

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the Extraordinary meeting of Council held at the Ocean Suite, Ocean, Exmouth, Queen's Drive, Exmouth EX8 2AY on 23 February 2022**

#### **Attendance list at end of document**

The meeting started at 6.00 pm and ended at 6.30 pm

#### **70 Public speaking**

The Chair welcomed everyone to the meeting and began by reminding Member and Officer colleagues present about having received guidance on the expected precautions to minimise COVID risk, as the Council met 'in person' on this occasion. The expectation was to wear a mask and remain 'socially distant' from colleagues whilst in the meeting room, and that those present would also have received a negative Lateral Flow Test Result within the last 24 hours, and were not experiencing possible COVID symptoms, or feeling unwell. These simple measures were directly supportive of the request from Devon's Director of Public Health, that people continued to 'Look Out For Each Other'. The Chair considered that respecting the concerns and personal circumstances of others, reducing risk, especially for those who are more vulnerable remained important.

He went on to say that due to such concerns relating to COVID risk, the Council had delegated much of its decision-making authority to senior officers, for the period to 11th May 2022. This delegation was supported by an effective and comprehensive programme of virtual consultative meetings. However, the Legal and Constitutional requirements of formally setting the Council Tax for the District could not adequately be addressed in this way, hence the need to meet on this occasion in person, for this purpose. The Council Tax setting decision will accordingly be made with the required recorded vote of all members present

There were no members of the public who had registered to speak.

#### **71 Declarations of interest**

75. Revenue Estimates, Capital Programme and Council Tax Resolution 2022/2023. Councillor Ian Hall, Personal, A serving member of Devon County Council and Vice Chair of HATOC (Highways & Traffic Orders Committee).

75. Revenue Estimates, Capital Programme and Council Tax Resolution 2022/2023. Councillor Marcus Hartnell, Personal, A serving member of Devon County Council which dealt with highways and car parking issues.

#### **72 Matters of urgency**

There were no matters of urgency.

#### **73 Announcements from the Chairman and Leader**

There were none.

#### **74 Confidential/exempt item(s)**

There were no items to be treated as confidential or exempt.

75 **Revenue Estimates, Capital Programme and Council Tax  
Resolution 2022/2023**

Before moving to the report, Cllr Brown asked to put four questions to the Leader, as follows;

1. Does the leader agree that the parking increases will have a detrimental effect on the businesses in the towns where car parking will be increased?
2. Can you tell me the amount you expect to raise from the increases, what amount of that is allocated to Carparks and Environment and how is the balance of revenue being spent?
3. Does the leader agree that raising revenue in this way though not illegal is unlawful?
4. Does the leader also agree that Devon County prices will have to increase as there is an agreement that the prices will have to reflect each other, this will bring further problems to residential streets and there is a possibility that pay and display will be introduced and the knock on effect of this?

In response, the Leader re-iterated that since the previous administration had not increased charges for twelve years, and the fact that the Car Parking TaFF had been unable to come up with a comprehensive outcome to the whole issue of car parking in East Devon after meeting for two years, it had been incumbent upon the Cabinet to deal with it over recent months. He did not consider it would be detrimental to businesses. The expectation of how much car park increases would raise and how this money would be spent had been addressed by the Strategic Lead for Finance on several occasions and is contained within the budget report and proposals. Advice has been given that raising revenue through increased charges was not unlawful. The Leader concluded by confirming that he did not consider that there would be a knock on effect elsewhere.

Cllr De Saram also wished to ask the Leader a question, as follows;

Given the rise in car parking charges as recommended by tonight's budget across the District what areas in the Service Plans which will be produced for 2023/24 has the Leader identified as suitable for cost savings to be made? As he is aware that we must do all we can when setting the budget to avoid Council Tax rises and other associated increases in charges.

Can he please reassure me tonight that by setting this budget our residents will not have to face yet further rises as we approach 2023/24?

In response, the Leader expressed his hope that once increased this year, the charges could stay as they were for a while without further significant change.

Cllr Hall wanted to propose an amendment to the budget to the effect that car parking permits which entitled Cllrs to free parking in any car park in East Devon while they were conducting Council business, should be withdrawn.

The Chair confirmed that this was a non-issue since Cllrs could choose not to use their car parking permit and pay for their parking at any time they liked, but that to withdraw this potential allowance from Cllrs would require an external review to take place. In any

event this could not be debated at an Extraordinary Council meeting but could be included in a debate at a future meeting.

At this point, the Chair introduced the report of the Section 151 Finance Officer and the recommendations of the Cabinet from its meeting on 2 February 2022 on the Budget and Council Tax Resolution, outlining that it covered precept details of the parish and town councils, Devon County Council, Devon and Cornwall Police & Crime Commissioner and the Devon and Somerset Fire and Rescue Authority. This would allow members to approve the calculations which form the basis of the formal setting of the Council Tax for the District.

He went on to say that following extensive debate in the consultative virtual meeting of Full Council on Monday 21st February 2022, Members had indicated their view that the Revenue Estimates, Capital Programme and Council Tax Resolution should be adopted as presented. He, therefore, wanted to propose from the Chair that the view expressed by Council be endorsed and that Council voted to confirm that the Revenue Estimates, Capital Programme and Council Tax Resolution presented in the report and recommendations in Appendix A be agreed as put and that the Council Tax for the East Devon District Council area be set accordingly.

