



Agenda for the consultative meeting of the Council
Wednesday, 8th December, 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;

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(or group number 01395 517546)

Issued Monday, 29 November 2021

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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/UCmNHQruge3LVl4hcgRnbwBw>

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-public-meetings/#article-content>

Between 27th July 2021 to 17th January 2022, the Council has delegated much of the decision making to officers. Any officer decisions arising from recommendations from this consultative meeting will be published on the webpage for this meeting in due course. All meetings held can be found via the [Browse Meetings](#) webpage.

Dear Sir/Madam

Meeting of the Council of the District of East Devon on
Wednesday, 8th December, 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 4 - 13)

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 Chair 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 14 - 18)

9 **Reports from the Cabinet and the Council's Committees and questions on those reports** (Pages 19 - 20)

- a) Minutes of the Cabinet meeting held on 3 November 2021. Minute numbers 94 - 113 (Pages 21 - 29)
- b) Minutes of the Cabinet meeting held on 1 December 2021. Minute numbers 114 -125 (Pages 30 - 36)
- c) Minutes of the Overview Committee held on 18 November 2021. Minute numbers 7 - 14 (Pages 37 - 43)
- d) Minutes of the Overview Committee meeting held on 25 November 2021. Minute numbers 15 - 17 (Pages 44 - 50)
- e) Minutes of the Strategic Planning Committee held on 9 November 2021. Minute numbers 42 - 50 (Pages 51 - 56)

- f) Minutes of the Planning Committee meeting held on 27 October 2021. Minute numbers 57 - 65 (Pages 57 - 60)
- g) Minutes of the Planning Committee held on 24 November 2021. Minute numbers 66 - 76 (Pages 61 - 64)
- h) Minutes of the Licensing & Enforcement Committee held on 17 November 2021. Minute numbers 10 - 19 (Pages 65 - 68)
- i) Minutes of the Licensing & Enforcement Sub-Committee held on 24 November 2021. Minute numbers 21 - 25 (Pages 69 - 71)
- j) Minutes of the Audit & Governance Committee held on 18 November 2021. Minute numbers 17 - 26 (Pages 72 - 74)
- k) Minutes of the Standards Committee held on 10 November 2021. Minute numbers 7 - 13 (Pages 75 - 77)
- l) Minutes of the Personnel Committee held on 30 November. Minute numbers 7 - 16 (Pages 78 - 81)

10 **Report: Governance arrangements** (Pages 82 - 88)

11 **Report: Temporary continuation of virtual meetings** (Pages 89 - 91)

12 **Motion: Revision to wording related to Poverty in Council documents**

This council resolves to remove the word “involuntary” from the term “involuntary poverty” from every part of its documentation, at the time each document is scheduled for revision.

Proposed by Cllr Eleanor Rylance

Seconded by Cllr Bonetta

Supported by Cllrs; Paul Millar, Sarah Jackson, Cathy Gardner

[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 consultative meeting of Council held at Online via the Zoom App on 20 October 2021****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 7.55 pm

37 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.

He outlined that due to concerns related to COVID risk, the Council had delegated much of its decision taking power to its Senior Officers for the period up to 17th January 2022. Consequently, the meeting was being held on a consultative basis only, and the normal procedural rules as detailed in the Council's Constitution, would continue to be closely adhered to.

However, where the meeting would have normally decided a matter, it will now make recommendation to a Senior Officer. The Officer will then take that recommendation into account, when making their decision.

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 to speak at this meeting.

38 Minutes of the previous meetings

There have been four meetings with minutes to consider at the meeting, specifically the Extraordinary Council meeting on 26th July, Full Council meeting on 27th July, and two Extraordinary Council meetings on 7th September held separately but consecutively at 6pm and 6.30pm.

The Chair asked for comments on the Minutes from the Extraordinary meeting of Council held in person on 26th July at Westpoint.

He then invited Cllrs to vote in favour, against or abstaining recommending approval of the Minutes.

Following a vote the Chair confirmed the minutes of 26th July were recommended for approval.

The Chair then asked for comments on the subsequent three consultative Council meetings held on 27th July, on 7th September at 6pm and on 7th September at 6.30pm.

He then invited Cllrs to vote in favour, against or abstaining receiving and noting the minutes.

Following a vote the Chair confirmed the minutes of 27th July, 7th September at 6pm and 7th September at 6.30pm were all received and noted.

RECOMMENDATION: to approve the minutes of 26th July following a vote of those present.

39 **Declarations of interest**

44b. Minutes of the Cabinet meeting held on 28 July 2021. Minute numbers 44 - 53. Councillor Sam Hawkins, Personal, Item 51 Cranbrook Local Infrastructure Fund. Ward member and resident of Cranbrook.

46. Proposed Temporary Car Park Management Arrangements, Webster's Garage site, Axminster.

Councillor Tom Wright, Personal, A constant visitor to Axminster.

47. Motion: Universal Credit Cut.

Councillor Jess Bailey, Personal, Devon County Councillor.

47. Motion: Universal Credit Cut.

Councillor Ian Hall, Personal, Devon County Councillor.

40 **Matters of urgency**

There was one matter of urgency to be dealt with under agenda item 11.

41 **Announcements from the Chairman and Leader**

The Chair had three announcements to make.

Firstly, the Chair acknowledged the tragic and horrific murder of MP Sir David Amess, at his constituency surgery in Leigh-on Sea, on Friday 15th October. On behalf of all associated with East Devon District Council, he had written to Prime Minister Boris Johnson to express their sincere condolences to Sir David's family, and Westminster colleagues. Residents in East Devon greatly value direct access to local MP's, Simon Jupp, Neil Parish and Mel Stride. Similarly, community representatives within Local Government meet with those they are proud to represent, in numerous different roles, each playing a part at the core of British democracy. It is just five years since the murder of Jo Cox, and the recent events of last week will inevitably cause MP's and other political representatives to question personal security. In East Devon, it is considered important to work together, in an atmosphere of renewed tolerance, understand and respect, and the Council must continue to make it clear that violence or intimidation have no place at any level of politics, to ensure that all elected representatives can continue to carry out their duties safely. Thoughts at this difficult time are with Sir David's family.

The Chair went on to acknowledge the passing of former Exeter City Council Leader, Pete Edwards, who died recently in hospital after a short illness. Pete had served Exeter City Council for thirty years, eight as Leader, from 2011 until his retirement in 2019. A proud former bus driver, Pete introduced the Living Wage to the Council and was prominent in attracting landmark retailers to the city, including John Lewis and Ikea, together with fixtures from the 2015 Rugby World Cup to Sandy Park. It was fitting that one of Pete's last engagements (post retirement) was the opening of the new council funded Exeter Bus Station.

The Chair remembered Pete fondly from several meetings, when his enthusiasm and skill in working together as an effective partnership, meant they were able to pursue many initiatives to the benefit of both the city of Exeter, and East Devon. He said that he was fortunate, as Council Leader in 2018, to inherit a unique cross-party relationship that Pete, as Exeter's Labour leader, had established with EDDC's former Conservative Leader, Paul Diviani. Thoughts are with Pete's wife and family.

The Chair invited any colleagues, who wished to make brief reference to either Sir David Amess or Pete Edwards to do so.

Cllr Moulding, Cllr Skinner and Cllr Gazzard said a few words in fond remembrance of Pete Edwards.

Cllr Jarvis said that he had met Jo Cox on several occasions, before the shocking events which took her life, and reminded the meeting that this had been considered to be an event which could not happen again.

The Chair then held a minute of silent reflection in respect to both losses.

On a happier note he then announced the election of Cllr Jamie Kemp as an EDDC Cllr and Ward Cllr for Exe Valley at the recent By-election on 23rd September, and welcomed him to the Council.

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

There were no confidential or exempt items.

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

Eleven questions had been received from Cllrs and all had been responded to in writing and published prior to the meeting.

Ten questions were submitted by Cllr Millar, who confirmed that he had no supplementary questions to raise.

Q11 Cllr Twiss asked a supplementary question enquiring whether Council would support an immediate COVID safe return to all EDDC meetings which required them to be held in person?

In response, the Leader confirmed that a full written explanation had been provided to Cllr Twiss. This this matter had been led from, and by the Chair in full consultation with all Group Leaders and Cllrs. Some meetings, such as Cabinet and Planning Committee which could meet safely with limited numbers and without officers being present, had done so, until it was clear that agreement could not be reached on other matters without a full meeting of Council when a vote could be taken. A meeting for Cllrs to meet in person took place at Westpoint for this purpose, when the decision of Council was made clear, and remains the current situation. He re-iterated that it is not possible for Full Council to meet in Blackdown House in a COVID safe way so there will be no meetings in person until 18th January 2022 in line with the decision agreed or unless prevailing circumstances change significantly.

The Chair added that an item relating to these matters will going forward to the next Full Council meeting on 8th December, which will provide an opportunity to properly debate

and determine options available in the New Year, and confirmed there will be no immediate return to in person meetings.

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

This item is to receive the minutes of Committees, and invite members to vote in favour or against recommending passing recommendations contained therein for approval to Senior Officers if appropriate, or receiving and noting them when there are none.

The Chair invited the Leader and Chairs of Committees to present their minutes.

With the agreement of the meeting, the Chair took the minutes at item 9q on the agenda before any other minutes, to enable the Chair of the Audit & Governance Committee to leave to attend another meeting.

DECISION:

The recommendations were approved by a Senior Officer. The Senior Officer Decision Notice is listed above under Additional Documents.

- (a) **Minutes of the Audit & Governance Committee meeting held on 23 September 2021. Minute numbers 1 - 16.**
Following a vote the Chair confirmed that the above minutes were received and noted.
- (b) **Minutes of the Cabinet meeting held on 28 July 2021. Minute numbers 44 - 53**
Following a vote the Chair confirmed that the above minutes were received and noted and recommendations contained therein recommended for approval.
- (c) **Minutes of the Cabinet meeting held on 1 September 2021. Minute numbers 54 - 58.**
Following a vote the Chair confirmed that the above minutes were received and noted and recommendations contained therein recommended for approval.
- (d) **Minutes of the Cabinet meeting held on 8 September 2021. Minute numbers 59 - 74.**
Following a vote the Chair confirmed that the above minutes were received and noted and recommendations contained therein recommended for approval.
- (e) **Minutes of the Cabinet meeting held on 6 October 2021. Minute numbers 75 - 93**
Following a vote the Chair confirmed that the above minutes were received and noted and recommendations contained therein recommended for approval.

Cllr Loudoun confirmed that by acceptance of the minutes of Cabinet on 6th October, Council was effectively approving the updated Council Plan.

Accordingly he wanted to thank a number of people who had assisted in the development of the Plan over the previous six months, specifically, Ann Reeder who had facilitated four Member Workshops; all Cllrs who had participated in the process; all officers who had assisted in various ways; the Chief Executive who had helped steer the process through and Jo Avery who had put in a lot of hard work to get the Plan drafted in its current form.

- (f) **Minutes of the Scrutiny Committee meeting held on 29 July 2021. Minute numbers 1 -10.**
Following a vote the Chair confirmed that the above minutes were received and noted.
- (g) **Minutes of the Scrutiny Committee meeting held on 7 October 2021. Minute numbers 11- 19.**
Following a vote the Chair confirmed that the above minutes were received and noted.
- (h) **Minutes of the Joint Overview and Scrutiny Committees meeting held on 16 September 2021. Minute numbers 1 - 6.**
Following a vote the Chair confirmed that the above minutes were received and noted.
- (i) **Minutes of the Housing Review Board meeting held on 16 September 2021. Minute numbers 1 - 15.**
Following a vote the Chair confirmed that the above minutes were received and noted.
- (j) **Minutes of the Strategic Planning Committee meeting held on 20 July 2021. Minute numbers 14 - 21.**
Following a vote the Chair confirmed that the above minutes were received and noted.
- (k) **Minutes of the Strategic Planning Committee held on 7 September 2021. Minute numbers 22 - 32.**
Following a vote the Chair confirmed that the above minutes were received and noted and recommendations contained therein recommended for approval.
- (l) **Minutes of the Strategic Planning Committee held on 5 October 2021. Minute numbers 33 - 41**
Following a vote the Chair confirmed that the above minutes were received and noted.
- (m) **Minutes of the Planning Committee held on 4 August 2021. Minute numbers 28 - 37.**
Following a vote the Chair confirmed that the above minutes were received and noted.
- (n) **Minutes of the Planning Committee held on 1 September 2021. Minute numbers 38 - 47.**
Following a vote the Chair confirmed that the above minutes were received and noted.

- (o) Minutes of the Planning Committee held on 29 September 2021. Minute numbers 48 - 56.**
Following a vote the Chair confirmed that the above minutes were received and noted.
- (p) Minutes of the Licensing & Enforcement Sub-committee meeting on 11 August 2021. Minute numbers 11 - 15.**
Following a vote the Chair confirmed that the above minutes were received and noted.
- (q) Minutes of the Licensing & Enforcement Sub-committee meeting on 8 September 2021. Minute numbers 16 - 20.**
Following a vote the Chair confirmed that the above minutes were received and noted.
- (r) Minutes of the Personnel Committee held on 2 September 2021. Minute numbers 1 - 6.**
Following a vote the Chair confirmed that the above minutes were received and noted.
- (s) Minutes of the Standards Committee meeting held on 14 September 2021. Minute numbers 1 - 6.**
Following a vote the Chair confirmed that the above minutes were received and noted and recommendations contained therein recommended for approval.

45 **Changes to Councillor appointments**

The Chair invited the Monitoring Officer to address his report, who confirmed that this was a short report necessary to implement a number of changes following the recent resignations of Cllrs.

The Chair moved the report and invited members to vote in favour or against recommending approval of the report.

Following a vote, the Chair confirmed that the report and its recommendations contained therein were recommended for approval.

RECOMMENDATION: to approve the report and its recommendations contained therein.

DECISION:

The recommendations were approved by a Senior Officer. The Senior Officer Decision Notice is listed above under Additional Documents.

46 **Proposed Temporary Car Park Management Arrangements, Webster's Garage site, Axminster**

The Chair outlined that he had agreed to deal with this as an urgent matter, in order to enable the car park to be reopened as soon as possible as it is important to convey the message that Axminster is "open for business" and to offer increased parking availability in the run up to Christmas.

He invited Strategic Lead for Health, Housing & Environment, John Golding, to address the report.

The report described a proposal for the Council's car parks team to enter into an agreement with the owners and developers of the former Webster's Garage site in Axminster to manage temporary car park pending long-term redevelopment of the site. The car park is currently closed and it is felt to be in the best interests of the town economy, the council and the site owner to implement this agreement and to reopen the car park without delay.

The Monitoring Officer pointed out that one of the requirements to action the recommendation had been omitted, and read out additional wording to be included in the recommendation and considered by the meeting.

On this basis, Cllr Tom Wright proposed and Cllr Ian Hall seconded that the recommendation as follows is accepted;

"That the Council enters into a temporary contract with the site owner to manage the public car park at the former Webster's Garage site in Axminster with delegated authority being given to Service Lead Environmental Health and Car Parks in consultation with Strategic Lead Finance and Strategic Lead Governance and Licensing to negotiate and agree the commercial terms and enter into the commercial agreement."

The Chair invited members to vote in favour or against recommending approval of the report.

Following a vote, the Chair confirmed that the report and its recommendation contained therein were recommended for approval.

RECOMMENDATION: to approve the report and its recommendation as follows;
That the Council enters into a temporary contract with the site owner to manage the public car park at the former Webster's Garage site in Axminster with delegated authority being given to Service Lead Environmental Health and Car Parks in consultation with Strategic Lead Finance and Strategic Lead Governance and Licensing to negotiate and agree the commercial terms and enter into the commercial agreement.

DECISION:

The recommendations were approved by a Senior Officer. The Senior Officer Decision Notice is listed above under Additional Documents.

47 **Motion: Universal Credit Cut**

The Chair invited Cllr Millar as the proposer to speak to the motion.

Cllr Millar thanked those officers who had assisted him in drafting a motion which had received cross-party support. As a motion in three parts, the intention was to actively support young people at financial risk; request that Cabinet seeks further funding to support the Council's work on poverty, and make a stand as a Council to request that the Government re-instates the Universal Credit uplift, which affects an area like East Devon very much. Since he was aware of many approaches to the Council from those facing hardship, he wanted to indicate its solidarity in helping tackle a desperate situation for many, in the hope that the Government might perform a U-turn.

In the absence of Cllr Bonetta (due to temporary IT difficulties), Cllr Allen seconded this motion by stating that this was the wrong time for the uplift to go, when it could have been reviewed next spring as part of the budget process. He requested that all Cllrs review any funds available to them which could go towards helping the most vulnerable in local communities.

Comments during the debate on this motion included the following;

- That funds were already available to support the Council's Poverty Strategy and a lot of work was underway.
- That the second part of this motion should be referred to the Poverty Working panel for an informed report to be compiled by officers before going to Cabinet.
- Waiting for the intervention of more groups or meetings would delay opportunities to assist people in hardship as soon as possible.
- The period for budget setting is fast approaching and so timing is crucial to consider the direction or re-direction of funds available.
- There were concerns about the impact of multiple changes on families next year, with increases to National Insurance, increasing fuel prices, rising costs of living, the end of furlough and increasing costs of accommodation.
- The Government was setting up a Household Support Fund (£5m), some of which would go to Devon Councils via small grants for basic commodities, and available at the end of the month, but could not support the extension of existing funds such as the Universal Credit uplift.
- £20 is a lot for people who need support urgently, and is the reason bodies such as Honiton Food Safe exist, founded by Cllr Bonetta and open four times each week.
- More names are being presented to Food Banks, and even if the Government do not change their view on the uplift, the Council would be being proactive rather than reactive by putting political views aside and supporting the motion unanimously.
- Poverty appears to be the 'new normal' instead of a crime against people. There is no morally sound reason to defend the taking away of Universal Credit uplift, when families may be forced to choose whether they have heating or food as an option, but not both.
- The uplift was a benefit to the local economy when people have money to shop on High Streets suffering after the pandemic. £20 per week remains lower than the £25 allowance for MPs meals when they are in London.
- There is a widening gap between the 'haves' and 'have nots'.
- Those listening to the debate may take the view this Council does not care, if it does not do all it can to tackle poverty.

The Leader proposed and Cllr Loudoun seconded that the motion now be put.

Cllr Whibley proposed and Cllr Jackson seconded a Recorded vote.

The Chair invited Cllr Millar as the proposer to give his right of reply.

Cllr Millar thanked everyone for their comments and encouraged those present to vote for the motion rather than along party lines.

The Chair invited those present to vote in favour or against holding a recorded vote. This was carried following a vote.

The Chair then invited those present to vote on the proposal that the motion now be put. This was carried following a vote.

