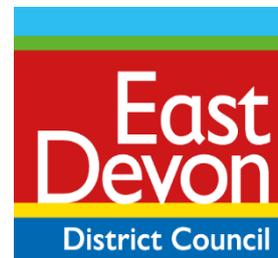


# Agenda for consultative meeting of the Scrutiny Committee

Thursday, 7th April, 2022, 6.00 pm



## Members of Scrutiny Committee

Councillors T Wright (Chair), V Ranger (Vice-Chair), M Allen, J Bonetta, A Bruce, M Chapman, O Davey, C Gardner, S Hawkins, J Kemp, T McCollum, H Parr, E Rylance, J Whibley and T Woodward

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**Venue:** Online via the Zoom app

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(or group number 01395 517546)  
Wednesday, 30<sup>th</sup> March 2022

**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/UCmNHQruge3LV4hcgRnbwBw>

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 8<sup>th</sup> December 2021 to 11<sup>th</sup> May 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.

### 1 Public speaking

Information on [public speaking](#) is available online

### 2 Minutes of the previous meeting held on 3 March 2022 and the Extraordinary meeting held on 17 March 2022 (Pages 3 - 11)

### 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 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.

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

There are no items identified

8 Forward Plan (Pages 12 - 13)

[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 Scrutiny Committee held Online via the Zoom app on 3 March 2022****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 8.21 pm

**45 Public speaking**

There were no members of the public registered to speak.

**46 Minutes of the previous meeting**

The minutes of the previous meeting held on 2 December 2021 were received and accepted.

**47 Declarations of interest**

There were no declarations of interest.

**48 Matters of urgency**

There were no matters of urgency.

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

There were no confidential / exempt items.

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

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

**51 Report on the convention of appointing Honorary Aldermen and Honorary Alderwomen**

At the meeting on 2 December 2021, the Committee had requested a report on the convention of appointing Honorary Aldermen and Honorary Alderwomen addressing the following:

- How Honorary Aldermen and Honorary Alderwomen have been selected in the past, what criteria were used and on whose recommendation,
- What does eminent or meritorious conduct include,
- A breakdown by party and qualification of those who have received the honour in the past twelve years,
- Options for the future, including processes for granting and removal of the honour,
- Referenced examples of protocols from other areas.

The Chief Executive Officer presented the report and highlighted the following points:

- The current procedure is relatively informal.
- The need to define 'eminent services', including on a local level.

- The report had gone back to 2003, covering a period longer than twelve years and showed the appointments by political groups.
- The report included a number of questions and considerations for the Committee to debate and provided examples of protocols from other areas.

Discussion on the report included the following:

- There was the suggestion that the current system had been abused and there is a need to review the methods by which the appointments are made, including the introduction of a formal appointments panel.
- The title of Honorary Alderman does not confer any rights or privileges not enjoyed by members of the public.
- In recent years a lot of work had been done to modernise the Council and a decision to remove the award of the title would reflect a more modern approach.
- A definition of 'eminent' includes the fact that a person is famous and respected within a particular sphere. With regard to considering former Councillors for the award of the title, 'eminent' could include gaining respect and the way in which they have served their communities.
- People who are deserving, including those who have provided long service and a significant contribution, are recognised in all walks of life.
- There needs to be a tighter procedure and a clear definition of reasons for nominations.
- Should long service be a criteria for awarding the title, it should also take account of the fact that a significant contribution could be made during a Councillor's first term and there may be good reason why the former Member had not stood for re-election.
- Quality of service, rather than only length of service should be considered.
- Councillors' families may also make sacrifices to enable a Member to serve and it is good for families to know that this work has been acknowledged.
- The terms 'Honorary Alderman' and 'Honorary Alderwoman' may seem archaic and a more modern term such as 'Honoured Citizen' could be considered.
- Receiving the title was considered to be a great honour.
- Should the Council be minded to continue to confer the title, a small cross party working group could be set up to consider the details of the nomination process and report back to Council.
- Any Member should be able to submit a nomination for the title, setting out specific reasons for the nomination to include eminent service rendered.
- A requirement for five Councillors to sign a nomination could be considered as part of the process.
- A written record of nominations and appointments should be kept in order to provide a transparent audit trail.
- Any new protocol for conferring the title should be in place by the next elections in 2023.
- Whether to continue to invite Honorary Aldermen and Alderwomen to civic events and Council meetings and whether apologies need to be given for Council meetings.
- There was discussion regarding whether to continue awarding car parking permits moving forwards.
- Should the Council proceed with a new protocol, it should include a formalised process for removing Honorary Aldermen and Alderwomen should the need arise.

