independent Investigation finds that the Member hasn't breached the Code of Conduct then this is the end of the matter. The Monitoring Officer will write to the Subject Member and the Complainant to confirm the outcome. Where the decision follows referral from Stage 2 the Subject Member has the option to request that details of the complaint and outcome be published on the Council's website. If not, details of the complaint remain confidential. Where the decision follows referral from Stage 3 the decision (detailing the findings, paragraphs of the Code of Conduct breached, reasoning, views of the Independent Person and outcome / sanctions) will be published on the Council's website.
- 6.4 Where the Investigator concludes that there has been a breach of the Code, the Monitoring Officer will try to seek agreement with the Subject Member on resolution and / or sanction. Where agreement is reached the decision (detailing the findings, paragraphs of the Code of Conduct breached, reasoning, views of the Independent Person and outcome / sanctions), will be sent to the Complainant and the Subject Member. The decision will be published on the Council's website.
- 6.5 Where the Subject Member does not accept the outcome or it is not appropriate or possible to agree resolution and / or sanctions, the Monitoring Officer will arrange for a Standards Hearing Sub Committee under Stage 5.
- 6.6 Normally an outcome from Independent Investigation is likely to be obtained within two months of the referral by the Assessment Sub-Committee. More complex cases may well take longer.

7. Standards Hearing Sub-Committee (Stage 5)

- 7.1 Meetings of the Hearing Sub-Committee will generally be held in public unless the Subject Member persuades the hearing that there are legitimate reasons for holding the Hearing in confidential session.
- 7.2 The Hearing Sub-Committee will be drawn from members of the Standards Committee as detailed in the Council's Constitution. There is a written procedure to be followed by the Hearing Sub-Committee which is contained at Appendix 4.
- 7.3 To seek to protect the principles of natural justice, no member may sit on a Hearing Sub-Committee if they sat on the Assessment Sub-Committee that considered the complaint initially, save where through conflicts of interest it is not otherwise possible to convene a panel of members to sit.
- 7.4 The Independent Investigator will present their report to the Hearing Sub-Committee and the Subject Member, the Complainant and Independent Person will be able to make representations to the Hearing Sub Committee members before the Sub-Committee decides whether there has been a breach of the Code of Conduct and what, if any, sanctions are appropriate.
- 7.5 Decision notices from hearings are published on the Council's website.
- 7.6 Normally a Standards Hearing Sub-Committee will be held within six weeks of the outcome from the preceding stage.

8. General matters

8.1 *Multiple complaints*

- 8.1.1. A single event may give rise to similar complaints from a number of Complainants. This may relate to one Subject Member or multiple Subject Members. Complaints may relate to the same set of facts.
- 8.1.2 Where it is logical and appropriate to do so - e.g. multiple complaints relating to the same set of facts against one Subject Member - the complaints will be combined and dealt with as one.
- 8.1.3 Where possible complaints relating to a single event will be considered by the Assessment Sub-Committee / Hearing Sub-Committee at the same time. Where it isn't appropriate to combine complaints they will be considered by the Assessment Sub Committee / Hearing Sub-Committee separately.
- 8.1.4 If an investigation is deemed to be appropriate the Monitoring Officer may determine that, in the interests of efficiency, only one complaint should go forward for investigation, with the other Complainants being treated as potential witnesses in that investigation.

8.2 *Withdrawing complaints*

- 8.2.1 A Complainant may ask to withdraw their complaint before it has been assessed or decided.
- 8.2.2 In deciding whether to agree to the request the Monitoring Officer will consider:
 - a) the Complainant's reasons for withdrawal (e.g. whether there has been undue pressure or an apology given);
 - b) whether the public interest in taking some action on the complaint outweighs the Complainant's wish to withdraw it;
 - c) whether action, such as an investigation, may be taken without the Complainant's participation.