Recorded vote on the motion:

Councillors Mike Allen, Megan Armstrong, Paul Arnott, Jess Bailey, Denise Bickley, Jake Bonetta, Sarah Chamberlain, Olly Davey, Peter Faithfull, Steve Gazzard, Nick Hookway, Sarah Jackson, Vicky Johns, Geoff Jung, Jamie Kemp, John Loudoun, Dawn Manley, Paul Millar, Geoff Pratt, Val Ranger, Marianne Rixson, Jack Rowland, Eleanor Rylance, Brenda Taylor, Ian Thomas, Joe Whibley, Eileen Wragg – voted for - 27

Councillors Colin Brown, Alasdair Bruce, Fred Caygill, De Saram, Alan Dent, Ian Hall, Marcus Hartnell, Stuart Hughes, Ben Ingham, Richard Lawrence, Andrew Moulding, Helen Parr, Philip Skinner, Tom Wright – abstained - 14

Following the recorded vote the motion proposed by Cllr Millar was carried.

RECOMMENDATION; that the following recommendations from the motion be approved following a recorded vote.

Our Council recognises the significant impact on residents, particularly children and young people, of the deplorable decision of the Government to remove the Uplift provision for those on Universal Credit that will push many struggling families further into poverty.

This Council will therefore;

- Ensure we are doing all we can to work with our partners to more visibly promote take up of Schemes such as Kickstart, and are actively signposting local businesses to two new Devon programmes, 'SMART SKILLS' and 'Skills Support for the Workforce', in order to support those at risk of financial difficulties by offering solutions to local employers, and including those aged 16 - 24 on Universal Credit, to gain employment for a minimum of 6 months.
- Request an urgent report to a forthcoming Cabinet meeting setting out potential options for directing additional resources into the Anti-Poverty Strategy to support the District in helping the most vulnerable residents this winter, in the light of unexpected rising living costs.
- Write to the Chancellor and Prime Minister (copying in the District MPs) calling for the government to re-introduce this payment as a matter of urgency to the thousands of individuals, families and their children in East Devon that will be adversely affected by this cut in financial support to the most vulnerable.

DECISION:

The recommendations were approved by a Senior Officer. The Senior Officer Decision Notice is listed above under Additional Documents.

The Chair thanked everyone for their attendance and closed the meeting at 7.55pm.

Attendance List

Councillors present:

V Ranger (Vice-Chair)	J Loudoun	G Jung
M Armstrong	D Bickley	H Parr
P Jarvis	J Bailey	G Pook
S Jackson	S Hawkins	G Pratt
S Chamberlain	A Moulding	M Rixson
P Arnott	M Allen	E Rylance
K Blakey	D Manley	B De Saram
K Bloxham	C Brown	P Skinner
F Caygill	M Chapman	B Taylor
P Millar	I Chubb	I Thomas (Chair)
R Lawrence	A Dent	P Twiss
N Hookway	D Barrow	E Wragg
O Davey	P Faithfull	T Wright
J Whibley	S Gazzard	S Hughes
T McCollum	I Hall	A Bruce
V Johns	M Hartnell	J Kemp
J Rowland	B Ingham	

Officers in attendance:

Mark Williams, Chief Executive
John Golding, Strategic Lead Housing, Health and Environment
Simon Davey, Strategic Lead Finance
Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)
Susan Howl, Democratic Services Manager
Sarah Jenkins, Democratic Services Officer
Andrew Hopkins, Communications Consultant
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Councillor apologies:

A Colman
T Woodward
P Hayward
D Key
C Gardner
M Howe

Chair

Date:

Meeting of Council on 8th December 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 Sustainable Homes & Communities from Councillor Paul Millar

To ask the Portfolio Holder for Sustainable Homes & Communities, how many of our Council homes in the District are currently empty?

Answer:

101 (as of 2nd December 2021)

Question 2: Procedure Rule 9.2 to the Portfolio Holder for Strategic Planning from Councillor Paul Millar

To ask the Portfolio Holder for Strategic Planning, what timescales can he and his officers advise on a report as referred to the Overview Committee in relation to CIL/S106 policy?

Answer:

The Strategic Planning Committee have a number of key strategic issues to consider over the next couple of months namely progressing the new Local Plan and considering the main modifications to the Cranbrook Plan so that these can be consulted on and the plan can progress to adoption. These matters have to take priority. A report to consider the spend process for CIL and S106 monies will form part of the work programme for the committee moving forwards but it will not be possible for this matter to be considered until April next year at the earliest.

Question 3: Procedure Rule 9.2 to the Chair of Council from Councillor Paul Millar

To ask the Chair of Council, what timescales can he advise on the Personnel Committee making an assessment so Overview can have regard to its view in formulating recommendations to Cabinet in relation to establishing a Public Register of Senior Officer Interests as endorsed cross-party at the last ordinary meeting of that Committee?

Answer:

The referral from the Overview Committee will be assessed by the Personnel Committee as part of the forward work plan for the Committee. It will be timetabled according to the existing work programme and officer capacity.

Question 4: Procedure Rule 9.2 to the Portfolio Holder for Democracy & Transparency from Councillor Paul Millar

To ask the Portfolio Holder for Democracy & Transparency, how many residents in total are signed up to our Residents Newsletter?

Answer:

The Residents Newsletter is currently sent to 11,640 recipients, in addition it is also sent to all Councillors, Parish Clerks and Media contacts. The newsletter is also promoted on the corporate social media channels and on the council website.

Question 5: Procedure Rule 9.2 to the Portfolio Holder for Finance from Councillor Paul Millar

To ask the Portfolio Holder for Finance, how much does a Council taxpayer (broken down band-by-band if possible) pay for the existence of all 60 Councillors (allowances, expenses, and other support such as Democratic Services and IT)

Answer:

The total expenditure budget for 2021/22 is £1,050,580.

Total Council Tax income for 2021/22 is £9,119,550 based on an annual Council Tax charge (Band D) of £151.78 a year (Band A Charge is £101.19, Band B £118.05, Band C £134.92, Band E £185.51, Band F £219.24, Band G £252.97, Band H £303.56).

Council Tax Income helps meet the net cost, after fees and charges, of running Council services and functions including the democratic representation costs identified above. Council Tax Income is not allocated to specific services/areas.

Question 6: Procedure Rule 9.2 to the Portfolio Holder for Sustainable Homes and Communities from Cllr Paul Millar

To ask the Portfolio Holder for Sustainable Homes and Communities, what support is there for elderly and disabled Devon Home Choice customers seeking social housing in East Devon without access to the internet?

Answer:

People without access to the internet can register on Devon Home Choice either by completing and returning a paper application form or the application can be completed over the phone with a member of the Allocations team. Preference is with the applicant. Home visits by a member of the team to register applicants were

carried out pre-pandemic but have been pulled back now for obvious reasons, will resume in the future if and when deemed safe to do so.

Applicants without internet access or anybody to make bids on their behalf can be placed on autobid as and when properties they are eligible to bid for, and within their area of choice, become available. Any other queries and updates can be carried out over the phone.

Question 7: Procedure Rule 9.2 to the Portfolio Holder for Coast, Country & Environment from Cllr Paul Millar

To ask the Portfolio Holder for Coast, Country & Environment, with reference to EDDC's Licensing regime how many test purchases did this authority instigate in relation to sales of restricted products within the District in each of the last five years?

Answer:

Zero. Test purchases, may involve using an underage person or can involve adult operatives by covertly purporting to be a customer or purchaser, depending upon the nature of items for sale or the alleged service provided. The use of this tactic therefore comes with high legal responsibilities in terms of following relevant guidance and considering the justification and application of RIPA. An intelligence led need should be proportionate to the offence(s) indicated, for example where there are reports of underage sales, or an offer of unlicensed or illegal services or prohibited articles offered for sale from a particular premises where intelligence would justify use of the tactic. The South West Trading Standards authority co-ordinates test purchasing arrangements in Devon by conducting activities independently or with local authorities if the legal justification exists. The service is not aware of any circumstances which would satisfy this criteria having been met in the last 5 years.

Question 8: Procedure Rule 9.2 to the Portfolio Holder for Democracy & Transparency from Cllr Paul Millar

To ask the Portfolio Holder for Democracy & Transparency, if not in existence already, can we keep a tally on how many women have held Cabinet roles on this Council since executive arrangements were introduced (during the Blair government), party by party, and what was the ratio between men and women that have held senior Special Responsibility Allowance positions from the Conservative administration vis-a-vis the new one?

Answer:

Yes, provided the records go all the way back and are complete to enable this to be done.

Question 9: Procedure Rule 9.2 to the Chair of Council from Cllr Paul Millar

To ask the Chair of Council, is he concerned about the tone and party political nature of the debate surrounding the issue of DBS checks, and the implications of harmfully false information made about Councillors on their safety and welfare?

Answer:

I do not intend to answer the question in this forum, as I believe a response could be considered to inappropriately draw the Chair into political debate.

Question 10: Procedure Rule 9.2 to the Portfolio Holder for Council & Corporate Coordination from Cllr Paul Millar

To ask the Portfolio Holder for Council & Corporate Coordination, with reference to the recent debate on a Locality Fund for individual Councillors, what examples of maladministration or corruption locally can he point to with reference to his stated anxieties about the process, and does he trust all Councillors in this authority to distribute funds appropriately?

Answer:

Councillor Millar refers to a discussion that took place at the last Community Grants Panel meeting. I sit on this Panel as an individual Member elected at Annual Council and not in my role as a Portfolio Holder. My comments in that discussion were therefore made as an individual Member and this process is therefore not an appropriate way to pursue anything I might have said at the Panel.

I would however point out that I did not reference “maladministration” nor “corruption” in that Panel discussion.

Question 11: Procedure Rule 9.2 to the Chair of Council from Cllr Paul Millar

To ask the Chair of Council, what further protections has he considered in relation to Councillors following the murder of Sir David Amess and attack on a Councillor in Yorkshire (for being a Councillor), and have officers been briefed on ensuring all Councillors (regardless of party) are held in the highest regard by members of the public in performing public duties on such a low remuneration?

Answer:

The LGA has launched a series of webinars to help support councillors’ personal safety while carrying out everyday activities. Members were advised of the Personal safety webinars for councillors with the first being held on 10:30am – 12:00pm on 8 December. These webinars will provide an overview of personal safety as it applies

to councillor's everyday activities, including risk assessments and practical strategies for safe working.

Summary of recommendations being presented to Council that will resolve in an action being taken:

8 December 2021 (Minutes in full have been circulated and are available on line.)

Cabinet – 3 November 2021	
104 Cranbrook Town Council - Community Governance Review	
RECOMMENDED	to Council; that having regard to the representations received and the likely timescale for receiving the report of the Inspector into the Cranbrook Plan, the Review be discontinued and that Cranbrook Town Council be invited to reapply for a Review when the Inspector’s report was received and the implications of the report had been fully assessed.
105 Colyford - Community Governance Review	
RECOMMENDED	to Council; 1. That the Council undertake a Community Governance Review of the current Colyton Parish Council area with a view to establishing whether Colyford should have its own parish council and approve a budget of £5,000 for carrying out the review. 2. That the Terms of Reference be agreed, including the timetable and arrangements for public consultation. 3. That further reports would be brought to Cabinet in order that decisions may be made in respect of draft proposals and final recommendations of the Review.
111 Cloakham Lawns Employment Land, Axminster	
RECOMMENDED	the following to Council; 2. the allocation of up to £59,400 from the Business Rates Reserve Pool for a feasibility study and masterplan on future uses and for legal costs and stamp duty land tax in the acquisition.
112 Honiton - Community Governance Review	
RECOMMENDED	to Council; 1. That, subject to receiving the views of Honiton Town Council and Gittisham Town Council, the Council undertake a Community Governance Review of the Gittisham Parish / Honiton Town Council boundaries and approve a budget of £5,000 for carrying out the review. 2. That the Terms of Reference be agreed, including the timetable and arrangements for public consultation.

	3. 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.
Cabinet – 1 December 2021	
117 Honiton Community Governance Review Petition	
RECOMMENDED	To Council That the review is deferred until such time as the new Local Plan is adopted.
122 Public Toilets Review - Consultation results and Categorisation proposal	
RECOMMENDED	To Council 7. that the Transformation Reserve be used to fund the Cat B & C sites where an alternative use is proposed, allowing them to remain open until these transfers are complete (for up to a year as set out in 5.10 and until April 2023 for King’s Street, Honiton) to minimise the impact of closed public toilet sites on those with protected characteristics. 8. That the Transformation Reserve be used to assist with legal and transfer fees for town or parish councils taking on the running of any B & C sites through this review.
123 Council Tax Reduction Scheme 2022/23	
RECOMMENDED	To Council that the Council Tax Reduction Scheme for working age residents be approved for 2022/23.
Licensing and Enforcement Committee – 17 November 2021	
16 Gambling Policy Report	
RECOMMENDED	To Council 1. That, at its meeting on 8 December 2021, Council adopts for the period 31 January 2022 to 31 January 2025 the East Devon Gambling Act Licensing Policy 2. That Council resolves to adopt a ‘No Casino’ policy as part of its Gambling Act 2005 statutory policy.
Personnel Committee – 30 November 2021	
13 Apprentice Pay Policy	
RECOMMENDED	to Council: That National Joint Council (NJC) rates are paid to newly recruited apprentices in accordance with the Council’s standard pay and grading structure.

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

The meeting started at 6.00 pm and ended at 8.46 pm

94 **Public speaking**

Cllr Ray Bloxham from Cranbrook Town Council spoke on minute 104 Cranbrook Town Council - Community Governance Review. He wanted to correct the assertions in the responses to the review that the Town Council, in its submission, included Broadclyst Station in its request for a change of boundary. The Town Council had never sought to include Broadclyst Station nor any of the homes in Station Road, Broadclyst within the parish of Cranbrook. He stated that the Town Council had always supported the desire of the surrounding settlements to retain their separate independence and integrity.

Ian Priestley Chair of Colyford Residents Association spoke on minute 105 Colyford - Community Governance Review. He stated that Colyford was the largest settlement in East Devon without a parish council. It had its own sense of identity with different issues, aims and demographic to that of Colyton. By creating a new council this would reduce the current council's workload as well as addressing Colyford's own unique needs. A third of residents had signed a petition for a community governance review. Residents' questions such as the right to be buried in the cemetery, the use of footpaths and playground and would this be financially viable were answered through two open meetings, with the answers being yes. Colyford had a steering group on standby to help EDDC with the next stage of the community governance review.

Cllr Jess Bailey spoke of the subject of sewage discharge in the River Otter and its threat to the beavers that had recently been reintroduced to the river. She asked the Portfolio Holder for Coast, Country and Environment if he agreed that the discharge of untreated sewage by SW Water into East Devon rivers was unacceptable. She asked that SW Water be invited to explain to how it was going to improve its infrastructure so these discharges no longer happen.

The Portfolio Holder for Coast, Country and Environment thanked Cllr Bailey for her question. He agreed it was a good idea for SW Water to attend a meeting and subject to the chair of the scrutiny committee thought that would seem the most appropriate committee. He explained that the problem was the older combined drains systems where surface water was combined with sewage. In a storm event the treatment plants could not cope and the polluted storm water was discharged into rivers and sea. Through talks with both Teignbridge and Exeter councillors on this very subject they were all similarly minded. Therefore a combined approach from all 3 councils on the subject could prove to be worthwhile as all its sewage ended up in the same area of sea. He hoped a solution could be agreed and set in place very quickly.

95 **Minutes of the previous meeting**

The minutes of the consultative meeting of Cabinet held on 6 October 2021 were agreed.

96 **Declarations of interest**

Min 104. Cranbrook Town Council - Community Governance Review.
Councillor Megan Armstrong, Personal, Family members living in Cranbrook.

Min 104. Cranbrook Town Council - Community Governance Review.
Councillor Paul Hayward, Personal, Family members living in Cranbrook.

Min 105. Colyford - Community Governance Review.
Councillor Paul Arnott, Personal, Member of Colyton Parish Council.

Min 106. Community Housing Fund.
Councillor Paul Arnott, Personal, Director for Colyton and Colyford Community Land Trust.

Min 110. Sidmouth and East Beach BMP: Direction for OBC development and submission.
Councillor John Loudoun, Personal, Member of Advisory Group, Ward Member and Sidmouth town councillor.

Min 110. Sidmouth and East Beach BMP: Direction for OBC development and submission.
Councillor Marianne Rixson, Personal, Sidmouth town councillor.

Min 111. Cloakham Lawns Employment Land, Axminster.
Councillor Paul Hayward, Personal, Member of staff at Axminster Town Council and resident of Cloakham Lawns.

Min 111. Cloakham Lawns Employment Land, Axminster.
Councillor Sarah Jackson, Personal, Sits on Axminster Neighbourhood Plan Steering Group.

Min 112. Honiton - Community Governance Review.
Councillor Jake Bonetta, Personal, Member of Honiton Town Council and Honiton Forward.

Min 113. Dowell Street Car Park.
Councillor Jake Bonetta, Personal, Member of Honiton Town Council.

Min 113. Dowell Street Car Park.
Councillor Paul Hayward, Personal, Had corresponded with Honiton Town Council and received lobbying emails from residents.

97 **Matters of urgency**

None

98 **Confidential/Exempt item(s)**

None

99 **Forward Plan**

Members agreed to recommend the contents of the Forward Plan for key decision for the period 1 December 2021 to 31 March 2022 for approval.

100 **Minutes of joint meeting of Overview and Scrutiny Committees held on 16 September 2021**

Members agreed to note the minutes of the joint meeting of Overview and Scrutiny Committees held on 16 September 2021.

101 **Minutes of Poverty Working Panel held on 20 September 2021**

Members agreed to note the minutes of the Poverty Working Panel held on 20 September 2021.

102 **Minutes of Scrutiny Committee held on 7 October 2021**

Members agreed to note the minutes of Scrutiny Committee held on 7 October 2021.

103 **Minutes of Recycling and Waste Partnership Board held on 13 October 2021**

Members agreed to note and recommend the minutes and recommendations of Recycling and Waste Partnership Board held on 13 October 2021 to officers for decision.

Minute 20 Crew behaviour training phase 2

1. that members note the excellent crew behaviour training being delivered by SUEZ, including the five golden rules of crew behaviour:

1. Never litter
2. Always return bins neatly
3. Always behave responsibly
4. Drive with care
5. Use social media responsibly

2. that the training video be included on the EDDC website and that all councillors be encouraged to watch it.

Minute 21 Flats recycling project

- that district councillors share with residents associations in their area the flats recycling project and video, in order to encourage residents of flats to recycle.
- that an improvement project be established and reported back to future meeting of the Recycling and Waste Partnership Board.

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

The Chief Executive updated members on the responses received to the phase 1 consultation and to recommend that the Community Governance Review (CGR) not be further proceeded with.

Discussions included;

- How often could a CGR be applied for? Surrounding local villages needed assurance that they would not have to go through the worry of this regularly.
- Disappointed the responses were uninformed and that any future CGR made it very clear to where proposed boundaries were to be placed, so everyone understood what was being proposed so could therefore comment accordingly.

Clarity to surrounding parishes that it would not be a take-over by Cranbrook TC but the solution to the governance and management of the expanding town.

Clarity needed as the Cranbrook Plan did include Broadclyst Station causing more confusion.