## **RECOMMENDATIONS TO FULL COUNCIL**

- a. That the appointment of Honorary Aldermen and Honorary Alderwomen should continue,
- b. That a small cross party working group be constituted to include the Chair of the Council, the Leader, Group Leaders and Members to bring the number to approximately 9, as determined by the Monitoring Officer, to give political balance and to report back to Council with recommendations on the process for nominations and appointments going forward,
- c. That the working group adopts the criteria that nominees should have served for a minimum of 8 years, with the ability to recognise exceptional circumstances and that

there is a form completed by fellow Councillors which sets out the eminent service which has been undertaken,

- d. That the working group proposes the exact criteria for 'eminent service' but that the Scrutiny Committee recommends reference to the form used by Wokingham Borough Council [Appendix 8 of the report] which it considers to be a good example,
- e. That Honorary Aldermen and Honorary Alderwomen should continue to be invited to civic events, but not invited as a matter of course to Council meetings. Should they attend Council meetings, they will continue to be welcomed, but apologies will not be recorded if they do not attend,
- f. That the issuing of car parking permits to newly appointed Honorary Aldermen and Honorary Alderwomen should be discontinued, but that the privilege should be allowed to continue for those who have been appointed to the position in the past, and
- g. Should the Council wish to adopt a new protocol, it should include the formalised process for removing Honorary Aldermen and Honorary Alderwomen.

## 52 **Local Plan Sites - Allocations to Delivery - verbal update**

As requested at the meeting held on 2 December, further advice had been sought from the Monitoring Officer on the ability of the Scrutiny Committee to further consider the Goodmores Farm planning application as a specific case, and the consultation process which surrounded it.

The Deputy Monitoring Officer read out the advice as follows:

If the Committee wishes to consider how the application was handled and factors which influenced its processing as well as considering whether the consultation that was carried out was suitable then this is permissible. This would be from a discharge of function or service perspective and with a view to potentially informing service improvement. What the Committee cannot do is consider the planning merits of the application / rationale for the grant of permission as that would be outwith the role of the Scrutiny committee. The Joint Overview and Scrutiny meeting of 17<sup>th</sup> January 2022 [minute 43c] recommended '*a review of the Statement of Community Involvement and consultations on planning applications to consider making greater use of site notices to publicise planning applications*' and it might be sensible to consider Goodmores Farm as part of this work if the concern relates to the consultation specifically.

It was agreed to include this matter on the Forward Plan.

## 53 **Performance Report quarter three 2021-22**

The Committee wished to commend officers and their teams for their on-going work during difficult circumstances which is much appreciated.

In response to a question regarding the percentage of planning appeal decisions allowed against the authority's decision to refuse, the management notes were referred to in that the only trend that can be identified in the allowed appeals is a continued difficulty in defending appeals against the refusal of proposals for house extensions.

The Performance Report for quarter three 2021-22 was noted.

54 **Forward Plan**

The Committee discussed the Forward Plan.

Regarding the proposal from Mid Devon District Council for a joint review into the planning controls and regulatory requirements associated with the bio-energy industry within Devon, in particular anaerobic digesters, there was particular concern about the industrial scale digesters.

The Chair agreed to speak to the Chair of Strategic Planning regarding bringing this matter forward so as not to impact on the timetable for the new Local Plan.

With the addition of the item at minute 52, the Forward Plan was noted.

**Attendance List**

**Councillors present:**

T Wright (Chair)

M Allen

A Bruce

M Chapman

O Davey

J Kemp

T McCollum

H Parr

E Rylance (Vice-Chair)

**Councillors also present (for some or all the meeting)**

P Arnott

C Brown

B De Saram

A Dent

V Johns

G Jung

R Lawrence

P Millar

A Moulding

E Wragg

**Officers in attendance:**

Wendy Harris, Democratic Services Officer

Sarah Jenkins, Democratic Services Officer

Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Mark Williams, Chief Executive

**Councillor apologies:**

V Ranger  
J Bonetta  
A Colman  
C Gardner  
S Hawkins

Chair .....

Date: .....

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the Extraordinary consultative meeting of Scrutiny Committee held Online via the Zoom app on 17 March 2022**

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

The meeting started at 10.30 am and ended at 12.05 pm

#### **55 Declarations of interest**

Minute 57. Presentation by South West Water followed by questions from Members of the Scrutiny Committee, Members and the public.

Councillor Eileen Wragg, Personal, Member was awarded a Pure Service Award by South West Water.

It was noted that all Members had an equal personal interest as customers of South West Water.

#### **56 Chair's opening comments, welcome and introductions**

The Chair welcomed Mr Alan Burrows, Director of Environmental Liaison and Culture for South West Water, to the meeting and expressed the hope that the meeting would be the start of an on-going constructive dialogue between the Council and South West Water.

The meeting had come about due to Members' concerns primarily about sewage contamination in East Devon's watercourses and coast. Questions from Members had been sent to South West Water in advance.