8.3 *Confidentiality and anonymous complaints*

- 8.3.1 All information regarding the complaint will remain confidential to the parties involved unless the information is published in accordance with the process detailed in this procedure. The Complainant and Subject Member are expected not to disclose information about the complaint to anyone else unless such publication is in accordance with these rules.
- 8.3.2 Where the Monitoring Officer is of the opinion that there is very good reason to do so the identity of the Complainant may be kept confidential. Examples may include because there is a serious risk to the Complainant's personal safety, there are serious health conditions and there are medical risks associated with the identity being disclosed or fear for the consequences of their employment.
- 8.3.3 The Subject Member under investigation may not immediately be informed of who the Complainant is where it is considered that it may prejudice any investigation.

8.3.4 Save for the exceptionally serious or significant matters, anonymous complaints will not be accepted. An anonymous complaint that is considered to be exceptionally serious or significant will only be considered if it includes documentary or photographic evidence that supports the complaint.

8.4 *Use of alternative Monitoring Officer*

8.4.1 The Monitoring Officer may, at his discretion, refer any complaint to a Monitoring Officer of another authority where it is necessary or expedient to do so. Such examples may include complaints against senior Members.

8.5 *Independent Person*

8.5.1 The Council has two Independent Persons one of whom shall be consulted as part of the consideration of any complaint. Their involvement at the various stages is detailed in the steps outlined above.

8.5.2 Subject Members have the right to consult the Independent Person as part of the complaints process. They will be notified of this as part of the correspondence but can always ask the Monitoring Officer for the relevant contact details.

8.5.3 Where possible the Independent Person giving their views to the Monitoring Officer or Assessment / Hearing Sub-Committees will be different from the one giving views to the Subject Member, although it is acknowledged that this may not always be possible.

8.6 *Complaints against town or parish councillors*

8.6.1 Where there is a complaint against a Member of a town or parish council which results in a finding that they have breached the Code of Conduct, the Clerk of the relevant town or parish council will be notified of the decision.

8.7 *Potential outcomes*

8.7.1 Neither the Monitoring Officer nor the Hearing Sub-Committee has powers to suspend or disqualify Members or to withdraw members' or special responsibility allowances.

8.7.2 Available sanctions include:

- a. Requiring an apology to be given.
- b. That training be undertaken.
- c. Censure or reprimand the Member.
- d. Publish its findings in respect of the Member's conduct.
- e. Report its findings to Council [or to the parish council] for information.
- f. Recommend to the Member's Group Leader (or in the case of ungrouped councillors, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council.
- g. Recommend to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities.
- h. Recommend to Council that the Member be replaced as Executive Leader.

- i. Instruct the Monitoring Officer to [or recommend that the parish council] arrange training for the Member.
- j. Remove [or recommend to the parish council that the Member be removed] from all outside appointments to which he/she has been appointed or nominated by the authority [or by the parish council].
- k. Withdraw [or recommend to the parish council that it withdraws] facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access.
- l. Exclude [or recommend that the parish council exclude] the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

8.7.3 Certain of these sanctions are capable of being imposed by the Council, but in relation to complaints about parish and town Members certain of the sanctions can only be recommended to the relevant parish/town council

8.7.4 Neither the Hearings Sub-Committee nor the Monitoring Officer have the power to enforce compliance. If a member fails to comply with any sanction, this may constitute a further breach of the Code of Conduct. While sanctions, such as withdrawing email facilities or preventing access to a building, can be imposed for the purposes of securing the efficient and effective discharge of the Council's functions, such measures should not interfere with the democratic process nor act as a form of suspension.

8.7.5 Any training requirement imposed is, save in exceptional circumstances, the responsibility of the Subject Member to fund.

8.8 *Departure*

8.8.1 While the Council has adopted this procedure, in so doing it is accepting that the Monitoring Officer, the Assessment Sub-Committee or Hearing Sub-Committee may depart from these arrangements where it is considered expedient to do so to secure the effective and fair consideration of any matter.

8.9 *Appeals*

8.9.1 There is no right of appeal for the Complainant or the Subject Member against a decision of the Assessment Sub-Committee or Hearings Sub-Committee. While the Subject Member can disagree with the Monitoring Officer's decision on breach and / or sanction and require a Standards Hearing Sub-Committee to be held, this is not available to Complainants.