RECOMMENDED to Council;

that having regard to the representations received and the likely timescale for receiving the report of the Inspector into the Cranbrook Plan, the Review be discontinued and that Cranbrook Town Council be invited to reapply for a Review when the Inspector's report was received and the implications of the report had been fully assessed.

REASON:

To take account of representations received and the delay in receiving the Inspector's report.

105 **Colyford - Community Governance Review**

The Deputy Leader took over the Chair as the Leader was a district councillor for Colyford.

The Strategic Lead Governance & Licensing stated that a request had been received from Colyford Village Residents Association 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 or not Colyford should have its own parish council rather than being part of Colyton Parish Council.

RECOMMENDED to Council;

1. That the Council undertake a Community Governance Review of the current Colyton Parish Council area with a view to establishing whether Colyford should have its own parish council and approve a budget of £5,000 for carrying out the review.
2. That the Terms of Reference be agreed, including the timetable and arrangements for public consultation.
3. That further reports would be brought to Cabinet in order that decisions may be made in respect of draft proposals and final recommendations of the Review.

REASON:

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.

106 **Community Housing Fund**

The Strategic Lead Housing, Health and Environment outlined the purpose of the report was to provide an update on the spending of the Community Housing Fund to date and to seek authority to increase the scope of the scheme to enable both capital and revenue grant.

RECOMMENDED that;

Senior Officers approve

- 1) To approve the use of the Community Housing Fund for capital grant going forward with approval of individual grant applications delegated to the Strategic Lead for Housing,

Health & Environment in consultation with the Portfolio Holder for Homes and Communities and the Portfolio Holder for Strategic Planning.

2) To increase the amount of grant for revenue funding from £40,000 to £50,000.

REASON:

To ensure community led affordable housing schemes could be delivered.

107 **Discretionary Housing Payments Policy**

The Service Lead Revenues, Benefits, Customer Services & Corporate Fraud presented her report which advised of necessary changes made to the Discretionary Housing Payment (DHP) Policy. The report detailed the changes made in order for DHPs to be used to meet the aims of the Poverty strategy and Poverty Action plan.

Following the motion to Council on 20 October 2021 (regarding the impact the £20 cut in Universal Credit (UC) would have), Members were asked to better understand what financial support was available for low income households who were struggling to afford day to day essentials. DHP's was one of a number of different funds the Council had available in order to provide extra financial support for low income households.

The Portfolio Holder Finance and Portfolio Holder Sustainable Homes and Communities thanked Libby for bring this report to Cabinet.

RECOMMENDED that;

Senior Officers approve the updated Discretionary Housing Payment policy.

REASON:

The report set out the reasons for the updates made to the DHP policy. The policy changes made take into account the Council's Poverty Strategy and Poverty action plan. The changes also took into account the work being carried out by the Financial Resilience team and the wider work with partner agencies, including those in the voluntary sector.

108 **Annual Treasury Management Review 2020/21 - 1 April 2020 to 31 March 2021**

The report detailed the overall position and performance of the Council's Treasury Management Strategy during 2020/21.

Having received the report members reviewed and noted the investment values and performance for the year to 31 March 2021 and that no further recommendations were required.

109 **Financial Monitoring Report 2021/22 - Month 6 September 2021**

The report gave a summary of the Council's overall financial position for 2021/22 at the end of month six (30 September 2021).

Current monitoring indicated that:

The General Fund Balance was being maintained within the adopted levels.

The first six months of the financial year had seen a return to more stable financial performance however, service demand remains high in many service areas.

Income levels continued to recover, for example car parking income, as services reopen.

Specific cost pressures had been identified and importantly funded from additional Government grant.

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

Having received the report members acknowledged the variances identified as part of the Revenue and Capital Monitoring process up to Month 6 and that no further recommendations were required.

110 **Sidmouth and East Beach BMP: Direction for OBC development and submission**

The Engineering Projects Manager stated that Sidmouth and East Beach BMP had been progressing for the last 6 months, whilst officers and a Sub-Group investigated alternative ideas given the increased funding eligibility. Six months had now elapsed and although no single complete option had come out of the additional study process, it left three directions that the project can move in. These were;

- A. continue with the preferred option,
- B. switch to the alternative option (developed during the additional study period, or
- C. make no decision at this time (further study/fundraising)

Members were asked to decide on which direction to take the project forward with option B being recommended.

The Engineering Projects Manager informed members of 3 amendments to the report.
Item 4. (B) Alternative Option should read (B) Alternative Preferred Option
Item 4.1.3 the word 'Allowance' replaced with 'Expectation'
Item 4.1.5 to include the importance of quicker and easier launching of the lifeboats.

RECOMMENDED that;

Senior Officers approve the direction that Sidmouth and East Beach BMP should take, with option B - Alternative preferred option (Preferred option but with an additional offshore breakwater or breakwaters on Town Beach) - being the recommendation.

REASON:

The Sidmouth and East Beach advisory group recommended that option B was recommended as the direction for the Outline Business Case (OBC) to take, with the inclusion of further check stages by the advisory group, including review of a new draft OBC and prior to the submission of a planning application to ensure that project risks were being managed.

EDDC officers believed option B, the alternative option to be the best way forward as it was best on both technical and economic grounds.

111 **Cloakham Lawns Employment Land, Axminster**

The Service Lead Place, Assets & Commercialisation provided an update on the opportunity for an employment site to come forward in Axminster. This included;

- Vistry Homes Limited taking the lease of the compound; (previously known as Bovis but Bovis still use Bovis as one of their trading name, plus Linden Homes which they acquired. It is one and the same Group)
- Vistry Homes Limited transferring the employment land (as registered proprietor of the land concerned).

RECOMMENDED that;

Senior Officers approve

1. delegated authority being granted to the Service Lead for Place, Assets & Commercialisation in consultation with the Portfolio Holder for Economy & Assets, to approve the Heads of Terms and complete the lease with Vistry Homes Limited for a short term lease. This would be entered into with them for the temporary use of this site as a compound whilst the feasibility study was undertaken with due consultation and prior to development.

Recommend the following to Council;

2. the allocation of up to £59,400 from the Business Rates Reserve Pool for a feasibility study and masterplan on future uses and for legal costs and stamp duty land tax in the acquisition.

REASON:

A budget of £9,400 was required so that the transfer of the employment land can complete as HMRC Stamp Duty Land Tax needs to be paid on the transfer for which EDDC are liable. A budget of up to £50,000 was required so that a feasibility study and master planning exercise can be undertaken in order to identify the development options and possible returns from the site.

Bovis (trading name for Vistry Homes Limited) wished to use the compound for the next three years and until their housing development had completed and would require a short term lease in order to use this site for this purpose. This transaction would generate an income stream for EDDC and would significantly reduce holding costs until EDDC were ready to take over the site.

112 **Honiton - Community Governance Review**

The Strategic Lead Governance & Licensing stated that following a petition request for a community governance review, Counsel's advice had confirmed that it would not be appropriate to progress a review on the basis of the recommendations sought and in any event the petition organisers were now advocating that the petition be withdrawn. Members were asked to consider this but also whether a review may nonetheless be appropriate due to some boundary anomalies and recent developments to the east end of Honiton.

Discussions included:

- Boundaries needed looking into especially interior ward boundaries
- The Boundary Commission could only review district boundaries. EDDC could only review parish boundaries
- Direct the debate towards the town and Gittisham
- Preferable for Honiton Town Council and Gittisham Parish Council to be supportive of any process.

RECOMMENDED to Council;

1. That, subject to receiving the views of Honiton Town Council and Gittisham Town Council, the Council undertake a Community Governance Review of the Gittisham Parish / Honiton Town Council boundaries and approve a budget of £5,000 for carrying out the review.
2. That the Terms of Reference be agreed, including the timetable and arrangements for public consultation.
3. 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.

REASON:

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. It was for Members to determine the appropriate approach in relation to a Honiton Community Governance Review.

113 **Dowell Street Car Park**

The Strategic Lead Governance and Licensing updated members of the consultation and advertising of the proposed variation in the East Devon Off-street Parking Places Order had been completed and Cabinet affirmed the previous decision at its meeting in January 2020. A draft lease and management agreement was now ready for signature by the parties but at the request of the Portfolio Holder, Cabinet was being asked to review the position and determine whether it wished to make any alternative recommendation to Council.

RECOMMENDED that;

Senior Officers approve the request to Honiton Town Council that they reconsider and confirm that they wish EDDC to manage the Dowell Street car park in accordance with the draft management agreement that had been shared between the organisations.

REASON:

To consider further the decision made by this Council on 2 January 2019 which was affirmed by Cabinet on 8 January 2020.

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

Also present (for some or all the meeting)

Councillor Kevin Blakey
Councillor Kim Bloxham
Councillor Jake Bonetta
Councillor Colin Brown
Councillor Bruce De Saram
Councillor Peter Faithfull
Councillor Marcus Hartnell
Councillor Vicky Johns
Councillor Richard Lawrence
Councillor Paul Millar
Councillor Andrew Moulding
Councillor Helen Parr
Councillor Christopher Pepper
Councillor Geoff Pook
Councillor Val Ranger
Councillor Eleanor Rylance
Councillor Brenda Taylor

Also present:

Officers:

Tom Buxton-Smith, Engineering Projects Manager
Tim Child, Service Lead - Place, Assets & Commercialisation
Amanda Coombes, Democratic Services Officer
Simon Davey, Strategic Lead Finance
John Golding, Strategic Lead Housing, Health and Environment
Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)
Andrew Hopkins, Communications Consultant
Libby Jarrett, Service Lead Revenues and Benefits
Debbie Meakin, Democratic Services Officer
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)
Mark Williams, Chief Executive

Chair _____

Date: _____

EAST DEVON DISTRICT COUNCIL**Minutes of the consultative meeting of Cabinet held at Online via the Zoom app. on 1 December 2021****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 8.33 pm

114 Minutes of the previous meeting

The minutes of the consultative meeting of Cabinet held on 3 November 2021 were agreed.

115 Declarations of interest

Min 117. Honiton Community Governance Review Petition.
Councillor Jake Bonetta, Personal, Member of Honiton Town Council involved in discussion in this matter.

Min 122. Public Toilets Review - Consultation results and Categorisation proposal.
Councillor Jake Bonetta, Personal, Member of Honiton Town Council.

Min 122. Public Toilets Review - Consultation results and Categorisation proposal.
Councillor Paul Hayward, Personal, Employee of Axminster Town Council which had public toilets in the town.

116 Public speaking

Councillor Carol Hall, Chair of Gittisham Parish Council (GPC) stated that the Parish Council was opposed to the current proposed boundary review and ask that it was withdrawn immediately. She said the issue was not in the best interests of Gittisham Parish residents or GPC and suggested it actively worked against them. Current boundary and warding arrangements had worked well historically and continued to do so. The reason for boundary review was unclear. There had been no opportunity for consultation within the parish. A review had never been requested or suggested by GP residents. It was never mentioned by Honiton Town Council or EDDC until end of October this year. She said that if a boundary review was to be undertaken this must be done with full consultation with all parties involved and a clear and true reason given for the need.

Councillor Hall stated financial concerns in terms of the precept had been raised by GP Councillors which could affect the viability of Gittisham as a parish. She said the sense of belonging to a parish must not be understated or its importance underestimated. Residents of Hayne Farm definitely consider themselves to be part of Gittisham and the recent pandemic support groups and village hall events were evidence of this.

Councillor Peter Orchard from Gittisham Parish Council wished to make clear any misconceptions that had been previously reported. A reference to GPC informally approaching EDDC officers in raising the issue of the appropriate boundary between the two bodies was not the case. GPC did discuss at its parish meeting whether the balance of councillors across their community still represented the parish properly and had asked EDDC how; if decided it needed adjusting, should they go about that.

Councillor Orchard claimed a statement from EDDC that ‘various areas would be viewed as Honiton’ was something that the residents of the parish would strongly disagree with. He disagreed that there would be no financial cost involved as there were the ongoing costs of administrating the rates changes for properties, changing boundaries on all records and informing outside agencies from Ordnance Survey onwards. He said a boundary move would not change the overall Precept income of either council. Gittisham had a very low precept charge per property costing around £25. However Honiton Town council was around £76, more than 3 times as much.

In the Gittisham parish there could be a 70% reduction of property numbers. There would be the same statutory bills but with only a third of the present number of properties, down from about 900 to 300 in the parish. He asked to leave the District boundary where it was or if this could not happen move the District boundary but with no permanent triple rates increase for all the present residents of this historic parish.

117 **Honiton Community Governance Review Petition**

The Chief Executive updated Members on the Honiton Community Governance Review Petition. The recommendation was to progress a review having first obtained and considered the views of both Honiton Town Council and Gittisham Parish Council. The report provided an update to further consider the matter in light of correspondence received. He stated the need for clarity for the review as it was essential that the community wished for this to happen.

Discussions included the following;

- The lack of evidence that this had been called for from the residents of Gittisham
- If this was not the right time for the review then it was fair to at least to go through the consultation process
- The new Local Plan was being conducted so this was too early to consider a boundary review. Wait for the adoption of the Local Plan
- The need to get a comprehensive view from residents at a future date

RECOMMENDED:

That the review is deferred until such time as the new Local Plan is adopted.

REASON:

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. It is for Members to determine the appropriate approach in relation to a Honiton Community Governance Review.

118 **Matters of urgency**

There were two items dealt with in this way, these are recorded at minutes 117 and 121.

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

None

120 **Forward Plan**

Members agreed to recommend the contents of the Forward Plan for key decision for the period 1 January 2022 to 30 April 2022 for approval.

121 **Minutes of Overview Committee held on 25 November 2021**

Members agreed to note the Minutes of Overview Committee held on 25 November 2021. The Leader confirmed that the recommendations would be considered as part of the discussion of Minute 122.

122 **Public Toilets Review - Consultation results and Categorisation proposal**

The Service Lead StreetScene gave a presentation that set out some of the headlines of the results from the recent Public Toilet consultation, issues raised and considerations to address some of the concerns expressed. He explained the difficulty of needing to invest in public toilet buildings but not being able to afford to do this across all 27 sites.

Discussions included the following;

- It was regrettable to have to close any toilets. Colyton needed its toilet to support local businesses as well as younger and older residents
- Consideration to paid access to all public toilets in order to continue with present provision
- The toilets at the Green in Budleigh Salterton were essential not just for the town but visitors alike as this area was used for public functions
- There was a public expectation for the provision of toilets therefore keep them all open buying charging for usage
- Could there be an extra year's grace for Honiton TC to keep their toilets open
- It was important that no members of the public were disadvantaged because of needing to use the toilet
- The district needed to be looked at as a whole, the budget had to be managed it was not affordable to have all the toilets open
- SW Water profit from water supply and sewerage charges, they should be making concessions to district councils for the running of public toilets
- Get businesses to take on category B & C toilet provision with firm agreements in place that this was adhered to
- Town and Parish councils could take on the running of their toilets
- This was not an easy subject. The finance situation was very serious and unsustainable. Predicted shortfalls were still expected even with any new measures taken up
- The need to provide prepaid access cards
- Work with Town and Parish councils to keep the toilets open, selective charging was the way forward

The Portfolio Holder Coast, Country and Environment and members from across political parties wished to thank Andrew Hancock and officers for the enormous work they had put in to get to this stage of the review. They thanked the 1300 respondents to the consultation for their valuable feedback as well the Overview Committee for their in-depth thinking on this matter.

Having received the report and noted the contents, members;

RECOMMENDED that;
Senior Officers approve

1. the proposals and the categorisation of the public toilet stock outlined in section 4 together with the specific mitigations (in section 4.6) to protect access.
2. For the 8 sites to be confirmed as Cat B & C (section 4.10) and the 6 sites where further discussions are required to confirm categorisation (section 4.12), delegate authority to the Portfolio Holder for Coast, County & Environment in consultation with the Portfolio Holders for Economy & Asset Management and Leisure, Sport & Tourism and the Strategic Leads for Finance and Housing, Health & Environment to complete negotiations with interested parties (including the Towns and Parishes) and to complete the related documentation to affect transfers (including the mitigations set out in section 4.6). Where leases with community partner organisations cannot be struck within 12 months continue to negotiate with all Town/Parish Councils to seek to retain Category B and C toilets through Parish and Town Precepts for another 12 weeks. Honiton King's Street to be kept open until April 2023 to afford Honiton Town Council further time.
3. Implementation of paid access at Category "A" toilets sites following refurbishment. Payment to be by Contactless payments at 40p with cards being made available for people without card or mobile phone.
4. That in the future more reliable data for toilets EDDC own, should be provided so that the usage of toilets can be assessed to show how popular toilets are at certain points of the day / year.
5. That the Council write to all relevant local businesses and make a powerful case for them to offer the use of their toilets to non-paying customers who may have disabilities and illnesses that aren't always visible, given the findings of the local consultation which shows the high extent of local need.
6. That the Council writes to the Secretary of State for Housing, Communities & Local Government and our 3 MPs to request that he lobbies the Treasury for a fund to be created to help Councils further invest in public toilet provision and to make toilets a mandatory rather than discretionary service given their positive role in ensuring people with health issues can live their lives to their full potential.

Cabinet recommends to Council;

7. that the Transformation Reserve be used to fund the Cat B & C sites where an alternative use is proposed, allowing them to remain open until these transfers are complete (for up to a year as set out in 5.10 and until April 2023 for King's Street, Honiton) to minimise the impact of closed public toilet sites on those with protected characteristics.
8. That the Transformation Reserve be used to assist with legal and transfer fees for town or parish councils taking on the running of any B & C sites through this review.

REASON:

A review of public toilet stock and investment in its buildings was overdue and now necessary due to the budget deficit and proposed medium term financial plan's saving against the provision of the public toilet service.

123 **Council Tax Reduction Scheme 2022/23**

The Service Lead Revenues, Benefits, Customer Services, Corporate Fraud & Compliance asked Members to consider and approve the Council Tax Reduction (CTR) scheme for 2022/23 which was recommending to remain unchanged from the current scheme.

The Portfolio Holder Finance thanked Libby for her report.

RECOMMENDED to Council;

that the Council Tax Reduction Scheme for working age residents be approved for 2022/23.

REASON:

The Council was required by law to decide whether to revise or replace its CTR scheme each year. As there had been a significant number of changes to the scheme for 2020/21 there had not been any changes to the scheme for 2021/22. It was not possible to be able to fully assess what further changes may be required to the scheme due to the on-going effects of the Covid-19 pandemic. There were still a higher number of working age households in receipt of CTR than would have been prior to the pandemic, therefore being unable to complete a detailed comparison analysis of the current scheme against the previous scheme. The maximum support from 80% to 85% would still be benefiting those on the lowest income.

124 **Treasury Management Mid-Year Review 2021/22**

The report detailed the overall position and performance of the Council's Investment Portfolio for the first six months of 2021/22.

Having received the report members acknowledged the investment values and performance for the period to 30 September 2021.

125 **Dalwood Neighbourhood Plan Examiner's Report**

The report provided feedback and set out proposed changes following the examination of the Dalwood Neighbourhood Plan. The independent examination of the Plan had now concluded and the final Examiner's report received.