#### **57 Presentation by South West Water followed by questions from Members of the Scrutiny Committee, Members and the public**

Mr Burrows gave a presentation on the work of South West Water (SWW) with key points as follows:

- Regarding water quality, SWW will: build on the success of the 'Clean Sweep' coastal investment programme in the South West; improve monitoring, real time live data and transparency; deliver a step change by reducing the impact on river water quality by one third by 2025.
- Storm overflows were explained, including the demand on the network, and plans are being developed for further investment in infrastructure to reduce usage of storm overflows.
- In the local area, SWW is committed to sharing data and information about potential impact, real time notification via BeachLive [[www.beachwise.org.uk/beachlive](http://www.beachwise.org.uk/beachlive)] with free alerts for beaches in Devon when storm water overflows may temporarily affect bathing water quality. It was noted that Exmouth Beach has been rated 'excellent' for bathing water quality.
- Regarding the Maer Lane facility in Exmouth, it was noted that there is a temporary increase in operation vehicles pending completion of improvement and upgrade works at other sites
- In Exmouth there is investment in a £1.2million project for surface water separation and a £2.5million project for rising main replacement to improve treatment capacity.
- It was noted that SWW is not a statutory consultee in the development planning process. The company works with developers to ensure that its assets can cope with increased demand. Nature based drainage solutions are promoted.

- Partnership working is crucial to making the changes everyone wants to see. The presentation outlined ways in which collaborative working helps with finding solutions and how simple changes which the public could make would reduce the impact on SWW's systems.

The Chair thanked Mr Burrows for his presentation.

In responding to questions from Members, Mr Burrows advised the following:

- Regarding the reporting of sewage spills on The Rivers Trust website, differences in the figures shown for Honiton may be due to the figures being for different events such as a combined sewer overflow or an emergency overflow. When considering spills, it should be noted that the volume, rather than the length of time, was important. SWW is working with Exeter University and the Centre for Resilience in Environment, Water and Waste (CREWW) to develop technology to measure spill volumes.
- SWW is required to do a root cause analysis for instances of failure for phosphate levels and data is then shared with the Environment Agency (EA).
- Regarding storm water instances, which are likely to increase due to climate change, all new development must have surface water separation as part of planning conditions to prevent surface water from entering the sewerage systems. Where surface water cannot be separated, other options are available, including nature based solutions to slow water flow and temporary storage before release back into the system.
- Although not a statutory consultee, SWW development planning team constantly reviews local plans to ensure that it is aware of planned development and the capacity which would be required. Where there is insufficient capacity, this would be built into the business planning review process.
- Attention was drawn to the information available on the South West Water website.

Questions for Mr Burrows were put by members of the public, Ms Vicky Whitworth and Mr Geoff Crawford, and the responses included the following points:

- Regarding stopping sewage discharge into the River Axe and its tributaries and how long this would take to achieve, it was noted that SWW works with Local Planning Authorities to reduce nutrient enrichment of rivers. A £10million improvement scheme had been announced which included the River Axe special area of conservation in order to help reduce the impact of nutrients. The scheme would also unlock growth and maintain and improve the area designated by Natural England for specific species and habitat.
- Regarding the SWW permit for sewage discharge at Exmouth, the height of the sewage pipe above Ordnance Survey datum is not a requirement of the permit. The distance quoted in the permit is from the storm sewer overflow to the point at which the Environment Agency extracts bathing water samples.
- Regarding the vehicle movements in Exmouth, SWW is preparing a sludge strategy, with a requirement to comply with the Industrial Emissions Directive, and, as a result, issues with vehicle movements should be resolved.

Further questions were put by Members and Mr Burrows responded as follows:

- The EA issues an annual environmental performance assessment which compares pollution incident numbers across providers. Numbers for 2021 will be published in June 2022 [[www.gov.uk](http://www.gov.uk) – search Environmental Performance Assessment].
- A pilot scheme on two river catchments is running to understand whether bathing water standards can be met. The scheme will be promoted by Citizen Science and the West Country Rivers Trust who are assisting SWW.
- Regarding new development, the EA has a hierarchy for sewage treatment in that it must connect to an existing water and sewage network first, before any secondary or private network is brought in.
- In response to a question about the number of spills in the River Otter and its catchment, SWW has a programme in place to monitor high frequency spills and to investigate causes. Data will be published on the SWW website in early April and will provide a summary of actions taken and an explanation of monitoring work across the network.

- Dealing with surface water from downpipes on older properties is a long term issue across the country. As regards system capacity, SWW has flow compliance monitoring in place and the EA has powers to tighten limits on sewage treatment works.
- Regarding issues at Clyst St Mary and the need to protect villages and communities from the impacts of development upstream, SWW is working on drainage and wastewater management plans. It is acknowledged that it will take time to resolve issues in the west end of East Devon. Simon Jupp MP is in contact with the CEO of SWW. The SWW planning team is also in regular contact with local authority planners to address these issues.