8.10 *Updates*

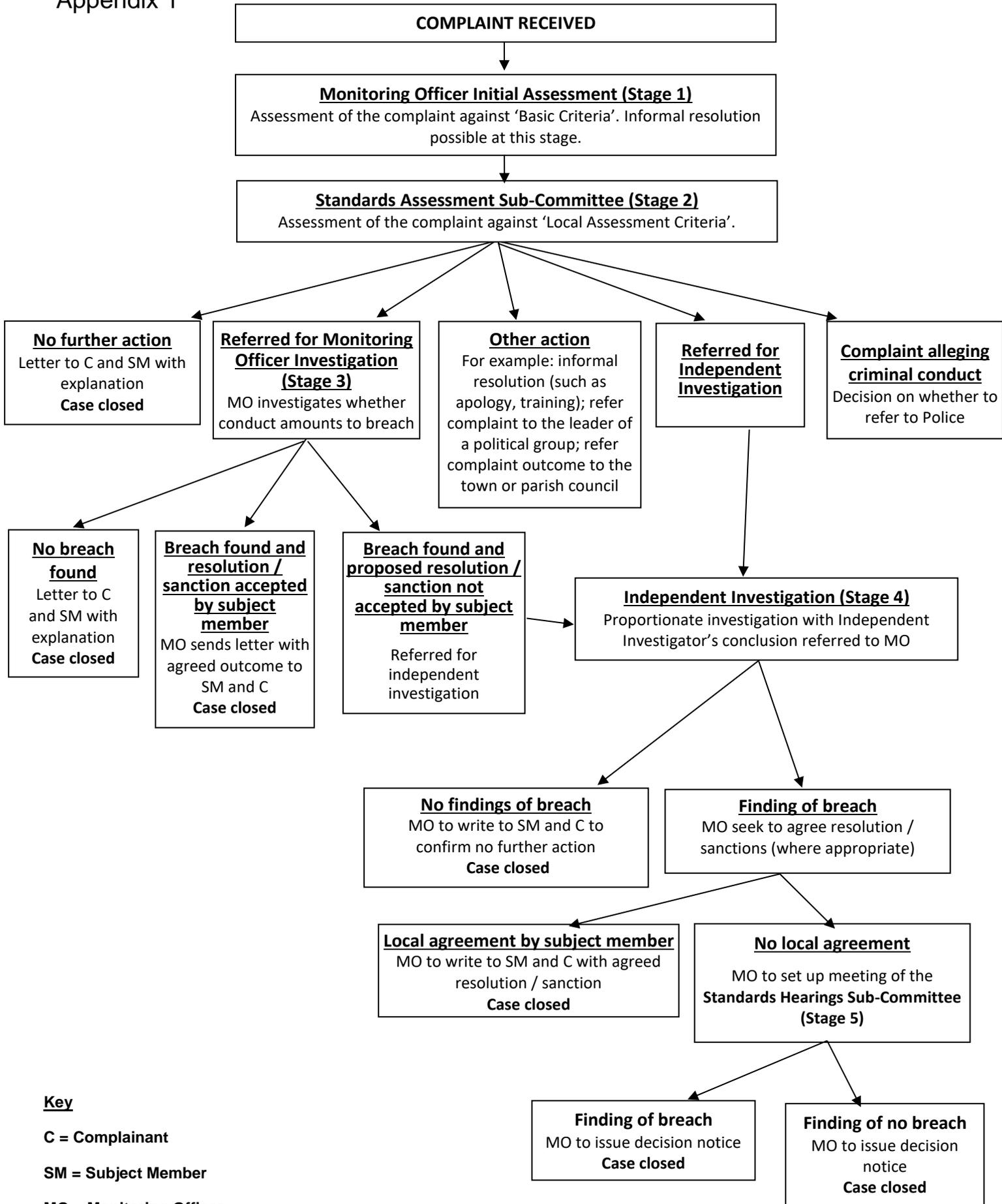
8.10.1 The Standards Committee shall receive regular updates on complaints (level of complaint, brief detail of complaint, paragraph alleged to be breached, decision and sanctions) and it will also include details of the number that have not progressed as they did not meet the Basic Criteria.