Having received the report and noted the contents, members;

RECOMMENDED that;

Senior Officers approve

1. the Examiner's recommendations on the Dalwood Neighbourhood Plan (the Plan),
2. a 'referendum version' of the Plan (incorporating the Examiner's modifications) to proceed to referendum and that a decision notice to this effect be published,
3. the Neighbourhood Plan Steering Group be congratulated on their hard work.

REASON:

The legislation requires a decision notice to be produced at this stage in the process. The Plan is the product of significant local consultation and has been recommended to proceed to referendum by the Examiner subject to modifications which are accepted by the Parish Council.

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

Also present (for some or all the meeting)

Councillor Denise Bickley
Councillor Jake Bonetta
Councillor Colin Brown
Councillor Alasdair Bruce
Councillor Fred Caygill
Councillor Maddy Chapman
Councillor Olly Davey
Councillor Peter Faithfull
Councillor Cathy Gardner
Councillor Steve Gazzard
Councillor Ben Ingham
Councillor Vicky Johns
Councillor Dawn Manley
Councillor Tony McCollum
Councillor Paul Millar
Councillor Andrew Moulding
Councillor Helen Parr
Councillor Geoff Pook
Councillor Geoff Pratt
Councillor Eleanor Rylance
Councillor Joe Whibley
Councillor Eileen Wragg
Councillor Tom Wright

Also present:

Officers:

Tim Child, Service Lead - Place, Assets & Commercialisation
Amanda Coombes, Democratic Services Officer
Simon Davey, Strategic Lead Finance
John Golding, Strategic Lead Housing, Health and Environment
Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)
Andrew Hancock, Service Lead StreetScene
Andrew Hopkins, Communications Consultant

Libby Jarrett, Service Lead Revenues and Benefits
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)
Mark Williams, Chief Executive

Chair

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the consultative meeting of Overview Committee held at Online via the Zoom app on 18 November 2021****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 7.45 pm

7 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.

She outlined that due to concerns related to COVID risk, the Council had delegated much of its decision taking power to its Senior Officers for the period up to 17th January 2022. Consequently, the meeting was being held on a consultative basis only, and the normal procedural rules as detailed in the Council's Constitution, would continue to be closely adhered to.

However, where the meeting would have normally decided a matter, it will now make recommendation to a Senior Officer. The Officer will then take that recommendation into account, when making their decision.

The Chair welcomed Cllr Jake Bonetta as the new Vice Chair of the Committee and then started the meeting by doing a roll call of those present. She 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 to speak, but one individual, Paul Smith of Cranbrook, had emailed Cllr Millar with a brief statement they requested be read out at the meeting.

The Democratic Services Manager read out the statement which supported Cllr Millar's proposal for the creation of a publicly accessible register of Senior Council Officers Interests. It outlined Mr Smith's view that this would be in the interest of public confidence, transparency, and accountability, since Senior Officers have access and responsibility for the use and allocation of significant amounts of public finance within East Devon, and referred to the £20 million Commercial Fund and oversight of the proposed £40 million, Cranbrook Infrastructure Loan Scheme. Mr Smith went on to state that his comments were not intended to imply any past irregularity of conduct, but to ensure that any future suggestions of malfeasance could be scrutinised and where appropriate, quickly dismissed.

8 Minutes of the previous meeting

Following a vote the Chair confirmed that the minutes of the previous meeting, which was the Joint Overview & Scrutiny Committee meeting of 16th September, were noted and accepted as a true record by members of the Overview Committee.

9 Declarations of interest

No declarations of interest were given.

10 **Matters of urgency**

There were no matters of urgency.

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

There were no confidential or exempt items.

12 **Report on East Devon Digital Connectivity**

The Chair invited the Senior Economic Development Officer, Geri Panteva, to provide a summary of the report.

The report was to provide members with an update on the current status of different initiatives to improve digital connectivity in East Devon, and more specifically:

- Provide an update on the roll-out of the Connecting Devon and Somerset (CDS) programme since a new delivery contract was awarded at the end of 2020
- Provide an update on the latest developments by Jurassic Fibre
- Present a case study of an ultra-fast broadband connection supplied to a new residential and commercial development in East Devon (Winslade Park at Clyst St. Mary) and,
- Highlight an alternative way to connect hard to reach rural areas through the Starlink satellite internet service piloted in East Devon (KOR Communications case study)

The COVID-19 pandemic had affected all aspects of the economy and society, including established working models and practices, and prompted by periods of national restrictions, working from home has become a new norm, which is expected to have long-lasting impact on how businesses approach their operational models going forward. Such changes have highlighted the importance of a reliable and fast digital and broadband infrastructure and associated connectivity.

Although set in a predominantly rural environment, and whilst East Devon has many challenges in delivering such infrastructure, it is at the same time seeing one of the most significant private investments in digital infrastructure delivered by Jurassic Fibre and is benefitting from the largest public funded super-fast broadband programme in the country – Connecting Devon and Somerset (CDS).

Comments or questions during the debate on this topic included the following;

- What will Jurassic Fibre and CDS be doing to ensure they connect to every individual household rather than the general local area?
In response the officer stated that the Government's Building a Digital UK initiative was aimed at funding programmes which are unlikely to be commercially viable, for example, for the purpose of reaching hard to reach areas. In contrast, for private companies commercial success is important and they will incline towards areas with many potential customers. In this situation, there will always be people or communities who could miss out on some opportunities but the report highlights different options available.
- There is a great difference in the reality between stating that 95% of areas will be covered and connected digitally, to stating that 95% of households will be

covered. This is both confusing and suggests a much better coverage than the reality.

- There are wards in East Devon which contain areas without any broadband connectivity. Is there a strategy in place for dealing with such areas remaining unconnected?

In response the officer stated that a Plan had been developed in March by the Department of Digital Culture, Media and Sport, aimed at encouraging and supporting a range of different contractual delivery options.

The Chair thanked the officer for her report and presentation and invited members to vote to indicate whether they accepted the update received. Following a vote, she confirmed that members were happy to note and accept the report.

13 **Public toilets review**

The Chair explained that following discussions earlier this week, it was agreed to defer this item to an additional and Extraordinary meeting scheduled for Thursday 25th November at 6pm, in order to give Elected Members and members of the public more time to read the report and accompanying papers before debate.

14 **Forward Plan**

The Chair introduced this item by stating that the Committee had received three Proposal forms from Cllr Paul Millar, to be considered by Overview Committee members for possible inclusion on a future agenda. As such the items were not for immediate debate, but for members to consider whether further information is required, so that they could be included at a future meeting where they could be debated.

In relation to the CIL/S106 Participatory Budgeting Policy, the Chair invited Cllr Millar to give a brief introduction, before inviting comments from other members.

Cllr Millar said that he considered that the current policy was unclear, and that EDDC and Ward Members should assume greater control over arranging consultations and deciding which play parks, and projects, ought to go out to consultation. He went on to say that currently decisions are devolved to Town and Parish Councils, many of which meet behind closed doors when debating and deciding projects for allocations of CIL/S106 spend, and only EDDC officers are able to attend these meetings. Given that EDDC is the authority legally accountable for S106 monies, its Ward Members have very little say unless they are on the town/parish council and the relevant 'Steering Group'. This is neither transparent nor democratic, which is why he wanted to propose that whilst there can still be a role for representatives of Town/Parish Councils and Councillors in steering groups but that these should be partnership groups between the District and Town/Parish Councils.

Comments or questions during consideration of this topic included the following;

- Cllrs need information on how the system works rather than a change in policy, so perhaps an information evening could be organised.
- It would be helpful to know the criteria used by officers to make decisions about S106 funds.
- There is no problem with the system at present. The idea of an information session is a good one because discussion with officers is helpful. This happens already in Exmouth with a S106 Working Party.

- Honiton does not currently appear to have a S106 working party. Ward Cllrs would be in a good position to be involved.
- There is no universal approach across the District.
- Problems occur because not everyone understands S106 or what is in place.
- A report from the South West Audit Partnership (SWAP) was undertaken on S106 and Cil and presented to the Audit & Governance Committee on 28th January which was very helpful. Members were encouraged to read this report and consider the direction of travel outlined in it.
- Axminster Cllrs have been very involved in discussions with officers for several years on S106 and participatory funding. Ward Cllrs and the Parish Council have all been involved in the discussions.
- The current system also works well in Whimble.
- It was suggested that a report could be made available on a regular basis so that Ward Cllrs could ask officers how the money could be spent.

Cllr Ledger said that he would welcome any suggestions to the Strategic Planning Committee on these matters, and reminded Cllrs that they could approach the S106 Officer at any time in order to obtain figures relating to any ward. Such figures could be made available very quickly. The SWAP findings had been taken forward, with a new officer in place and an information system which was working well. He suggested that training could helpfully be offered to Cllrs to outline the criteria used to consider various projects and to deal with any misconceptions held about the process.

The following proposal was put forward by Cllr Millar and seconded by Cllr Woodward.

That this issue be referred to Strategic Planning Committee with a request for a report on the CIL/S106 Participatory Budgeting Policy which could come to a future Overview Committee meeting, and which could include a review of current policy and how Ward Cllrs might be further embedded in the system.

Following a vote, the Chair confirmed that the proposal above would be referred to the Strategic Planning Committee.

In relation to the proposal relating to a Review Members Allowances, the Chair invited Cllr Millar to give a brief introduction, before inviting comments from other members. Cllr Millar stated that EDDC's allowances were among the lowest in Devon and have been frozen for ten years. He went on to say that the majority of Councils regularly reviewed their allowance scheme and there were regular increases in the allowances of County Councillors and Exeter City Councillors. In addition, the new administration had created a number of new roles, and important Committees since the new pandemic, to do work which was unfairly unremunerated. Depending on the recommendations of an Independent Remuneration Panel, they could if accepted lead to an ongoing increased financial cost to the Council, but they could also increase the number, diversity and calibre of candidates who run in elections, which could lead to a reduction in costs over time.

Comments or questions during consideration of this topic included the following;

- The Leader wanted to acknowledge that whilst EDDC allowances may be lower than some other Councils within Devon, the newspaper headlines were likely to be negative in the current financial climate at the news of any increase. Whilst it might be helpful to have a report prepared on this matter, he could not envisage a point in the future when even if a report recommended an increase, that this would be possible in the foreseeable future given the financial position of EDDC.

- Cllr Loudoun said that he considered that an independent investigation into Members' allowances would be likely to recommend an increase, but that this would not be taken well by local residents and that this was not the right time to be initiating one.
- Whilst there was sympathy with the proposal, caution was to be urged. If Cllrs were regarded as inviting an Independent Remuneration Panel (IRP) to meet which then recommended an increase, it would not be received well by the press or local communities.
- Many people in local communities are suffering more hardship than EDDC Cllrs, and it was considered that the press would tear the Council to shreds if an increase in members' allowances was agreed at this point in time.
- It had been suggested that an IRP meet before the last Elections in order to attract more young people and increase diversity. This did not happen but a more diverse group of Cllrs were interested and got elected.
- All Councils are in a difficult situation but are still increasing their Members allowances. Cllrs are elected to spend time supporting local residents and often alongside jobs and should receive a modest increase which could be tied to inflation.
- The Leader pointed out the need to look at the hard reality of EDDC finances, despite being a financially well managed Council. There are hard choices to be made imminently in relation to matters such as the provision of public toilets and car parking, so some form of cutback will be necessary in order to deliver the Medium Term Financial Plan. In this context, an increase in Members allowances would be hard to justify in the forthcoming year.
- There is a need to look at how to make EDDC more diverse, which is not just about money, but about what Councils do, what Cllrs do and what is involved in the role, so there should be a wider debate beyond allowances and what would influence younger people to stand as Cllrs.
- Claims for travelling and subsistence allowances per annum between the years 2017-2020 averaged approximately £23k and were much higher than those for 2021, so it may be helpful to have a review of allowances generally, but it would be more helpful to lobby to modernise ways of doing things, such as the continued use of Zoom for running meetings since it could make future travelling irrelevant.
- Working mothers who are also Cllrs have very different lives and pressures. The sheer volume of meetings to attend would make it difficult to do if they were also holding a regular job. It is a regular occurrence to spend hours on Council work, which are not then available to earn an income or be present as a parent. Being a Cllr is a lot of pressure and a key issue is how it can co-exist with a paid job. However, it is still not a good time to be raising the issue of raising allowances until it can be part of a wider debate.

The following proposal was put forward by Cllr Millar.

That the issue of an Independent review of Member's Allowances by an Independent Remuneration Panel be referred to a future meeting of the Overview Committee.

Following a vote, the Chair confirmed that this would go forward to a future meeting of the Overview Committee.

In relation to the proposal relating to a Public Register of Senior Officer Interests, the Chair referred to the advice provided by the Monitoring Officer. Whilst it is a legal requirement for members' Register of Interests to be made publicly available, there is no such obligation in relation to employees of any level. All officers complete a register of

interest that it is held by the Council and consideration would need to be given to the legal position and human rights / data protection issues involved. It could affect the terms and conditions of employment and would need to involve discussion with the Union.

She then invited Cllr Millar to say a few words by way of introduction, before inviting comments from other members.

Cllr Millar said that many Councils published a Register for Senior Officer Interests and it was an issue about reassuring the public given that officers deal with significant amounts of public money.

Comments or questions during consideration of this topic included the following;

- It was suggested that a public register should be extended to include all Planning Officers, who could potentially be contacted by external parties in order to influence planning decisions.
- This matter should be referred to the Personnel Committee since it was a staffing matter and would require the input of Trades Unions as it related to paid staff rather than Cllrs.
- This was not a matter for the Overview Committee.

The following proposal was put forward by Cllr Millar and seconded by Cllr Bonetta.

That the issue of a Public Register of Senior Officer Interests be referred to Personnel Committee for consideration.

Following a vote, the Chair confirmed that the proposal above would be referred to the Personnel Committee.

Cllr Dan Ledger reminded committee members that in February 2021, the Service Lead for Assets & Commercialisation -Tim Childs, had presented a Policy on Drones to the Overview Committee. This had then been raised at Council in February in the form of a Motion with the request that the Drone Policy also include the banning of fireworks over 90 decibels and the releasing of Chinese lanterns over Council land. This was referred back to Cabinet in March but since it was considered difficult to include all of these issues in a single policy, referred it back to Overview Committee for full scoping. Due to COVID 19, it had not yet come back to Overview and Cllr Ledger requested that it was put onto the committee's Forward Plan. A letter had also been received in response to the letter on this matter by EDDC from the relevant Government Minister.

The following proposal was put forward from the Chair of the meeting.

That a fully scoped report on the issues previously discussed in relation to the banning of fireworks over 90 decibels and of a total ban of the releasing of Chinese lanterns over Council land, be prepared and referred to the next available meeting of the Overview Committee.

Following a vote, the Chair confirmed that the proposal above would be referred to the next available meeting of the Overview Committee.

The Chair thanked everyone for their attendance and closed the meeting at 7.45pm.

Attendance List

Councillors present:

V Johns (Chair)
D Barrow
J Bonetta (Vice-Chair)
S Gazzard
M Hartnell
B Ingham
P Millar
A Moulding
G Pook
V Ranger
T Woodward

Councillors also present (for some or all the meeting)

J Bailey
G Jung
E Rylance
J Loudoun
P Arnott
S Hawkins
R Lawrence
P Faithfull
M Chapman
D Ledger

Officers in attendance:

Andrew Wood, Service Lead - Growth Development and Prosperity
Susan Howl, Democratic Services Manager
Sarah Jenkins, Democratic Services Officer
Sarah Helman, Democratic Services Officer
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Councillor apologies:

I Hall

Chair

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Overview Committee held online via the Zoom App on 25 November 2021****Attendance list at end of document**

The meeting started at 6.04 pm and ended at 8.05 pm

15 Public Speaking

The following statement was read out on behalf of Honorary Alderman, Peter Burrow, in relation to the public toilet review:

“As I have been involved in getting the carnival events back up and running I had taken less of an interest in Council events, however I picked up on the review in late September as I was involved with the previous one many years ago and has encouraged me back onto Seaton Town Council.

The paper mentioned a co-ordinated campaign in getting people to response to the questionnaire when the results are not to the liking of those that initiated the consultation in the first place. To get as much response in the cornerstone of any democracy.

The consultation was itself loaded to make people support the premise of the categorisation made by the officers before answering questions about the toilets themselves. I, myself, had to go through it five times before putting the answers in, so it is disingenuous of the officers complaining of co-ordinated campaigns when they do not like the answers that they were expecting.

If when I personally went on Facebook to encourage people to response to the consultation less than a week before the closing date is the co-ordinated campaign I feel the officers underestimate the feelings of the residents of Seaton as a proper campaign done seven weeks earlier would have got an even more representative view of their opinions.

Relating to the Underfleet toilets, in clear view, the officers say that they can use the facilities at Tesco's as it was a planning condition. There was a planning condition that two zebra crossings be built on Harbour Road and there is only one! To access the toilets, which are not displayed, you must go into the front entrance 100 metres further away than the Underfleet ones then pass through the pay-out tills walk right along the store into the Costa area to find them, another 80 metre journey. Before Covid this was bad enough but wearing masks and negotiating young people in Costa is not something elderly people getting off the coaches want to do.

The Underfleet toilets there are very well used with disabled access, when event are held there in Thurley Harcourt Place, in fact, Saturday is a perfect example with the late night shopping/lights switch on and Christmas carnival which I have organised with the carnival committee. The parade starts there and with the desire of people to be entertained there will be hundreds there and they would not like to trek to the seafront if caught short.

Sadly, the public toilet review contained many flaws and a perfect example with the Chine toilets. Their closure was sold to the people of Seaton as upgrade of the premises with access to the toilets all year. Yes, the Hideaway Café does look nice but as you can

expect it is not open all the time. There have never been a sign that explains that the toilets within are available to coastal walkers etc., in fact, those walking along the coastal path see the back of the café and the closed toilets. I walk past here most mornings and I hear from any people that you cannot use the café toilets unless you are a customer. No what councillors were told at the time.

Please make sure the Underfleet toilets are not closed because Seaton will not gain coach friendly status which is no needed for the local community and visitors alike.”

16 **Declarations of interest**

Minute 17. Public Toilets Review - Consultation results and report.
Councillor Dawn Manley, Personal, Sidmouth Town Councillor.

Minute 17. Public Toilets Review - Consultation results and report.
Councillor Helen Parr, Personal, Ward Member for Coly Valley.

Minute 17. Public Toilets Review - Consultation results and report.
Councillor Jake Bonetta, Personal, Ward Member for Honiton St Michaels and a Honiton Town Council for St Michaels.

Minute 17. Public Toilets Review - Consultation results and report.
Councillor Mike Allen and Councillor Phil Twiss, Personal, Ward Member for Honiton St Michaels.

Minute 17. Public Toilets Review - Consultation results and report.
Councillor Paul Millar, Personal, Director of Sideshore Community Interest Company who are working with EDDC on public toilets.

Minute 17. Public Toilets Review - Consultation results and report.
Councillor Steve Gazzard and Councillor Tony Woodward, Personal, Exmouth Town Councillor.