It is proposed that the Council Tax requirement for 2022/23 be set for this Council of £9,533,010 resulting in a Council Tax Band D amount of £156.78. This is an increase of £5 a year (3.29%), within the threshold stipulated by government before triggering a council tax referendum.

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

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

#### **Recorded vote on the budget:**

Councillors Megan Armstrong, Paul Arnott, Kevin Blakey, Kim Bloxham, Jake Bonetta, Andrew Colman, Olly Davey, Cathy Gardner, Steve Gazzard, Sam Hawkins, Paul Hayward, Nick Hookway, Paul Jarvis, Geoff Jung, Jamie Kemp, Dan Ledger, John Loudoun, Dawn Manley, Geoff Pook, Val Ranger, Marianne Rixson, Jack Rowland, Eleanor Rylance, Brenda Taylor, Ian Thomas, Joe Whibley, Tony Woodward, Eileen Wragg, Chris Wright – voted in favour – 29

Councillors Colin Brown, Fred Caygill, Maddy Chapman, Bruce De Saram, Alan Dent, Ian Hall, Marcus Hartnell, Ben Ingham, Richard Lawrence, Andrew Moulding, Helen Parr, Tom Wright - voted against – 12.

#### **RESOLVED:**

1. It be noted that on 5<sup>th</sup> January 2022 Cabinet (minute reference 139 refers) calculated the Council Tax Base 2022/23
  - (a) for the whole Council area as 60,805 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and

- (b) for dwellings in those parts of its area to which a Parish precept relates as detailed in Schedule 1 attached.
2. As a preliminary step, calculate that the Council Tax requirement for the Council's own purposes for 2022/23 (excluding Parish precepts) is £9,533,007.90.
3. That the following amounts be calculated for the year 2022/23 in accordance with Sections 30 to 36 of the Act:
- (a) £92,537,518 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
- (b) £78,267,066 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
- (c) £14,270,452 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).
- (d) £234.69 being the amount at 3(c) above (Item R), all divided by Item T (1(a) above), calculated by the Council in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
- (e) £4,737,443.71 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per the attached Schedule 1).
- (f) £156.78 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T (1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.
- (g) The amounts stated in column 5 of the schedule 1 attached given by adding to the amount at 3(f) above the amounts of the special item or items relating to dwellings in those parts of the Council's area specified in column 1 of Schedule 1 divided in each case by the amount at 1(a) above, calculated by the Council in accordance with Section 34(3) of the Act, as the basic amounts of its Council tax for the year for dwellings in those parts of its area set out in column 1 of Schedule 1 to which one or more special items relate.
- (h) The amounts set out in Schedule 2 attached given by multiplying the amounts at 3(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

4. That it be noted that for the year 2022/23 Devon County Council, Police and Crime Commissioner for Devon and Cornwall and Devon and Somerset Fire and Rescue Authority have stated the following amounts in precepts issued to the District Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

<b>Precepting Authority</b>			
Valuation Bands Fire	Devon County Council	Police & Crime Com for Devon & Cornwall	Devon & Somerset & Rescue
A	£1,037.64	£164.37	£61.19
B	£1,210.58	£191.77	£71.39
C	£1,383.52	£219.16	£81.59
<u>D</u>	<u>£1,556.46</u>	<u>£246.56</u>	<u>£91.79</u>
E	£1,902.34	£301.35	£112.19
F	£2,248.22	£356.14	£132.59
G	£2,594.10	£410.93	£152.98
H	£3,112.92	£493.12	£183.58

5. That, having calculated the aggregate in each case of the amounts at 3 (h) and 4 above, the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the amounts set out in Schedule 3 attached as the amounts of council tax for the year 2022/23 for each of the categories of dwellings shown in Schedule 3.

- 6 The Council has determined that its relevant basic amount of Council Tax for 2022/23 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992. As the billing authority, the Council has not been notified by a major precepting authority that its relevant basic amount of Council Tax for 2022/23 is excessive and therefore the billing authority is not required to hold a referendum in accordance with Section 52ZK Local Government Finance Act 1992.

The Chair thanked everyone for attending and closed the meeting at 6.30pm.

**Attendance List**

**Councillors present:**

J Kemp	J Whibley	M Hartnell
V Ranger (Vice-Chair)	D Ledger	B Ingham
M Armstrong	J Rowland	G Jung
P Jarvis	J Loudoun	H Parr
P Arnott	P Hayward	G Pook
K Blakey	S Hawkins	M Rixson
K Bloxham	A Moulding	E Rylance
F Caygill	C Gardner	B De Saram
A Colman	D Manley	B Taylor
R Lawrence	C Brown	I Thomas (Chair)
T Woodward	M Chapman	E Wragg
N Hookway	A Dent	T Wright
C Wright	S Gazzard	J Bonetta
O Davey	I Hall	

**Officers in attendance:**

Mark Williams, Chief Executive  
Simon Davey, Strategic Lead Finance  
Susan Howl, Democratic Services Manager  
Sarah Jenkins, Democratic Services Officer  
Andrew Hopkins, Communications Consultant  
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

**Councillor apologies:**

S Jackson  
S Chamberlain  
P Millar  
V Johns  
D Bickley  
J Bailey  
D Key  
M Allen  
I Chubb  
D Barrow  
P Faithfull  
M Howe  
G Pratt  
P Skinner  
P Twiss  
S Hughes  
A Bruce

Chair .....

Date: .....