8.11 *Data Protection and document retention*

8.11.1 Personal data will be treated in accordance with the requirements of the Data Protection Act 2018 and the relevant [privacy notice](#).

8.11.2 Documents will be retained in accordance with the requirements of the Local Government Act 1972 and the [Council's retention schedule](#).

Appendix 1



Key

C = Complainant

SM = Subject Member

MO = Monitoring Officer

Appendix 2

Basic and Local Assessment Criteria

The Basic Criteria are;

- (1) The complaint is about a member of East Devon District Council or of a town or parish council within the administrative area of East Devon and who was a Member at the time of the incident giving rise to the complaint;
- (2) That the Member remains a member of the relevant council at the time of assessment;
[NOTE: The Monitoring Officer retains the discretion to refer a complaint for assessment where, in his opinion, it is considered that there are exceptional circumstances to justify a decision that it is in the public interest to continue to consider the complaint despite the Member no longer being in office.]
- (3) That a Code of Conduct for the relevant council is in force;
- (4) The complaint relates to Member conduct (rather than, for example, the lawful actions of a parish council or the District Council's service provision) such that, if proven, it would be capable of amounting to a breach of the Code of Conduct;
- (5) It can reasonably be said that the Member was acting so that the Code of Conduct was engaged;
- (6) A complaint must be made within 3 months from the date upon which the Complainant became, or ought reasonably to have become, aware of the matter giving rise to the complaint.
[NOTE: The Monitoring Officer retains the discretion to refer a complaint for assessment that would otherwise be out of time where, in his opinion, it is justified in the public interest to continue to consider the complaint.]
- (7) The complaint has not already been considered by the Assessment Sub-Committee.

All seven of the criteria must be satisfied to be valid.

The Local Assessment Criteria are;

- (1) *Sufficient evidence of a potential breach*
 - Is there sufficient evidence of a potential breach of the Code of Conduct?
- (2) *Outcomes*
 - Is the matter something which it is possible to investigate?
 - Would an investigation serve a useful purpose or is the complaint related to a 'technical' breach of the Code? Has a remedy already been agreed/put in place or does understanding of the breach appear to have been demonstrated or would 'other action' be more appropriate?
 - Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct?
 - Has the complaint been the subject of, or is it subject to, an investigation by other regulatory authorities which may mean it is not necessary to progress or that the complaint should await the outcome of the other investigation? An example may be a Police investigation into a potential breach of the Disclosable Pecuniary Interest rules.

(3) Seriousness of the Complaint

- Does the complaint, on the available information, appear to be trivial, vexatious, malicious, politically motivated or 'tit for tat'.
- Has the Subject Member offered an apology, a reasonable explanation of the issues, or can the complaint can reasonably be addressed by other means?
- Is the complaint part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business and there are no other avenues left to deal with it?

(4) Public interest

- Does the complaint have the potential to damage confidence in local democracy?
- Bearing in mind the public interest in the efficient use of resources, referral for investigation is generally reserved for serious complaints where alternative options for resolution are not appropriate
- Whether the Subject Member is no longer a Member of a relevant council.

(5) Length of Time Elapsed

- Is the complaint about something that happened so long ago that there would be little benefit or it would not be in the interests of justice to in taking action now?
- Would an investigation be proportionate and in the public interest?

(6) Anonymity

- Where an anonymous complaint has been submitted, is there sufficient documentary evidence or photographic evidence, which indicates an exceptionally serious or significant matter, which merits progressing?

Appendix 3

Standards Assessment Sub-Committee Procedure

The Monitoring Officer will prepare a report which summarises the complaint and paragraphs of the Code of Conduct it is alleged have been breached, the Subject Member's views (if any) and will provide such documentation as is appropriate. It will also detail any attempts at informally resolving the complaint. The report will make a recommendation to the Sub-Committee as to how the matter should progress.