Minute 17. Public Toilets Review - Consultation results and report.
Councillor Val Ranger, Personal, Member of the Gigg Club that use the toilets at Port Royal, Sidmouth.

Minute 17. Public Toilets Review - Consultation results and report.
Councillor Vicky Johns, Personal, user of toilet facilities.

17 **Public Toilets Review - Consultation results and report**

The Chair welcomed everyone to the meeting and reminded Members that the item had been deferred from the meeting on 18 November to allow Councillors and members of the public more time to read the report and associated papers.

The Service Lead – Streetscene gave a detailed presentation to the committee outlining the consultation results and categorisation proposal. Members’ noted that 1,267 responses had been received which included:

- Most respondents want the council to continue to provide what is provided now;
- Many respondents commented on how the proposed changes would impact on those with protected characteristics including age and disability.

The Service Lead – Streetscene explained the three priorities from the report that Members' would need to consider, which were:

- To review the equalities impact assessment and the consultation reports and to provide Cabinet with your view to assist with their decision making;
- The current recommendations is to approve the categorisation as set out in the report, Overview Committee were asked to debate this;
- The reasons the review was required:
 - The need to invest in the retained sites;
 - The need to improve standards;
 - Can no longer afford to provide at all sites;
 - Would like to ask others to help: community groups, local businesses and other tiers of local government.

He also expanded on the reasons for undertaking the review which included:

- There had been no investment in toilets since 2014. This was now overdue and needed.
- There was a large budget deficit and a need to make savings to address the deficit.
- There was a need to make the service more affordable.
- An opportunity for alternative uses to bring additional attractions to an area, such as, a new community or local business space.

Comments made by the Portfolio Holder for Finance and Portfolio Holder for Coast Country and Environment included:

The Portfolio Holder for Finance stressed the importance for Members' to take into account the Council's current situation with the budget for this year and 2022/2023. He advised that the projected shortfall for this year was £439k which would need to be taken from the General Fund Reserve which cannot continue to be relied upon and an estimate of £700k for 2022/2023 leaving an estimated £300 - £500k to find.

The Portfolio Holder for Coast, Country and Environment acknowledged the challenge that Committee Members faced following the public consultation. He personally thanked the Service Lead – Streetscene, Jamie Buckley and the rest of the team for all their hard work, stamina and perseverance.

He advised that the 27 toilets provided by the Council were in need of substantial investment and addressed that in the current climate they were difficult to clean, not Covid compliant, easy to vandalise and not up to standard for baby/adult changing facilities. He addressed the need to act now to maintain the toilets to their highest standards by borrowing at a very low rate with the need to substantially reduce the cleaning and maintenance costs.

The Portfolio Holder for Coast Country and Environment addressed some of the issues which included:

- Government funding to provide one disabled adult changing toilet in each visitor town which would assist with the finances on top of the additional borrowing.
- Close some of the toilets which have less footfall or in close proximity to other toilets.
- Relocate toilets to more central locations.
- Some toilets would be better served with another use, such as a café with a public toilet incorporated or cycle hub
- A charge to use the toilet – 30p/40p. With a paid access card available at some retail establishments.

Questions raised by non-Committee Members included:

- In response to a question raised about the upgrade costings for Category A the Service Lead – Streetscene advised it would be in the region of £3.1m with service costs of £900k in total with the ability of that being reduced by £204k up to £430k.
- In response to an explanation about the charging contributions the Service Lead – Streetscene advised there would be a net benefit of £150k based on one million visits a year at a cost of 30p per visit or £200k based on 40p per visit.
- In response to the possibility of using monies from other non-statutory areas as well as the Transformation Reserve to continue funding toilet provision, the Portfolio Holder for Finance advised this would need a further public consultation and the Strategic Lead for Finance advised that using monies from the Transformation Fund would only be a one off payment to help with the transition period.
- Clarification sought on what further investigation had been made in paragraph 2.18 on page 25 and reference was made to Orcombe Point (Category B) and whether these could remain open. In response the Service Lead – Streetscene advised that further investigation referred to ‘going out to market’ to invite formal bids on alternative uses. He advised that at Orcombe Point an expression of interest had been received from a local business to repurpose the toilets into a café which would include publicly accessible toilets.
- Clarification sought on paragraph 6.4 and whether the closure of the Harbour Road toilets would reduce the capital costs for the town council. In response it was advised potentially the capital costs could reduce if the toilets closed.
- Clarification sought about whether SLAs could be set up for town and parish councils for the continuation of toilet cleaning. In response it was confirmed the district council could offer its services via an SLA to clean the sites but would need to cover both the revenue and capital costs.

Questions raised by Committee Members included:

- Clarification sought on paragraph 2.4 regarding the proximity of the toilets and whether the reports takes into account about hidden disabilities such as colitis, visual impairment and Crohns Disease. In response it was advised hidden disabilities had been considered in the Equalities Impact Assessment.
- Clarification sought on whether there would be an assessment done on people who cannot afford to pay or have medical needs. In response it was advised that an assessment would be done pending the decisions from Committee Members.

Comments made by non-Committee Members included:

- Two thirds of people who had commented on the questionnaire did not agree with all the categories which means that people are concerned with losing toilets. It is a basic human need.
- There is a need to retain toilet provision in Colyton.
- Concern expressed that Colyton was in Category C.
- Support was expressed for opportunities for town and parish councils.
- Concerns raised about Honiton which has a population of 16,785 people needs adequate toilet provision. The town is very clearly under provision which cannot be allowed to continue.
- There are no toilets in Ottery St Mary owned by East Devon District Council. There is no reason why a town or parish council cannot take on this responsibility as they have the budget to continue to deliver these services.

- A suggestion was made for further investigation as 50% of respondents disagreed with the recommendations.

Comments made by Committee Members:

- Concerns raised about massive precept changes which will affect town councils.
- The public want and need the council to carry on providing toilet provision and are prepared to make a contribution towards those facilities.
- There is a need to consider all toilets, both rural and urban.
- A questions was raised about whether the council should be trying to offload the responsibility to a lower tier of local government.
- It was highlighted about the difficulty in understanding how much each toilet costs.
- 56% of the public agreed that they would pay to access a toilet.
- In the last 15 years Exmouth has lost four toilets.
- Support was expressed for businesses to take over some toilets and a suggestion was made that these businesses must enter into a clear agreement that they must provide toilet provision with clear signage that they are public toilets.
- Exciting possibilities in Categories B and C.

Councillor Paul Millar proposed, seconded by Councillor Jake Bonetta, the following recommendations:

That Overview Committee recommends that Cabinet:

1. Request that more detailed water usage data for toilets EDDC owned and that toilets are more regularly assessed so they can be broken down to show how popular toilets are at certain points of the day/year.
2. To offer Town/Parish Councils one final opportunity to retain Category B and C toilets if leases with community partner organisations cannot be struck within 12 months.
3. Write to all local businesses and make a powerful case for them to offer the use of their toilets to non-paying customers who may have disabilities and illnesses that are not always visible, given the findings of the local consultations which shows the high extent of local need.
4. Establishes the principle of charging for Category A toilets and considers carefully both the price entry, the choice of private partners and the option of using cash.

In response the Portfolio Holder for Coast, Country and Environment welcomed the recommendations and the need for a more accurate figure for water usage. He addressed the difficulty of this year due to Covid-19 highlighting half of the toilets had been shut and the other half over used. He also addressed the use of cash and highlighted that most of the vandalism was because of coin collection boxes.

Councillor Jake Bonetta, proposed the following recommendations:

1. Acknowledge the historic, well-publicised and in parts still live, legal and governance issues within Honiton Town Council and in the fact that they require extra time to make finances and resourcing available for taking over King Street public toilets despite their early inclined desire and to make a special case to keep these toilets open for a further two years rather than one to allow time for them to make the necessary arrangements to inherit and manage the asset.
2. Write to the Secretary of State for Housing, Communities and Local Government to request that he lobbies the Treasury for a fund be created to help Councils further invest in public toilet provision and to make toilets a mandatory rather than

discretionary service given their positive role in ensuring people with health issues can live their lives.

Councillor Millar who seconded said he was happy for the recommendation to be incorporated into the other recommendations.

Councillor Andrew Moulding proposed the following amendment and seconded by Councillor Ben Ingham that recommendation 4 reads:

Establishes the principle of charging for Category A toilets, such toilets to be made and calculated and serviced to cover the costs of their refurbishment and retention together with careful consideration of the choice of private partners and the option of using cash.

Councillor Millar said he was happy for Councillor Moulding's recommendation to be incorporated into the other recommendations.

RECOMMENDED TO CABINET

- (1) Request that more detailed water usage data for toilets EDDC owned and that toilets are more regularly assessed so they can be broken down to show how popular toilets are at certain points of the day/year.**
- (2) Request that Town/Parish Councils are offered one final opportunity to retain Category B and C toilets if leases with community partner organisations cannot be struck within 12 months.**
- (3) Request that the council write to all local businesses and make a powerful case for them to offer the use of their toilets to non-paying customers who may have disabilities and illnesses that are not always visible, given the findings of the local consultations which shows the high extent of local need.**
- (4) Establishes the principle of charging for Category A toilets, such charges to be made and calculated so as to cover the costs of their refurbishment and retention together with careful consideration of the choice of private partners and the option of using cash.**
- (5) Acknowledge the historic, well-publicised and in parts still live, legal and governance issues within Honiton Town Council and in the fact that they require extra time to make finances and resourcing available for taking over King Street public toilets despite their early inclined desire and to make a special case to keep these toilets open for a further two years rather than one to allow time for them to make the necessary arrangements to inherit and manage the asset.**
- (6) Write to the Secretary of State for Housing, Communities and Local Government to request that he lobbies the Treasury for a fund be created to help Councils further invest in public toilet provision and to make toilets a mandatory rather than discretionary service given their positive role in ensuring people with health issues can live their lives.**

Attendance List

Councillors present:

V Johns (Chair)

J Bonetta (Vice-Chair)

S Gazzard

B Ingham

D Manley
P Millar
A Moulding
V Ranger
T Woodward

Councillors also present (for some or all the meeting)

M Allen
M Armstrong
P Arnott
D Bickley
K Bloxham
M Chapman
O Davey
B De Saram
P Faithfull
N Hookway
G Jung
J Kemp
R Lawrence
D Ledger
J Loudoun
H Parr
M Rixson
J Rowland
E Rylance
P Twiss
J Whibley
E Wragg

Officers in attendance:

Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)
Andrew Hancock, Service Lead StreetScene
Simon Davey, Strategic Lead Finance
John Golding, Strategic Lead Housing, Health and Environment
Tim Child, Service Lead - Place, Assets & Commercialisation
Wendy Harris, Democratic Services Officer
Sarah Helman, Democratic Services Officer
Sarah Jenkins, Democratic Services Officer
Andrew Hopkins, Communications Consultant

Councillor apologies:

I Hall
M Hartnell
G Pook

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Strategic Planning Committee held online via zoom on 9 November 2021****Attendance list at end of document**

The meeting started at 2.00 pm and ended at 5.06 pm

42 Public speaking

The following statement was read out on behalf of Mr Paul Smith of Cranbrook, in relation in minute 49 Site promoter presentations to Strategic Planning Committee:

“I note with interest that in December 2021 the Strategic Planning Committee is to consider a draught of the Councils emerging Local Plan in relation to future planning strategy. This will present members with the opportunity for a complete review of existing strategy and development criteria.

Clearly with 359 HELAA site submissions, Committee must rely heavily upon officer’s initial assessment as to suitability/viability.

During your deliberations upon Site Promotion Presentations, I would remind you of EDDC 2021 public consultation process re future vision for the District which identified equally held opinions between those who favoured continuance of concentrated large scale urban extension of existing towns, and those who saw the merits of controlled development of smaller villages and communities.

There appears to have been an acceptance that the large volume house developer will always receive the lion’s share of Committee’s time and consideration. The outcomes the electorate are experiencing is an increasing loss of greenfield land, involving urban sprawl, and creeping coalescence which threatens the identity of surrounding communities.

The NPPF does not preclude controlled development within AONB, and such applications should not automatically be dismissed, in the development is to meet localised housing need.

Additionally, Government guidance and directive is to give greater consideration to small & medium sized developments as well as for self & customised builders.

Development of Brownfield sites are preferable to loss of greenfield.

I would ask that you consider these issues within your deliberations today.”

43 Minutes of the previous meeting

Members were content to accept the minutes of the consultative Strategic Planning Committee meeting held on 5 October 2021.

In addition, Cllr Rylance requested that updated population figures for Broadclyst were used for the draft Local Plan.

Cllr Millar requested that the issue of limiting clusters of fast food outlets would be considered further; in response Members were reminded that no firm conclusions had been reached and that there was still an opportunity to debate the issue as part of the discussion on the working draft of the Local Plan.

44 Declarations of interest

Minute 48 Site Promoter Presentations.

Councillor Olly Davey; Personal; Member of Exmouth Town Council

Minutes 48 and 49

Councillor Jess Bailey; Personal; Member of Devon County Council

Minutes 47 to 50

Councillor Mike Howe; Personal; Member of Bishops Clyst Parish Council

Minute 47 Exeter Local Plan Issues

Councillor Eleanor Rylance; Personal; Resident and Member of Broadclyst Parish Council

Minute 49 Coastal Change

Councillor John Loudoun; Personal; Ward Member of Sidmouth Rural that includes coastline

Minute 49 Coastal Change

Councillor Paul Millar; Personal; Ward Member of Exmouth Halsdon that includes coastline

45 **Matters of urgency**

None.

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

None.

47 **Exeter Local Plan Issues**

The Committee received a report outlining the proposed response to consultation by Exeter City Council on their new Local Plan. The report detailed the responses to the consultation questions, deemed as appropriate to provide as a response. The consultation document did not raise any specific issues as causing direct concerns for East Devon; however the Service Lead for Planning Strategy and Development Management highlighted the response to question 4 of the consultation.

The committee debated:

- Concern over impact of any planned development on the edge of the city, particularly in terms of protecting landscape that fell within the District but could be impacted by development on the District border. In response, the Service Lead reminded the Committee that Exeter City Council were not yet consulting on specific sites. An idea of what could be in their draft Local Plan could be gleaned from their published document Liveable Exeter (2019) available at www.liveableexeter.co.uk ;
- Include in the response to ECC that there should be reference to developing a travel plan that looks to resolve the issues around access to the M5; and to look to work with ECC and DCC in helping to improve the commuter routes into and out of Exeter;
- Clyst Valley Regional Park needs protection from any city border development;
- Increase tower blocks in city to reduce commuting.

The Strategic Planning Committee noted the proposed response to the Exeter City Council Local Plan Issues consultation, with comments raised through discussion at committee.

48 **Site Promoter Presentations to Strategic Planning Committee**

The report before the committee set out the rationale for accommodating requests by developers to present to the committee their proposals. The timetable, although later than originally planned, was felt to be a better fit for hearing proposals after the committee had considered the working draft of the Local Plan.

The committee considered the meeting format of receiving the presentations, and criteria for those presentations in order to maximise the benefit of the event.

The committee discussed:

- Flexibility on amount of time per presentation, as some sites may require more detail and questioning;
- If the criteria for assessing sites could include the advanced provision of infrastructure;
- Give every opportunity to all those putting sites forward, in order to evidence clearly at inspection stage of the Local Plan that full consideration has been given;
- Welcomed the event being run virtually; suggestion of earlier start to fit more into a single day;
- Focus on mid-scoring sites;
- Run over more than one day as necessary

A separate issue, although not directly related to the agenda item, was discussed following a request by Cllr Howe for any development in the West End to be held back until the extensive sewage issues were resolved by South West Water. He outlined the experiences of raw sewage by his constituents, and his efforts to seek further information from SWW through a meeting with them and the local MP.

Discussion on this issue covered:

- Sympathy with residents in many areas of the District where the sewage system was not adequate to cope with demand and storm events;
- Urgent issue to resolve for residents now, and to plan for future development, particularly relating to the Blue Ball pumping station;
- Preventing sites coming forward at the West End would have implications for the five year land supply and the remainder of the District;
- Importance in discussing future growth with all key stakeholders, so that work to resolve the issue would also offer up solutions to deal with rise in demand as the District population increased, and ensure that the necessary infrastructure was in place for that growth;
- Issues were apparent for large scale works on sewage systems across the District;
- Taking a motion to full Council on the issue;
- Referring SWW to the Scrutiny Committee;
- Ensure robust policy in Local Plan on sewage disposal.

The Strategic Planning Committee noted the proposed arrangements for a Special Strategic Planning Committee meeting to hear presentations from developers and site promoters of sites being considered for allocation in the new Local Plan, with the addition of holding the meeting over two days and with focus on those middle ranking sites following site suitability scoring.

The committee were presented with a planning policy topic paper on coastal change, for the purpose of obtaining feedback, specifically on formulating policies for Coastal Change Management Area's (CCMA) required under the NPPF, which will be part of the Local Plan. Such policies should look to guide what development will be appropriate in areas at risk of coastal change, and deal with any associated actions, such as facilitating roll back or safeguarding essential infrastructure.

The topic paper set out best practice policy extracts, and potential CCMA policy scenarios.

The debate covered:

- Data from Plymouth University covered a worse case scenario;
- Beach Management Plans were being developed to provide engineering solutions for flood protection and to slow cliff erosion;
- A supplementary planning guidance document on this issue could be developed once the Local Plan was adopted or at least submitted for inspection;
- IPCC recommend that no building should now take place on coastlines; should the authority look to standards set in other countries whereby living accommodation is on the first floor or higher;
- Could the housing number figure be renegotiated in light of the restricted area for development due to AONBs and coastline limitations? In response, the Service Lead advised that he was unaware of any authority that had successfully challenged their housing allocation.

The Strategic Planning Committee noted the Coastal Change topic paper and provided feedback to inform the development of coastal change policies in the draft Local Plan.