The Chair thanked Mr Burrows for attending and for his presentation. Mr Burrows left the meeting.

The meeting continued with Members raising further questions for SWW as follows:

- Regarding the £10million of funding shared between the River Camel and the River Axe to reduce the impact of nutrients, what measures will the money be spent on for the River Axe? As there is likely to be further development in Axminster and the Axe Valley area, what mitigation measures would be required from developers towards improvements to the River Axe and the reduction of nutrients?
- Is the Exe Estuary, with its wildlife, national and international designations, included in the water testing system? What harm, if any, can be done to wildlife if tests carried out are not at acceptable levels?

Members considered ways in which the issues under discussion could be dealt with going forwards. The points made included the following:

- The Scrutiny Committee could formulate recommendations for SWW, one of which could be the formation of a stakeholder group.
- SWW could be invited back for a series of focussed meetings.
- Questions for SWW could be better collated in advance so as to avoid duplication as Members had not seen all of the questions in sufficient time before the meeting.
- There was concern that SWW should be involved in planning for new development at the earliest stage possible.
- Prior to any future meetings with SWW, Members could use the SWW and BeachWise websites to inform themselves.

The Committee was unanimously in support of inviting South West Water back for a series of meetings focussing on single issues as follows:

1. Planning (with a focus on a more joined up approach)
2. Beach water quality
3. Update on rivers

The matter would be added to the agenda for the next Scrutiny Committee meeting for further discussion.

## **Attendance List**

### **Councillors present:**

T Wright (Chair)

V Ranger (Vice-Chair)

J Bonetta

M Chapman

O Davey

J Kemp

T McCollum

H Parr  
E Rylance  
T Woodward

**Councillors also present (for some or all the meeting)**

M Armstrong  
J Bailey  
C Brown  
B De Saram  
A Dent  
P Faithfull  
N Hookway  
M Howe  
V Johns  
R Lawrence  
D Ledger  
A Moulding  
G Pook  
M Rixson  
E Wragg

**Officers in attendance:**

Andrew Ennis, Service Lead Environmental Health and Car Parks  
Allison Ferrero, Principal Environmental Health Officer  
Ed Freeman, Service Lead Planning Strategy and Development Management  
Andrew Hancock, Service Lead StreetScene  
Susan Howl, Democratic Services Manager  
Sarah Jenkins, Democratic Services Officer  
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

**Councillor apologies:**

S Hawkins

Chair .....

Date: .....

<b>Scrutiny Committee Forward Plan 2021/22</b>
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**Work for scoping and/or allocation to the Forward Plan:**

Proposed date	Topic
Schedule of meetings TBA	<p><u>Future meetings with South West Water</u></p> <p>At the Extraordinary meeting on 17<sup>th</sup> March, the Committee decided that it would like to invite SWW back for a series of meetings, with each meeting to have a particular topic. The Committee initially identified the following topics:</p> <ul style="list-style-type: none"> <li>• Planning</li> <li>• Beach water</li> <li>• River water</li> </ul> <p>Members may wish to identify further topics.</p> <p>South West Water have agreed to attend for a series of daytime meetings on a similar basis to the one already held.</p> <p>It is suggested that the Committee may wish to consider using the Scrutiny meeting before each of the SWW meetings to receive a report from the relevant EDDC officer(s) to enable an initial discussion to take place between Members with officer input to assist with understanding the structures relating to each area being discussed and any overlap/interaction between the various agencies (EDDC/DCC/Environment Agency/SWW etc.)</p> <p>Following this meeting, Members may wish to submit questions for SWW on the topic under discussion, by an agreed deadline.</p> <p>This would seem to enable good use to be made of the time at the SWW meeting and would enable Members to table questions for SWW to cover at the later meeting.</p>
TBC	Expenditure on consultants and agency staff 2020/21 (follow up from meeting of 2 December 2021)
TBC	<p>Proposal from Mid Devon DC Scrutiny Committee regarding a joint review into the planning controls and regulatory requirements associated with the bio-energy industry within Devon, in particular anaerobic digesters (details circulated to Members by email on 10 December 2021)</p> <p>The Chair has contacted the Chair of Strategic Planning Committee. Further discussion on how to proceed is underway.</p>
TBC	<p>Local Plan Sites – Allocations to Delivery</p> <p>The Joint Overview and Scrutiny meeting of 17<sup>th</sup> January 2022 [minute 43c] recommended ‘a review of the Statement of Community Involvement and consultations on planning applications to consider making greater use of site notices to publicise planning applications’ Goodmores Farm could be considered as part of this work if the concern relates to the consultation specifically (agreed at meeting on 3 March 2022)</p>

Autumn 2022	Portfolio Holder report on training strategy (agreed at meeting on 2 December 2021)