The report will be anonymised (referring to a Subject Member by a single letter of the alphabet different from their surname).

The report will be circulated to the Sub-Committee in confidence as part of a formal agenda.

The Sub-Committee will first ask the Monitoring Officer to speak to the report.

The Sub-Committee (or the Representatives or Independent Person) may ask questions of the Monitoring Officer.

The Sub-Committee will hear the views of the Independent Representative, Town / Parish Representative and the Independent Person before taking a decision.

The decision must have regard to the report and recommendations, the Local Assessment Criteria and views of the Independent Person.

The decision of the Sub-Committee will be formally recorded in the minutes which will be a public record.

The decision will be communicated separately to the Complainant and Subject Member.

Appendix 4

Standards Hearing Sub-Committee Procedure

(a) General Principles

1. The Standards Hearing Sub-Committee is a formal committee meeting of the Council. However it does act in a quasi-judicial manner in that it is obliged to objectively determine facts and draw conclusions from them so as to provide the basis, where justified, for official action, which may affect the legal rights, duties or privileges of the Subject Member whose actions led to the investigation.
2. Notwithstanding this, the Sub Committee is not a court of law and therefore the general principle (which is subject to the proviso in paragraph 9 below) is that the Sub-Committee will only hear representations directly from the relevant parties as further detailed in Section (c) below. While both the Subject Member and Complainant may have persons attending in support / representation, formal cross-examination of anyone making representations will not be permitted, any questions from the parties shall be directed through the Chairman of the Sub-Committee. The Chair may, at their absolute discretion, permit oral representations from other persons if it is considered necessary and appropriate to do so.
3. The Sub-Committee will comprise a Chair and two other voting members. It will also comprise two non-voting Members being one of the Independent Representatives and one of the Parish Council Representatives. The Committee will be advised by a Legal Officer and supported by a Democratic Services Officer ("the clerk"). The Monitoring Officer (or Deputy) and Investigator will also be in attendance. One of the Independent Persons may be in attendance but it is not essential that they are present for the Sub Committee to proceed.

(b) Prior to the Hearing

4. In advance of the Hearing the Monitoring Officer (or his Deputy) will write to the Subject Member and ask them to respond indicating the areas of the Investigator's report which they disagree with and to detail other information that they think is relevant to the Sub-Committee's deliberations on the matter ("the Subject Member's Response"). This will enable the Sub-Committee to focus on the relevant areas when the hearing is held.
5. Both the Subject Member and Complainant may provide supporting written statements (either their own or from others) to be provided to the Sub-Committee, although there is no obligation on either of the Subject Member or Complainant to provide their own representations in written form, if they are intending to make oral representations at the hearing.
6. The Monitoring Officer (or his Deputy), having received all the relevant paperwork, will prepare the Hearing Papers which will be presented to the Sub-Committee as part of a formal agenda with a covering committee report. The Hearing Papers comprise a Pre-Hearing Summary Report (providing detail in respect of the allegation including a summary of the allegation and events and also highlighting the areas of disagreement with the Investigator's report), the Investigator's report,

the Subject Member's Response, any written statements provided by the parties and a copy of this procedure.

7. The presumption will be that the hearing will normally be held in public unless the Sub-Committee exercises its discretion to exclude the public from all or part of the hearing in accordance with the Local Government Act 1972. Accordingly once the Hearing Papers have been compiled they will be provided to the Subject Member and Complainant who will have the opportunity to request that the hearing be held in private. If no such request is made, then the agenda, including the Hearing Papers, will be published and made available in the normal way. If such a request is made, then the Sub-Committee will hear representations on the day of the hearing and then determine whether the matter should be held in public or private. Where such a request is made the formal agenda will be published in the normal way but without the committee report / Hearing Papers available to the public. In the event the Sub-Committee determine that the meeting should be held in public then the Chairman will explain that the committee report / Hearing Papers will be published online after the hearing has taken place.