50 **Local Plan Climate Emergency Policy Approaches**

The committee received a report outlining measures for action in response to the climate crisis. The proposed approach for policy in the new Local Plan covered:

- Raising standards for new development
- Encouraging renewable energy and battery storage
- Making use of existing opportunities for utilising waste heat
- Tackling embodied carbon
- Adaption to the effects of climate change
- Implications for neighbourhood planning

The Portfolio Holder for Climate Action and Emergency Response outlined to the committee her views on the approaches required, including:

- All developers to build properties to a high level of energy efficiency, particularly because any retrofit to existing buildings is of high cost;
- Mandatory walking and cycle paths
- Include tree planting as requirement for the benefit of wildlife corridors
- Welcomes approach for embodied carbon, seeking to abolish the demolition of existing buildings so that existing foundations are utilised;
- Avoiding development on flood zones

Debate included:

- Differing forms of batteries available, such as compressing and releasing air;

- Electric cars were only part of a solution, and hydrogen combustion engines were the way forward for larger vehicles and plant and machinery;
- Concerns regarding zoning of solar and wind locations, as having a map of areas where solar and wind options could be considered was concerning to rural residents; utilising roof areas on existing buildings was a better option. In response, the setting out of location of such areas was explained as a requirement under the NPPF and the location related to where there was connectivity to the grid as well as suitable conditions for optimum energy production. Control over what could be delivered in those zones would be through a criteria based policy; there was also reference to solar panels on roofs within the proposed approach;
- Promotion of solar panels on roofs should be undertaken before considering further solar farms within the countryside;
- Community solar schemes exist in some areas of the District and should be encouraged further for future schemes;
- Higher building standards would lessen the need for energy from district heating networks;
- Travel plan requirements for new developments should include walking and cycling routes, as well as integration with public transport networks; a holistic approach was required to planning transport options for the future;
- Further development of the proposed approaches should be fully considered by the relevant Portfolio Holders;
- Include other means of carbon capture into the Local Plan; the committee were reminded that any plans relating to marine life did not fall into the remit of the Local Plan; control through the planning process could not provide for all climate actions – as an example, planning a forest would not require planning permission;
- Recent Government consultation on building standards suggests that these may fall to building regulations and therefore the standard can be improved further, but an outcome on this is still awaited;
- District heating systems are promoted because they provide the infrastructure to enable them to connect to other renewable energy sources as they become available;
- NPPF is not currently that ambitious for climate actions; any draft Local Plan must comply with the NPPF;
- Look to include microgeneration from water sources such as rivers where possible;
- Look to retain planting schemes around solar farms so that wildlife benefit increases over time. Such schemes should include detail on biodiversity net gain;
- Limit the scale of commercial anaerobic digesters. In response the committee were informed that further research would be required in order to establish what an acceptable scale would be;
- Further debate and finessing of the proposed approaches was still possible as the draft Local Plan was progressed.

1. The Strategic Planning Committee notes the initial approaches to tackling the climate emergency through the local plan as set out in the report subject to amending the approach suggested under section 5 on Encouraging renewable energy and battery storage as follows:

“5.5 It is proposed that in order to maximise opportunities for delivering renewables and provide certainty to the industry, suitable areas for solar and wind energy are proposed. This approach was also strongly supported in the Issues and Options consultation and it would equate to a significant uplift in support for renewables, which matches the

Council's ambition to tackle the climate emergency. Suitable areas proposed must be subject to clear biodiversity net gains.

5.6 In addition, a policy of general support for renewable technology, including community energy schemes in other parts of the District will be supported, subject to an assessment of impacts

5.7 However Industrial scale anaerobic digesters are not considered suitable developments, and agreement to the scale of such digesters is subject to further evidence coming forward."

and welcomes further member contributions.

2. The Strategic Planning Committee requests a further report on this subject

Attendance List

Councillors present:

D Ledger (Chair)

O Davey (Vice-Chair)

M Allen

P Arnott

J Bailey

K Blakey

P Hayward

M Howe

B Ingham

A Moulding

G Pratt

E Rylance

Councillors also present (for some or all the meeting)

D Bickley

C Brown

B De Saram

P Faithfull

S Jackson

G Jung

R Lawrence

J Loudoun

P Millar

V Ranger

M Rixson

E Wragg

Officers in attendance:

Ed Freeman, Service Lead Planning Strategy and Development Management

Shirley Shaw, Planning Barrister

Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Amanda Coombes, Democratic Services Officer

Debbie Meakin, Democratic Services Officer

Councillor apologies:

S Chamberlain

P Skinner

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Planning Committee held online via zoom on 27 October 2021****Attendance list at end of document**

The meeting started at 10.02 am and ended at 12.02 pm

57 Minutes of the previous meeting

Members were happy to accept the minutes of the consultative Planning Committee held on 29 September 2021.

58 Declarations of interest

Minute 60. 20/2668/FUL (Minor) OTTERY ST MARY.
Councillor Geoff Pratt, Personal, Ward Member.

Minute 61. 21/2006/FUL (Minor) WEST HILL AND AYLESBEARE AND WHIMPLE AND ROCKBEARE.
Councillor Philip Skinner, Personal, Known to applicant for many years.

Minute 61. 21/2006/FUL (Minor) WEST HILL AND AYLESBEARE AND WHIMPLE AND ROCKBEARE.
Councillor Richard Lawrence, Personal, Ward Member for part of the application as it falls within two wards; had spoken to the applicant regarding the boundary and had been in attendance at Rockbeare Parish Council when the application was discussed.

Minute 63. 21/1392/FUL (Minor) BUDLEIGH AND RALEIGH.
Councillors Bruce De Saram, Colin Brown, David Key, Geoff Pook, Geoff Pratt, Mike Howe, Philip Skinner, Richard Lawrence and Tony Woodward, Personal, Land owned by East Devon District Council and received a lobbying email from another councillor.

Minute 63. 21/1392/FUL (Minor) BUDLEIGH AND RALEIGH.
Councillor Eileen Wragg, Personal, Received an email from another councillor requesting to speak on the application as an adjoining ward member.

Minute 63. 21/1392/FUL (Minor) BUDLEIGH AND RALEIGH.
Councillor Olly Davey, Personal, Attended an exhibition in Exmouth some time ago about the proposed changes to parking on Woodbury Common and received a lobbying email from another councillor.

Minute 63. 21/1392/FUL (Minor) BUDLEIGH AND RALEIGH.
Councillor Sarah Chamberlain, Personal, Land owned by East Devon District Council.

Minute 65. 19/F0454 (Minor) BUDLEIGH AND RALEIGH.
Councillor Eileen Wragg, Personal, Lobbied on this application by receiving an email from a concerned resident.

Non-Committee Members

Minute 60. 20/2668/FUL (Minor) OTTERY ST MARY.
Councillor Peter Faithfull, Personal, Known to applicant.

Minute 63. 21/1392/FUL (Minor) BUDLEIGH AND RALEIGH.

Councillor Geoff Jung, Personal, Ward Member for part of common; Member of the Habitat Mitigation Committee that has contributed to this scheme and Board Member of the Pebblebed National Nature Reserve.

Clarification was sought on the consideration to allow neighbouring ward members to speak on applications. In response the Development Manager advised that Ward Members were only permitted to speak but it was at the Chair's discretion whether adjoining Ward Members were permitted to speak if the application was very close to other boundaries.

59 **Planning appeal statistics**

Members noted the planning appeal statistics report that set out six appeal decision notices, of which five had been dismissed and one allowed.

The Development Manager drew Members' attention to the appeal allowed for application 20/1895/FUL for the construction of garage and barn at Green Acres, Lyme Road, Axminster. The Inspector determined that although the proposed development was relatively large it would not have a detrimental impact on the surrounding area nor a detrimental effect on highway safety.

60 **20/2668/FUL (Minor) OTTERY ST MARY**

Applicant:

Trustees of the Ottery Feoffee Charity.

Location:

Ottery Feoffee Charity Community Centre, Brook Street, Ottery St Mary, EX11 1EZ.

Proposal:

Replacement of the Community Centre with six residential flats.

RECOMMENDATION:

Of refusal as per officer recommendation.

61 **21/2006/FUL (Minor) WEST HILL AND AYLESBEARE AND WHIMPLE AND ROCKBEARE**

Applicant:

Mr Richard House.

Location:

Houndbeare Farm, Rockbeare Hill, Rockbeare.

Proposal:

Conversion of two redundant agricultural buildings for storage use (Use Class B8) and/or light industrial use (Use Class E.g.iii), change of use of external yard area for storage use (Use Class B8) and improvements to existing access.

RECOMMENDATION:

Of approval as per officer recommendation.

62 **21/2268/FUL (Minor) NEWBRIDGES**

Applicant:

Laura and Matthew Dentry.

Location:

The Firs, Kilmington, Axminster, EX13 7SS.

Proposal:

Proposed use of existing mobile home as independent holiday let unit and adjacent bell tent for associated amenity facilities.

RECOMMENDATION:

Of approval as per officer recommendation.

63 **21/1392/FUL (Minor) BUDLEIGH AND RALEIGH**

Applicant:

Mr Neil Harris

Location:

Joneys Cross Car Park, Hawkerland, Colaton Raleigh.

Proposal:

Car park improvements.

RECOMMENDATION:

Of approval as per officer recommendation.

64 **21/2231/FUL (Minor) COLY VALLEY**

Applicant:

Mr & Mrs Oliver Rowe

Location:

Greenways, Hillhead, Colyton, EX24 6NJ.

Proposal:

Single storey rear extension and demolition of sheds.

RECOMMENDATION:

Of approval as per officer recommendation.

65 **19/F0454 (Minor) BUDLEIGH AND RALEIGH**

Applicant:

-

Location:

Rosehill, 30 West Hill, Budleigh Salterton, EX9 6BU.

Proposal:

1m wall constructed within curtilage of listed building without planning permission and where no permitted development rights exist.

RECOMMENDATION:

Of no further action as per officer recommendation.

Attendance List

Councillors present (for some or all the meeting)

E Wragg (Chair)
S Chamberlain (Vice-Chair)
C Brown
O Davey
B De Saram
S Gazzard (joined the meeting at the start of 21/1392/FUL)
M Howe
D Key
R Lawrence
G Pook
G Pratt
P Skinner
T Woodward

Councillors also present (for some or all the meeting)

P Faithfull
G Jung
P Millar
V Ranger
P Hayward (attended in his position as Clerk to Newton Poppleford & Harpford Parish Council)

Officers in attendance (for some or all the meeting)

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

Councillor apologies:

K Bloxham
J Whibley
C Wright

Chair

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the consultative meeting of Planning Committee held online via zoom on 24 November 2021****Attendance list at end of document**

The meeting started at 10.00 am and ended at 12.30 pm

In the absence of the Vice Chair, Councillor Sarah Chamberlain the Committee agreed to Councillor Olly Davey being Vice Chair.

66 Minutes of the previous meeting

Members were happy to accept the minutes of the consultative Planning Committee held on 27 October 2021.

67 Declarations of interest

Minute 71. 20/2427/FUL (Minor) BEER & BRANSCOMBE.
Councillor Geoff Pook, Personal, Known to the architects and work with them on other community and personal schemes.

Minute 73. 21/1560/FUL (Minor) WOODBURY & LYMPSTONE.
Councillor Philip Skinner, Personal, Known to the applicants.

Minute 73. 21/1560/FUL (Minor) WOODBURY & LYMPSTONE.
Councillor Richard Lawrence, Personal, Known to the applicants.

68 Planning appeal statistics

Members noted the planning appeal statistics report that set out five appeal decision notices, of which three had been dismissed and two allowed.

The Development Manager drew Members' attention to the two appeal decisions allowed. The first one related to Green Acres which had previously been reported to Members at the last meeting and the second related to application 20/2461/FUL – The Dairy Barn, Combehayes Farm, Honiton. The Inspector disagreed with officers concerns about the lack of justification for the building and also determined the proposed building would not have any significant effect on the landscape and scenic beauty of the AONB and therefore allowed the appeal.

69 21/2219/VAR (Major) SEATON**Applicant:**

Tesco Stores Ltd.

Location:

Tesco Stores Ltd., Swan Road, Seaton, EX12 2US.

Proposal:

Variation of Condition 17 (operating hours) of planning permission 09/0019/MFUL (erection of retail store (5,996 sq m gross) with petrol filling station, other retail units (633

sq m gross) with assorted car parking, pedestrian and vehicular access and landscaping to allow store servicing, deliveries and associated activities from 5am (instead of 7am) Monday to Saturday.

RECOMMENDATION:

Of approval as per officer recommendation.

70 **21/1966/FUL (Minor) SIDMOUTH SIDFORD**

Applicant:

Dr E Morris.

Location:

Upalong, Elm Way, Sidford, Sidmouth, EX10 9SY.

Proposal:

Demolish existing dwelling and erection of new dwelling.

RECOMMENDATION:

Of approval as per officer recommendation.

71 **20/2427/FUL (Minor) BEER & BRANSCOMBE**

Applicant:

Mr Ian Styles.

Location:

Seddul Bahr, Barline, Beer, Seaton, EX12 3LS.

Proposal:

New three bedroom dwelling.

RECOMMENDATION:

Of approval contrary to officer recommendation. Conditions delegated to officers in consultation with the Chair of Planning Committee and the Ward Member.

Members considered that the proposal was of an appropriate design and that the development was not out of character with the area and therefore accords with Policies D1 of the Local Plan and HBE2 of the Beer Neighbourhood Plan.

72 **21/1690/FUL (Minor) AXMINSTER**

Applicant:

Sadie Hardiman.

Location:

Steepfields, Cooks Lane, Axminster, EX13 5SQ.

Proposal:

Construction of detached building (retrospective) and use of main dwelling with original dwelling to be used as an annexe.

RECOMMENDATION:

Of approval as per officer recommendation.

73 **21/2036/FUL (Minor) DUNKESWELL & OTTERHEAD**

Applicant:

Mr James Healy.

Location:

Titford Hold, Awliscombe, Honiton, Honiton, EX14 3PS.

Proposal:

The retention and modification of vehicular access comprising removal of gravelled track, bollard lights and gate and replacement by wooden gate, stone track together with landscaping proposals including new Devon bank and wildflower meadow.

RECOMMENDATION:

Of approval contrary to officer recommendation. Conditions delegated to officers in consultation with the Chair of Planning Committee and Ward Members.

Members considered that the proposal was of an appropriate design that was not harmful to the landscape character and quality of the AONB therefore according with Strategy 46 of the Local Plan.

74 **21/1560/FUL (Minor) WOODBURY & LYMPSTONE**

Applicant:

Mr and Mrs Richard House

Proposal:

Atlantis, Sowden Lane, Exmouth, EX8 5AD.

Proposal:

Rebuild of barn to approved conversion under application 18/0478/FUL (part retrospective).

RECOMMENDATION:

Of approval as per officer recommendation.

75 **21/2654/FUL (Minor) SIDMOUTH SIDFORD**

Applicant:

Nick and Jackie Pratt.

Location:

6 Stevens Lane, Sidmouth, EX10 9UL.

Proposal:

Construction of single storey rear extension.

RECOMMENDATION:

Of approval as per officer recommendation.

76 **21/2401/FUL (Minor) SIDMOUTH SIDFORD**

Applicant:

Mr and Mrs A Jarrett.

Location:

4 Ridgeway Mead, Sidmouth, EX10 9DT.

Proposal:

Replacement two storey detached garage.

RECOMMENDATION:

Of approval as per officer recommendation.

Attendance List

Councillors present:

E Wragg (Chair)

O Davey

B De Saram

S Gazzard

D Key

R Lawrence

G Pook

G Pratt

P Skinner

T Woodward

Councillors also present (for some or all the meeting)

G Jung

A Moulding

Officers in attendance:

Chris Rose, Development Manager

Shirley Shaw, Planning Barrister

Wendy Harris, Democratic Services Officer

Susan Howl, Democratic Services Manager

Nicola Cooper, Solicitor

Councillor apologies:

S Chamberlain

K Bloxham

C Brown

I Hall

M Howe

S Jackson

J Whibley

C Wright

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the consultative meeting of Licensing and Enforcement Committee held Online via the Zoom app on 17 November 2021****Attendance list at end of document**

The meeting started at 11.00 am and ended at 12.25 pm

10 Public Speaking

There were no members of the public registered to speak.

11 Minutes of the previous meeting held on 21 July 2021

The minutes of the meeting held on 21 July 2021 were recommended for approval by Senior Officers.

12 Declarations of interest

There were no declarations of interest.

13 Matters of urgency

There were no matters of urgency.

14 Confidential/exempt item(s)

There was one item which Officers recommended should be dealt with in this way.

15 Quarterly Update Report

A report from the Licensing Manager provided an update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005, Taxi Legislation and General Licensing including Street Trading and Pavement Licences. The report, which covered the period from July to November 2021, informed the Committee of work undertaken and covered strategic or national updates for each area of work that the Licensing Team oversees.

The Licensing Manager highlighted the following points from the report:

- Regarding taxi vehicle and driver licences, it was noted that numbers have fallen nationally, largely due to the Covid-19 pandemic, however, East Devon is one of the few areas which has seen a slight upturn.
- It was noted that legislation requiring tax checks as a condition applying to all licence applications for taxi and private hire drivers will come into effect in April 2022
- Licensing Officers and Members had attended a webinar regarding an update on the new Statutory Standards which should be incorporated within existing taxi policies
- A key area of work for EDDC, as for all other Devon licensing authorities, will be signing up to the national taxi refusal database, NR3, which will become a legal requirement. This will allow secure information sharing on revoked or refused

licences. The recent consolidation of staffing levels in the Licensing Team will support the additional work load due to this requirement.

- Regarding mandatory training for Members, further dates are expected to be available next year which should assist with increasing the pool of trained Councillors able to sit on hearings.

In response to the report, the following points were discussed:

- The increase in Licensing Act applications, together with the pressure on staffing levels, had not resulted in work not being undertaken, however, it had impacted on the pro-activity of the Licensing Team.
- Premises notifying the licensing authority of gaming machines are checked and it is hoped that inspections can increase next year due to the consolidation of staffing levels.
- It was noted that StreetScene undertakes its own consultations for events on EDDC land and that these may be less detailed than licensing consultations. The Licensing Manager would raise this point with StreetScene.

The Committee wished to record its thanks for the high performance of the Licensing Team in very difficult circumstances recently.

The Licensing Manager's update report was accepted and noted by the Committee.

16 **Gambling Policy Report**

The Licensing Manager presented his report regarding the tri-annual review of the Council's Gambling Policy and policy adoption. It was noted that it is a legal requirement of the Gambling Act 2005 for the Council to determine a Gambling Policy in order to carry out its statutory functions under the Act. The Committee and Officers must have regard to the Gambling Licensing Policy when deciding upon licence applications and the Policy must be reviewed at least every three years. As the Policy was last reviewed in 2019, an amended Policy must be adopted by the Council by 31 January 2022.

The Licensing Manager highlighted the following points:

- The consultation timeline was set out at 1.6 in the report and it was noted that the response had been low.
- Development of a Local Area Profile had started and work is on-going.
- Under the Gambling Act 2005 the Council can adopt a 'No Casinos' resolution.

Discussion by Members highlighted the benefits of adopting a 'No Casinos' policy which included protecting children and disadvantaged groups most likely to suffer from the effects of gambling. A 'No Casinos' policy would also link with the Council's adopted Anti-poverty Strategy.

The Committee noted the results of the public consultation undertaken on the Council's draft Policy relating to the Gambling Act 2005.

RECOMMENDATIONS TO FULL COUNCIL

1. That, at its meeting on 8 December 2021, Council adopts for the period 31 January 2022 to 31 January 2025 the East Devon Gambling Act Licensing Policy
2. That Council resolves to adopt a 'No Casino' policy as part of its Gambling Act 2005 statutory policy.

17 **Taxi Fare Tariff Report**

The Licensing Manager presented his report which asked that the Committee considers a request from East Devon Hackney Carriage Licensees to increase the current Taxi Fare Tariff and to adopt a new Hackney Carriage fare table. The current tariff and information setting out the background to the request was contained in the appendices to the report.

The report recommended that a period of three months be allowed for Officers to provide more detailed information and with a revised table of fares before the Committee considers whether to proceed with or decline the request for an increase.

Having considered the report and noted the request to increase the current Hackney Carriage Table of Fares, the Committee agreed that Licensing Officers scope the work within the next 3 – 4 months.

18 **Confidential / exempt item**

There is one item to follow which Officers recommend should be dealt with after the public and press have been excluded, in accordance with local government legislation.

The Chair thanked those who had been watched the meeting online.

Accordingly, the public part of this meeting ended and the live stream to YouTube was switched off

19 **Report Regarding Suspension of Licensed Drivers**

The Licensing Manager presented a report updating the Committee with regard to the suspension of licensed drivers.

The report was noted and it was agreed that the Licensing Manager draft a letter to the Police and Crime Commissioner and the Chief Officer (Devon and Cornwall Police) requesting improved recording keeping and a more expeditious exchange of information which impacts on the work of the licensing authority.

Attendance List

Councillors present:

J Whibley (Chair)
K Bloxham (Vice-Chair)
M Chapman
P Jarvis
P Millar
G Pratt
B Taylor
T Wright

Councillors also present (for some or all the meeting)

None

Officers in attendance:

Sarah Helman, Democratic Services Officer
Sarah Jenkins, Democratic Services Officer
Lucy Maxwell, Licensing Officer
Giles Salter, Solicitor
Stephen Saunders, Licensing Manager

Councillor apologies:

A Dent
S Gazzard
M Hartnell
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 November 2021****Attendance list at end of document**

The meeting started at 9.30 am and ended at 10.55 am

21 Minutes of the previous meeting held on 8 September 2021

The minutes of the meeting held on 8 September 2021 were agreed as a correct record.

22 Declarations of interest

There were no declarations of interest.

23 Matters of urgency

There were no matters of urgency.

24 Confidential/exempt items

There were no confidential / exempt items.

25 Determination of an application for the grant of a premises licence to allow the sale of alcohol for consumption OFF the premises at Exmouth Parade Mini Market, 5 Parade, Exmouth EX8 1RS

The Sub Committee considered the application for the grant of a premises licence to allow the sale of alcohol for consumption OFF the premises at Exmouth Parade Mini Market, 5 The Parade, Exmouth EX8 1RS. The meeting was a hearing under the Licensing Act 2003.

The Chair introduced the members of the Sub Committee.

The applicant, present and entitled to make representations was Mr Saravanan Thayananthan, accompanied by his agent Mr Patrick Burke of PMB Licensing.

The interested party, present and entitled to make representations, was Cllr Tim Dumper for Exmouth Town Council.

The Licensing Authority had received representations from the Police who had discussed the application with the applicant and had subsequently reached an agreed position, including further conditions, should the licence be approved.

The Sub Committee's legal advisor, Giles Salter, outlined the procedure for the meeting.

The Licensing Officer, Lesley Barber, outlined the application. The Licensing Officer confirmed that, having checked the Licensing Authority's administrative procedures, a response from one objector had not been received at least five working days prior to the hearing as required under regulation 8(5) of the Licensing Act 2003 (Hearings) Regulations 2005. The Licensing Authority had no discretion to accept a late response

and the objector was not entitled to attend the hearing. The objector had been advised of this and had been provided with the link to access the papers and to watch the hearing online.

No updates or amendments had been made since the publication of the report.

In making the applicant's case, the agent, Mr Patrick Burke, made the following points:

- The applicant has wide experience of operating sites on a 24 hour basis.
- There would always be a minimum of two staff on site at the premises applied for.
- The Police had been in discussion with the applicant regarding the conditions.
- Objections raised by Exmouth Town Council regarding setting a precedent and the risk of exacerbating public nuisance and crime and disorder were either not relevant to the licensing objectives or there was no evidence to support the objections.
- The Licensing Authority should have regard to the principles laid down in 'the Thwaites case' [Daniel Thwaites plc v. Wirral Magistrates Court & Others] regarding the imposition of restrictions and inclusion of speculative opinions.

Responding to questions from Members, the applicant's agent advised the following:

- All of the 24 hour premises run by the applicant have been licensed.
- The applicant knows the part of Exmouth under discussion well, including the neighbouring nightclub, and is proposing to have door staff in place between the hours of 12 midnight to 5am.
- The applicant anticipates that the clientele between the hours of 12 midnight to 5am would include shift workers going to and from work and online orders via apps such as Uber Eats and Just Eat.
- The applicant would be willing to consider amending the proposed opening hours.
- There is no cumulative impact policy in place in East Devon.
- In his experience of running licensed premises, the applicant has never and would not serve a customer who was drunk.
- There have not previously been any issues regarding safety of staff at premises operated by the applicant.

There was a short break in the proceedings to enable the applicant and his agent to discuss opening hours and staffing levels.

On the resumption of the meeting, the applicant's agent advised that the applicant proposed revised opening hours in that the premises would open at 6am and close at 4am seven days a week and, on Friday and Saturday nights, two SIA security staff would be on duty.

The interested party, Cllr Tim Dumper, on behalf of Exmouth Town Council, addressed the Sub Committee. The Town Council had no concerns regarding daytime hours, but did have concerns with the proposed late night opening hours as there had previously been public disturbance in the area which had led to the imposition of a Public Space Protection Order.

In response to questions from Members, Cllr Dumper advised that he was aware of anecdotal evidence of noise and of confrontation between local residents and late night drinkers in the area.

The Sub Committee's legal advisor, Giles Salter, advised Members of the need to focus on the licensing objectives and whether the applicant had offered sufficient reassurances and conditions that the premises would be operated responsibly.

In their closing statement, the agent for the applicant included the following points:

- The applicant had extensive experience of operating similar premises.
- No objections from responsible authorities had been received.
- The applicant had offered to close the premises between 4am and 6am to allow for time for patrons of the neighbouring night club to disperse, should the nightclub re-open at any time.
- Two SIA security staff would be on the premises on Friday and Saturday nights and at least two members of sales staff would be on the premises at all times.

The Chair thanked all participants for attending the meeting and advised that the decision of the Sub Committee would be notified to all parties in writing within five working days.

Attendance List

Councillors present:

K Bloxham (Chair)

P Millar

T Wright

Councillors also present (for some or all the meeting)

None

Officers in attendance:

Lesley Barber, Licensing Officer

Sarah Jenkins, Democratic Services Officer

Giles Salter, Solicitor

Stephen Saunders, Licensing Manager

Sarah Helman, Democratic Services Officer

Rebecca Heal, Solicitor

Councillor apologies:

None

Chair

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Audit and Governance Committee held at Online via the Zoom app. on 18 November 2021****Attendance list at end of document**

The meeting started at 2.30 pm and ended at 3.45 pm

17 Public speaking

There were no members of the public registered to speak.

18 Minutes of the previous meeting

The minutes of the Audit and Governance Committee held on 23 September 2021 were recommended for approval.

19 Declarations on interest

None

20 Matters of urgency

None

21 Confidential/exempt item(s)

None

22 Councillor DBS checks

The Strategic Lead Governance & Licensing asked members to consider the Council's position in relation to DBS checks and associated risks.

During the debate discussions included the following:

- Consideration to including enhanced DBS checks to protect the most vulnerable in the community
- There was an assumption that councillors already had DBS checks, it gives residents confidence that the council was doing the right thing. It was only a matter of time before this would become legislation anyway
- DBS checks were only as good as the day they were issued. Would we be recommending that parish councillors also had them?
- Publishing DBS data online was not legal unless consent was granted by the individual concerned
- This was important as DBS checks could regulate councillor behaviour. There was a need to lobby Government now
- Government must lead on this
- Councillors have to prove they are fit and proper to undertake their duties, was it not for EDDC to double check this information?
- DBS checks were one factor, the Safeguarding Policy was essential alongside these checks for taking forward any matters that caused concern to a designated person.

The Portfolio Holder Democracy, Transparency and Communications thanked Henry Gordon Lennox for his report. She asked that safeguarding training was looked into and what this could include.

RECOMMENDED to Cabinet that;

Members noted the report and agreed that councillors undertake safeguarding training including training on the Council's safeguarding policy and its operation.

23 **External Audit Progress report - Grant Thornton**

Beth Garner from Grant Thornton provided an update on the progress in delivering their responsibilities as the council's external auditors.

Having received the report and noted the contents, members;

RECOMMENDED:

To note the External Audit Progress report.

24 **Risk Review Summer 2021 - Part 2**

Risk information for the 2021/22 financial year was supplied to allow the Committee to monitor the risk status of Strategic and Operational Risks. This followed the full review of risks by responsible officers during May/June 2021.

Having received the report and noted the contents, members;

RECOMMENDED:

To note the current status of risks following the full risk review undertaken in May/June 2021.

25 **Referral from Cabinet - Seaton Jurassic**

Alastair Woodland from SWAP explained that an audit report could be undertaken early next year concerning value for money on the Jurassic Centre; to include lessons learnt, what was done and what improvements could be done in the future.

From the Chair it was recommended that SWAP be asked to add this matter to their 2022/23 audit plan and ask Scrutiny Committee to look into this matter under their own terms of reference.

26 **Audit and Governance Forward Plan**

Members noted the contents of the Committee Forward Plan for 2021/22.

Items to be considered at the January committee included:

- Internal Audit Activity – Quarter 3 2021/22
- Audit Findings Report
- Audit Committee Progress update
- Risk Management review – half year review
- Review of the Anti-Fraud Theft and Corruption Policy, Anti-Bribery Policy and Whistleblowing Policy
- Review of the Local Code of Corporate Governance

- Strata Annual Internal Audit report
- RIPA update and policy review
- Update report from Service Lead Housing on SWAP Limited Assurance report

Attendance List

Councillors present:

S Hawkins (Chair)
D Barrow
S Gazzard
P Hayward
N Hookway (Vice-Chair)
P Twiss

Councillor apologies:

J Kemp
G Pook

Councillors also present (for some or all the meeting)

P Arnott
C Brown
S Jackson
P Millar
A Moulding

Officers in attendance:

Amanda Coombes, Democratic Services Officer
Simon Davey, Strategic Lead Finance
Beth AC Garner
John Golding, Strategic Lead Housing, Health and Environment
Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)
Jackson Murray
John Symes, Finance Manager
Alastair Woodland, SWAP

Chair

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Standards Committee held online via zoom on 10 November 2021****Attendance list at end of document**

The meeting started at 2.00 pm and ended at 3.35 pm

7 Public speaking

There were no members of the public registered to speak.

8 Minutes of the previous meeting held on 14 September 2021

The minutes of the previous meeting held on 14 September 2021 were agreed.

In response to a question on the work programme of the Standards Working Group, the Monitoring Officer confirmed that the Group had been undertaking work on the protocol for Members and Officers, and would progress to the remaining workload in due course

9 Declarations of interest

None.

10 Matters of urgency

None.

11 Confidential/exempt item(s)

None.

12 Members' Code of Conduct

The committee considered the report of the Monitoring Officer on the revised Members' Code of Conduct, following work by the Standards Working Group.

Questions and discussion on the revised code included:

- Request for public consultation on the revised code, prior to recommendation to Council, in order to obtain public feedback on some elements of the code. This was requested in light of recent parliamentary events in the media; and as other authorities had undertaken public consultation; and to capture the views of the "reasonable member of the public";
- The entire code was not suggested for public consultation, but elements such as the threshold for gifts and hospitality could be;
- Undertaking any public consultation would require careful phrasing to obtain the feedback required, and not attract responses that could not reasonably be taken into account; as well as delay the adoption of the revised code;
- Public engagement through means of consultation or for informing needed to be considered;

- Best practice listed by the LGA with their model code was detailed as both an annual review of the Code, and regularly seek the views of both the public, communities and neighbouring authorities;
- Care in deciding on how regularly seeking views of the public was undertaken, balancing consultation fatigue and administration resource; the threshold for the number of responses was also key, as a low response may have to be weighted before taking into account in any review;
- Refer back to the Standards Working Group the question of what the public should be consulted on, also including the independent persons, representatives and parish representatives in the discussion;
- Amend wording in reference to the register of interests and identifying land as set out in Appendix B (General) paragraph 2 of the revised Code "...councillors should provide sufficient information to properly describe the land and also provide HMLR title numbers or field numbers to enable land to be identified" – replacing "should" with "shall";
- Suggestion of using "WhatThreeWords" app to identify land was acknowledged, but was only able to identify one single point; whereas HMLR title or field number would provide the boundary of parcels of land;
- The LGA model code does not include membership of masonic lodge in the list of other registerable interests – Members have the option to retain that in the revised code;
- It was in the purview of the Council to decide what should be included in the list of "other" registerable interests
- Should criminal convictions unspent or recently received be included in the reviewed Code – in response, the Group were reminded that under the Local Government Act 1972, certain levels of conviction meant an automatic disqualification as councillor. Standing for election also contained this level of protection;
- Sanctions for a councillor under criminal investigation was not relevant to the review of the code;
- The limits set on gifts and hospitality had been extensively debated and were felt reasonable.

In light of the further work requested, the Committee were advised that the draft Code was now likely to be presented for Annual Council consideration.

The Chair thanked the Working Group for their extensive work to date.

Before reaching a conclusion on the next steps for the review of the Code, the Independent Representatives, Independent Person, and Parish Representative were asked for their view on the proposed step of referring the detail on public consultation to the Working Group to develop and action with the Monitoring Officer, in conjunction with the Chair of the Standards Committee and the Portfolio Holder for Council and Corporate Co-ordination. They concurred with the steps proposed.

The Monitoring Officer was asked to progress to the Working Group the task of developing the public consultation, including in the Working Group the Independent Representatives, Independent Persons and Parish Representatives; as well as the Chair of Standards and the Portfolio Holder Council and Corporate Co-ordination; with a view to then actioning that public consultation and providing the results back to the Committee in due course. The Monitoring Officer agreed to do so.

The Monitoring Officer agreed to update the revised draft Code to amend the word “shall” to “should” in the wording for declaring an interest in land; and to include in the “other” registerable interests memberships that might cause conflict with the role of being a councillor, such as membership of a masonic lodge

13 **Complaints update**

The Committee were presented with updates on the complaints registered for the period 1 January 2020 to 31 December 2020; and for the period 1 January 2021 to 31 October 2021.

The Monitoring Officer was pleased to report that progress had been made in resolving the backlog in early 2021. As at the time of the meeting, five complaints remained open for the 2020 period but all were in progress.

Discussion on complaints included:

- Naming of councillors within notices on breaches came into force from 1 January 2021;
- It was not possible to enforce councillors who had breached their code to undertake training; however with the publication of notices of breach, the public could decide at the ballot box if re-election was appropriate;
- A report by the Standards for Public Like of January 2019 had still not received a response from Government on reviewing the lack of sanctions;
- Thanks to the Monitoring Officer for continued efforts to process complaints.

The Committee noted the update on complaints.

Attendance List

Councillors present:

I Thomas (Chair)

D Barrow

C Gardner

J Loudoun

E Rylance

Councillors also present (for some or all the meeting)

P Arnott

P Faithfull

S Hawkins

P Millar

P Skinner

Officers in attendance:

Amanda Coombes, Democratic Services Officer

Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)

Debbie Meakin, Democratic Services Officer

Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Councillor apologies:

P Twiss

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Personnel Committee held online via zoom on 30 November 2021****Attendance list at end of document**

The meeting started at 2.01 pm and ended at 3.20 pm

7 Public speaking

There were no members of the public registered to speak.

8 Minutes of the previous meeting 2 September 2021

The minutes of the consultative meeting of the Personnel Committee held on 2 September 2021 were agreed.

9 Declarations of interest

None.

10 Matters of urgency

None.

11 Confidential/exempt item(s)

None.

12 Recruitment and retention update

The HR Manager outlined to the committee the actions being progressed to mitigate against current recruitment and retention concerns. She outlined:

- The economic context, with low levels of unemployment and high vacancy rates, both nationally, and at local level;
- The agreed mitigations underway, including:
 - Independent reward review: an external consultant has been commissioned, with the intention to bring costed recommendations to the committee in January 2022 in order to be considered in the 2022/23 draft budget; Unison are involved in the review;
 - Recruitment strategy review: branding work to maximise supply of good candidates, including HR and managers making connections with recruitment agencies to understand their current offer;
 - “Grow our own” strategy: longer term strategy to have in place career pathways and strong apprenticeship schemes, planned to develop in two or three pilot areas. To aid this work, the Council has become a member of the South West Apprenticeship Ambassador Network.

The HR Manager was also pleased to announce to the committee that a HR graduate placement had been appointed to help deliver the actions outlined in the report.

The committee discussed:

- Welcoming the reward review and the work undertaken to date;
- Turnover data presented in statistical form needed to include numbers of staff, to set the percentage figures into context;
- In response to a question, no candidates had raised an issue of concern relating to the probability of unitary or government reorganisation;
- Links with East Devon secondary schools would be included as one of the actions, to promote the career paths of local government to school leavers;
- The process of applying market supplements was explained, including factoring the impact on existing staff.

The committee endorsed the report.

13 **Apprentice pay policy**

The report before committee set out changes to the current pay policy for newly recruited apprentices. The changes were proposed for the following reasons:

- Pay competitiveness in the local market
- “growing our own” strategy
- Council Plan priority one – better homes and communities for all
- Council Plan priority three – a resilient economy
- Maximise levy spend.

The committee agreed with the proposal.

RECOMMENDED to Council

That National Joint Council (NJC) rates are paid to newly recruited apprentices in accordance with the Council’s standard pay and grading structure.

14 **People data reporting proposals**

The report set out proposals for reporting people data to the committee. Such data will help inform policy decisions and retain oversight of the workforce.

The committee debated:

- Inclusion of age data so that the committee had an idea of when the impact of an aging workforce was likely to be acute;
- Reports to the Scrutiny Committee (as part of the key performance data) should continue, but the role of the Personnel Committee was to improve their skills in understanding human resources;
- Data sets should help inform succession planning;
- Key to have data that informs the work of the committee, and not to have excessive data that is either not specifically required or onerous to produce;
- Look to developing a format of presenting the data sets that helps both Members and officers in developing their HR plans;
- Benchmarking data welcomed to determine what areas need to be proactive, and what areas need a fresh approach;
- Useful to know the number of vacancies for each service.

The committee agreed in principle the data sets listed in the provided appendix 1 and 2, requesting that further work on the report format be undertaken by officers in conjunction with the Chair and the Portfolio Holder for Council and Corporate Co-ordination to bring back to the next meeting of the committee.

15 **Worksmart review update**

The HR Manager outlined the progress on the Worksmart review. The review had three areas of focus:

- How the council continues to meet customer needs
- How the council supports sustainability and mitigates against climate change
- How the council provides an attractive working environment that supports recruitment and retention, high performance, staff engagement and inclusion.

Staff would be updated before the Christmas break on the review; and work would continue in January on the principles of Worksmart, moving to prioritising actions to implement the revised approach.

The review was also closely linked with work on reviewing how customer service is delivered.