(c) Formalities at the hearing

8. The Chair of the Sub-Committee will introduce the members of the Sub-Committee, the officers supporting them, the Subject Member, the Complainant, the Monitoring Officer (or Deputy) the Investigator and Independent Member (if present).
9. The Chair will explain the reason for the meeting and outline the procedure to be followed. The Chair may choose to vary this procedure in any particular instance where s/he is of the opinion that such a variation is necessary in the interests of fairness.
10. The Chair will then confirm that all those involved understand the procedure to be followed and ask if there are any preliminary procedural issues which anyone wishes to raise before the hearing begins. Should either the Complainant or Subject Member have sought to have the meeting held in private, the Sub-Committee will consider that at this stage.
11. If any procedural issues are raised, including whether the hearing should be held in private, the Sub-Committee will hear representations on them, before determining them.
12. If the Subject Member is not present at the start of the meeting, the Sub-Committee will consider any reasons given by them for his/her non-attendance. If the Sub-Committee is satisfied that there is good reason for their non-attendance, it may adjourn to another date, or proceed if it has been requested to do so by the Subject Member.
13. If the Sub-Committee is not satisfied that there is good reason for the Subject Member's non-attendance, or if the Subject Member failed to give any reason for his/her non-attendance, the Committee can decide:
 - whether to consider the matter and make a determination in the absence of the Subject Member, or
 - agree to adjourn the hearing to another date.

(d) The Hearing

14. The Committee will identify the areas of disagreement between the Investigator and the Subject Member on the Investigation report's facts or conclusions.
15. The Investigator will be invited to make representations in support of his/her report and on anything contained in the Subject Member's Response. The Subject Member shall have the chance to ask questions of the Investigator. The Sub-Committee and the Monitoring Officer (or Deputy) will have the opportunity to ask questions of the Investigator.
16. The Subject Member will then be invited to make representations in support of the fact(s) concerned and whether the evidence gives rise to a breach or breaches of the Code of Conduct. The Investigator shall have the chance to ask questions of the Subject Member. The Sub-Committee and the Monitoring Officer (or Deputy) will have the opportunity to ask questions of the Subject Member.
17. The Complainant will then be invited to comment on representations made by the Investigator and Subject Member.
18. The Sub-Committee has the discretion to question or permit questions of any of the parties at any point, as it sees fit. The Sub-Committee shall seek the views of the Independent Person before reaching any conclusion, although this shall not prevent the Sub-Committee from continuing with the hearing if the Independent Person is not in attendance.
19. The Sub-Committee will consider what it has heard in private accompanied only by its Clerk. The Sub-Committee may ask the Legal Officer to advise them when required.
20. The Chair will then announce to all present at the hearing the Sub-Committee's decision as to whether or not the Subject Member has failed to comply with the Code of Conduct, whilst setting out the facts upon which the conclusions have been reached.
21. If the Sub-Committee decides that the Subject Member has not failed to follow the Code of Conduct, the Committee will then consider whether it should make any recommendations to the Council.

(e) Sanction

22. If the Sub-Committee decides that the Subject Member has failed to comply with the Code of Conduct, it will consider any verbal or written representations from the Investigator, the Monitoring Officer and the Subject Member as to:
 - a. whether or not the Sub-Committee should impose a sanction and/or recommend to Council that a sanction be imposed; and
 - b. what form of sanction(s) is/are appropriate.
 - c. Any mitigation the Subject Member wishes the Sub-Committee to take into account
23. The Sub-Committee will consider in private, accompanied only by its Clerk [and legal advisor if required] whether or not to impose/recommend the imposition of a sanction on the Subject Member and if so, what form.

24. The Sub-Committee will also consider whether or not it should make any recommendations with a view to promoting high standards of conduct among members of the relevant authority.

(f) Issue of decision

25. The Sub-Committee will announce its decision in public at the conclusion of the hearing.

26. The Sub-Committee will issue a full written decision including reasons within two weeks of the hearing.