Comments included:

- Welcoming the holistic and inclusive approach to the review
- Need to clearly communicate to customers how their services would continue to be delivered
- Include in the focus for review the need for continuing efficiency
- Expectation of customers too from Councillors to be accessible via various means, such as viewing meetings online
- Care in supporting those staff who may have experienced mental health issues due to the pandemic, as they return to a hybrid approach of working.

The committee noted the report presented.

16 **Personnel Forward plan**

The committee noted the forward plan, with the addition of a future report on resourcing.

The timing of presenting the annual people data report would be considered in the context of budget planning.

Attendance List

Councillors present:

I Thomas (Chair)

M Allen

M Armstrong

D Bickley

K Blakey

B De Saram

P Hayward

R Lawrence

J Loudoun

N Hookway

Councillors also present (for some or all the meeting)

G Jung
P Faithfull
E Rylance

Officers in attendance:

Joanna Fellows, Corporate HR Manager
Debbie Meakin, Democratic Services Officer
Mark Williams, Chief Executive

Councillor apologies:

V Ranger
I Hall

Chair

Date:

Report to: Council



Date of Meeting 8th December 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Governance arrangements

Report summary:

To seek Council's approval to changes to the Constitution to bring in revised arrangements for dealing with Code of Conduct complaints as well as the makeup of the Audit & Governance Committee. For Council to appoint Councillors to two positions that are being vacated.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That Council;

1. Agree the changes to the Constitution as detailed in red in Appendix 1 in relation to the Standards Committee and Audit & Governance Committee.
2. Agree that the new Code of Conduct Procedure will be of effect from 1st January 2022 and apply to complaints submitted after that date.
3. Vote on the appointments identified in paragraph 11, namely; the Planning Committee and Exmouth Queens Drive Community Interest Company.

Reason for recommendation:

To ensure the Council's governance arrangements are up to date and relevant.

Officer: Henry Gordon Lennox, Monitoring Officer

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information

[Council 20th October 2021](#)

[Standards 14th September 2021](#)

[Revised complaint procedure](#)

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
-

Standards

1. The Standards Committee have endorsed and Council accepted adopting a revised procedure for dealing with complaints that members (both district and town and parish) have breached the Code of Conduct at their 14th September 2021 and 20th October 2021 meetings respectively.
2. The revised procedure necessitates a number of changes to the constitution which in summary are;
 - a. Revision to Article 9 and the Terms of Reference of the Standards Committee to incorporate reference to the Standards Assessment Sub Committee and to give more detail on its role. This includes a change to the makeup of the Committee in accordance with the report to Standards which is to increase the Independent Member and Parish Member numbers from 2 to 3.
 - b. That 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.
3. Appendix 1 shows the changes to Article 9 and the Terms of References of the Constitution that it is advised are made. The changes are shown in red.
4. It is recommended that the changes are approved and that Council agree that the revised procedure for dealing with Code of Conduct matters takes effect from 1st January 2022 and applies to complaints submitted after that date. Complaints already submitted will be dealt with in accordance with the process in place at the time they were submitted.
5. It will be necessary to recruit an additional Independent Member and Parish Member and this process will be initiated if Council agree the revisions detailed in Appendix 1.
6. Once confirmed, the Town and Parish Councils will be notified of the change and provided with a copy of the revised procedure. The Council's website will also be updated.

Audit & Governance

7. At its meeting on 26th November 2020 the Audit and Governance Committee considered the Redmond Review of Local Authority Financial Reporting and Audit and recommended that;

'the appointment of a suitably qualified, independent member the Audit and Governance Committee to support elected representatives in scrutinising local authority finances.'

8. Council agreed this at its 24th February 2021 meeting. In order to permit this requirement the Constitution needs to be revised to change the Terms of Reference of the Committee. It is therefore proposed that a form of the above wording is inserted in to the Terms of Reference (Part 2, Section 2). The suggested wording is detailed in Appendix 1.

9. It is understood that recruitment will be progressed following approval of the change to the Constitution.

Councillor appointments

10. Cllr Chris Wright is stepping down from the Planning Committee. The Independent Group do not wish to put anyone forward to take their allocated seat on the committee. In accordance with Regulation 15 of the Local Government (Committees and Political Groups) Regulations 1990 where a political group does not wish to fill a seat allocated to it, then it is for the authority to make such appointment as it sees fit.

11. Cllr Sam Hawkins is stepping down from being a Director of the Exmouth Queens Drive Community Interest Company (Sideshore) and therefore a replacement will need to be appointed by Council.

12. The Groups have been asked for nominations to fill the positions and the following nominees have been put forward and Council will be asked to vote to approve appointments;

Planning Committee (**one vacancy**)

Alasdair Bruce (Conservative Group)

Brenda Taylor (Democratic Alliance Group)

Exmouth Queens Drive Community Interest Company (**one vacancy**)

Maddy Chapman (Conservative Group)

Financial implications:

There are no financial implications arising.

Legal implications:

The legal position is detailed in the report, otherwise there are no legal implications requiring comment.

Appendix 1

Article 9: Standards Committee

9.1 Standards Committee

9.1.1 The Council meeting will establish a Standards Committee and an **Assessment Sub Committee** and a **Hearings Sub Committee**. The Standards Committee will meet four times each year and is subject to the political balance rules unless full Council has unanimously waived this requirement.

9.2 Composition

9.2.1 **Membership:** The membership of the full Standards Committee shall comprise the Chair of the Council, six Councillors, ~~two~~ **three** non-voting Independent Members and ~~two~~ **three** non-voting Parish Council Members; One member of the Cabinet may be a member of the Committee (but excluding the Leader at all times); The independent Members shall be persons who are not Councillors or officers of the Council or any other body having a standards committee; The Parish Members shall be a member of a Town or Parish Council wholly or mainly in the Council's area and who shall not be Councillors or officers of the Council.

9.2.2 **Independent Members:** An independent Member's appointment shall normally be for a term of four years, and may be extended by the Council for up to a further four years.

9.2.3 **Parish Members:** A Parish Member's appointment shall normally be for a term of four years, and may be extended by the Council for up to a further four years. A Parish Member's appointment shall automatically determine if s/he ceases to be a Member of the Town or Parish Council wholly or mainly in the Council's area.

9.2.4 **Chairing the Committee:** The Chair of the Council shall be the Chair.

9.2.5 **The composition of the Assessment Sub Committee shall be three district councillors plus an Independent Member and a Parish Member, drawn by the Monitoring Officer from the Standards Committee, and one of the Independent Persons. The Independent Member, Parish Member and Independent Person shall be non-voting.**

9.2.6 The composition of the Hearings Sub Committee shall be three district councillors plus an Independent Member and a Parish Member, drawn by the Monitoring Officer from the Standards Committee as required for each hearing. The Independent Member and Parish Member shall be non-voting.

9.2.67 **Quorum:** The quorum for meetings of ~~both~~ the Committee, **Assessment Sub Committee** and Hearings Sub Committees is specified in the Terms of Reference (Part 3 Section 2) but shall comprise at least three Members with voting rights.

9.3 The role and function of the Standards Committee

9.3.1 Discharging the Council's standards related functions under Part III of the Local Government Act 2000 and the Localism Act 2011.

9.3.2 Promoting and maintaining high standards of conduct by Councillors, co-opted Members and Council officers.

9.3.3 Considering reports referred to the Committee by the monitoring officer and making recommendations concerning the governance and ethical standards of the Council.

9.3.4 Assisting the Councillors and any co-opted Members to observe the Council's Code of Conduct for Members.

9.3.5 Advising the Council on the adoption or revision of the Council's Code of Conduct for Members; a Code for officers, and any related codes or protocols.

9.3.6 Monitoring the operation of the Council's Code of Conduct for Members.

9.3.7 Advising, training or arranging to train Councillors on matters relating to the Council's Code of Conduct.

9.3.8 To grant dispensations to Councillors from requirements relating to interests set out in the Council's Code of Conduct for Members [so far as not delegated to the Monitoring Officer] where:

- a) the committee considers that the dispensation is in the interests of persons living in the authority's area; or
- b) without a dispensation, each Member of the Cabinet would be unable to participate in the matter; or
- c) the committee considers that it is otherwise appropriate to grant a dispensation.

- 9.3.9 To discharge statutory functions relating to compliance with the Code of Conduct for Parish Councils wholly or mainly in its area and the Members of those Parish Councils.
- 9.3.10 To appoint sub-committees to undertake these functions.
- 9.4 The role and function of the Assessment Sub Committee**
- 9.4.1 To receive reports from the Monitoring Officer on valid complaints to determine the appropriate action to be taken.
- 9.4.2 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:
- (a) No further action
 - (b) Monitoring Officer investigation
 - (c) Other action
 - (d) Referral to the Police
 - (e) Referral to Independent Investigation
- 9.4.3 The Assessment Sub Committee may also grant dispensations in the same circumstances as the Standards Committee.
- 9.5 The role and function of the Hearings Sub Committee**
- 9.45.1 To conduct hearings into allegations of breach of the Code of Conduct following an investigation report referred by the Monitoring Officer.
- 9.45.2 The Committee will make findings of fact and determine whether there has been any breach of the Code of Conduct, the Council's Standing Orders, or Financial Regulations.
- 9.45.3 Where appropriate to impose sanctions on a Member found to have failed to comply with the Code of Conduct including:
- a) censuring or reprimanding the Member;
 - b) publishing its findings in respect of the Member's conduct;
 - c) reporting its findings to Council [or to the Parish Council] for information or sanctions;
 - d) recommending to the Member's Group Leader (or in the case of un-grouped Members, recommending to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
 - e) recommending to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
 - f) recommending to Council that the Member be replaced as Executive Leader;
 - g) instructing the Monitoring Officer to [or recommend that the Parish Council] arrange training for the Member;
 - h) removing [or recommending 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];
 - i) withdrawing [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; or
 - j) excluding [or recommending 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.
- 9.45.4 The Hearings Sub Committee may also grant dispensations in the same circumstances as the Standards Committee.

Section 2 of Part 3

2.6. Standards Committee

- 2.6.1. **Membership:** ~~131 members Councillors~~ comprising Chair of Council (who will be the Chair) and 6 District councillors (subject to the rules relating to political balance / proportionality), ~~32~~ non-voting Parish Councillor representatives and ~~32~~ non-voting independent members. There shall be substitute members for

each political group of the Council entitled to a seat to ensure flexibility in case of any conflict of interest and to ensure political balance.

- 2.6.2. **Meetings:** 4 times per year (or more frequently as appropriate).
- 2.6.3. **Quorum:** 4 committee members (of which three shall be Members with voting rights).
- 2.6.4. **Terms of Reference:** All elected Members (and any co-opted members) are subject to the Code of Conduct for Councillors. The Standards Committee will exercise the roles and functions referred to in Article 9 of the Constitution. It is a committee that is subject to the procedural rules of the Local Government Act 1972 and shall be politically balanced unless full Council votes to the contrary unanimously. In addition the Standards Committee will:
- (a) Advise on the discretionary elements of the Local Code; including monitoring and updating.
 - (b) Advise on the implementation of the Local Code, including the training of Members in matters of conduct and advice to Members on such issues as the treatment of Disclosable Pecuniary Interests and personal interests and more general conduct issues.
 - (c) To the extent allowed by law make arrangements for Members to receive dispensations to speak on, or participate in, matters in which they have interests.
 - (d) Appoint such Sub Committees (including Membership thereof) as appropriate to discharge the functions.
- 2.6.5. The Committee will support and be supported by the Council's Monitoring Officer, reinforcing his/her informal role of helping to maintain standards of conduct by encouragement, advice and persuasion.
- 2.6.6. Council will appoint at least one Independent Person to discharge the relevant functions under the Localism Act 2011 and the Council's internal procedures.
- 2.6.7. The Council will appoint members of the Standards Committee at its annual meeting.
- 2.6.8. The Committee will report directly to the Council, and reports to Council shall be under the name of the Chair. The Committee shall receive guidance from the Monitoring Officer or his Deputy. The Committee may make recommendations to the Council on changes to the Code of Conduct, procedure, or guidelines relating to the conduct of Members.
- 2.6.9. **Assessment Sub Committee**
- 2.6.10 **Membership:** 3 Councillors drawn as necessary from the Standards Committee, and one non-voting Independent Member, one non-voting Parish Member and one Independent Person. **The Chair and membership to be rotated and it can be called on an ad hoc basis.**
- 2.6.11 **Quorum:** 3 District Councillors.
- 2.6.12 **Terms of Reference:** To consider investigation reports referred to the sub-committee by the Monitoring Officer concerning complaints of breaches of the Code by District councillors or Parish councillors within East Devon.

Hearings Sub Committee

- 2.6.10. **Membership:** 3 Councillors drawn as necessary from the Standards Committee, and one non-voting independent Member, and one non-voting Parish Council Member. **The membership shall be rotated and it can be called on an ad hoc basis. The Chair of Council shall Chair if sitting. The membership 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.**
- 2.6.11. **Quorum:** 3 District Councillors.
- 2.6.12. **Terms of Reference:** To consider investigation reports referred to the sub-committee by the Monitoring Officer concerning complaints of breaches of the Code by District councillors or Parish councillors within East Devon.

2.9. Audit and Governance Committee

- 2.9.1. **Membership:** 10 Councillors (subject to the rules relating to political balance / proportionality) and **a co-opted non-voting Independent Member who shall be suitably qualified to support elected representatives in scrutinising local authority finances.**
- 2.9.2. **Meetings:** 5 per year (or more frequently as required).

2.9.3. Quorum: 3.

2.9.4. Terms of Reference: The purpose of the Audit and Governance Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process. The Committee shall:

- a) Consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements.
- b) Seek assurance that action is being taken on risk related issues identified by auditors and inspectors.
- c) Be satisfied that the authority's assurance statements, including the Statement of Internal Control, properly reflect the risk environment and any actions required to improve it.
- d) Following review of the effectiveness of the system of internal control, and in consultation with Cabinet approve the annual governance assurance statement.
- e) Approve internal audit's strategy, annual work plan and monitor performance.
- f) Review a summary of internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary.
- g) Receive the annual report of internal audit and review the effectiveness of internal audit.
- h) Consider those reports of external audit and inspection agencies not the province of the Cabinet in addition to those referred to it by the Cabinet.
- i) The monitoring of the use of the Regulation of Investigatory Powers Act.
- j) Ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.
- k) Review the external auditor's opinion and reports to Members, and monitor management action in response to issues raised by external audit.
- l) Approving the Council's annual statement of accounts, income and expenditure and balance sheet or record of receipts and payments.
- m) To receive any issue referred to it by the Chief Executive, Monitoring Officer, Strategic Lead (Finance), or any Council body.

Report to: Council



Date of Meeting 8th December 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Temporary continuation of virtual meetings

Report summary:

At the Extraordinary Council meeting of 26th July 2021, members agreed to put in place arrangements for the holding of virtual 'consultative' meetings with decision taking delegated to Senior Officers due to concerns around the impact of COVID. The arrangements were time limited to 17th January 2022. This report seeks member's approval to extend the arrangement for approximately a further four months in light of the current COVID situation.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

Council agrees that;

1. Save as provided for in Recommendation 3, until 23:59 10th May 2022 (or such earlier period as may be decided by subsequent decision);
 - a. all meetings of the Council and its committees (but not sub-committees), panels and forums and the Cabinet shall be held virtually using available technology but shall be on the basis of being consultative only other than where specific legislation permits decision making at virtual meetings.
 - b. decisions (including all executive and regulatory matters) that would have been taken by those meetings if the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 had continued in force shall be delegated to the Chief Executive or relevant Senior Officer in consultation with those meetings.
 - c. in taking decisions under paragraph b, the Chief Executive or relevant Senior Officer shall have heard all of the debate having been at the consultative meeting or seen the recording of it.
2. Until 23:59 10th May 2022 (or such earlier period as may be decided by subsequent decision) the Constitution shall be treated as having been amended to give effect to the above and shall be interpreted purposively on that basis with the final decision on its interpretation to rest with the Chair of Council (having regard to the advice of the Monitoring Officer and / or Head Paid of Service) in accordance with Part 1, Article 5.1.2 of the Constitution.
3. Recommendation 1 is not intended to apply to any of the following;
 - a. The Full Council meeting of 23rd February 2022 to set the budget, which shall be held in person with arrangements to be agreed in consultation with the Chair,

- b. any sub-committee for quasi-judicial purposes (e.g. Standards Hearing Sub Committee or Licensing Sub Committee when considering taxi licensing matters) where the Head of Paid Service or the Monitoring Officer shall give specific consideration to what are the most suitable arrangements to use at the relevant time and determine the appropriate way to hold the meeting,
- c. decisions that legislation already permits as ones that can be made by virtual meetings (e.g. Licensing Act 2003).

Reason for recommendation:

To ensure that the Council’s decision making arrangements continue to be appropriate to deal with the current COVID situation.

Officer: Henry Gordon Lennox, Monitoring Officer

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Medium Risk;

Links to background information

[Extraordinary Council 26th July 2021](#)

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
-

Introduction

1. The previous report to Council (see background links) covers the wider background. Since that report, and despite the Government having consulted on a future approach to local authority meetings, there has been little sign of the matter being dealt with. So the legal position remains as previously reported, essentially that for meetings to be lawful they need to be held in a physical location and for those voting to be physically in attendance and also that members of the public are entitled to attend.

Current approach

2. At the July meeting, members agreed that meetings would be held virtually, as they had been throughout the pandemic, with consultative views expressed. The authority to actually take the decision is delegated to the Chief Executive or relevant Senior Officer who then takes a decision taking into account the views of the consultative meeting.
3. Despite there being an increase in administrative work associated with this approach, the arrangements have worked well and there does not appear to have been any significant public concerns or criticisms around the approach. Indeed there are a number of wider benefits too in terms of the opportunity for increased public engagement as well as reduced travel which results in savings in member expenses and benefits in terms of the Council's approach towards climate change.

Looking forward

4. There is still an unclear picture locally around COVID, particularly with the Omicron variant now emerging, as well as there being known pressures on the NHS. Therefore there remains a risk to the public, staff and councillors of returning to physical meetings and a need to protect people and the NHS.
5. Council is therefore asked to consider whether it wishes to extend the current arrangements (subject to the comments below) for a further short period of approximately months until May 2022. This would mean a potential return to physical meetings after the winter period. If there is agreement to this then the suggestion is to hold Annual Council immediately after the temporary arrangements have lapsed. It is expected that there would be a review a few weeks prior to the expiry date, as there has been now, as to whether there should be a different approach adopted to enable current circumstances to be taken into account.
6. The advice is that the budget setting meeting should be held physically due to the legalities around having to take a recorded vote and to avoid the risk of any subsequent challenge to it. It is also expected that bespoke arrangements would continue to be put in place for the quasi-judicial decision making bodies and that those bodies that can already operate virtually will continue to be able to do so.
7. In addition, should Government legislate in near term on a future approach to meetings then a further report would be brought back to the Council with an assessment and to enable consideration of the way forward.

Financial implications:

There are no implications in terms of adjustments to budgets approved. There are however savings from the current arrangement in terms of finance and carbon reductions as covered in the report.

Legal implications:

The legal position is as detailed in the report.