

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the consultative meeting of Council held at Online via the Zoom App on 20 July 2022**

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

The meeting started at 6.00 pm and ended at 9.35 pm

#### **15 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 the Council had delegated much of its decision taking power to Senior Officers until 31<sup>st</sup> October 2022, due to continuing concerns related to COVID risk in this area. 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.

Accordingly, where the meeting would have normally decided a matter, it will now make a 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.

One member of the public had pre-registered to speak at this meeting.

Mike Goodman wanted to speak on the topic of inflation and the cost of living crisis, caused by the many challenges facing the world including COVID, the war in Ukraine and increasing energy prices. He went on to say that EDDC had been proactive in helping people in need to pay their bills, for food and other essential items. He wanted to put on record that the data used to help those in need in East Devon was amongst the best in the UK. The facts demonstrated the excellent work officers were doing, and the data set and Dashboard used allowed a Council to target families and individuals in a variety of ways. This was presented at a Scrutiny Committee meeting on 7<sup>th</sup> July, and the work of Sharon Church and George Whitlock was specifically referred to as inspirational, and involved working with specific areas on a variety of initiatives.

Cllrs at the meeting had asked how this work could be used by other Councils, and Mr Goodman wanted to ask the Chief Executive to present the work to the LGA, with the intention of others learning from this good practice.

In the absence of the Chief Executive, Cllr Rowland confirmed that he had expressed a similar view at the Scrutiny Committee, and was happy to support the potential for the work at East Devon to be shared with others, especially if it became an income earner. As a previous Chair of the Poverty Working Panel, Cllr Armstrong confirmed that this issue had been considered for some time before being raised at Scrutiny Committee, and she agreed that it would be good if this could be progressed, and particularly as a form of income.

The Chair thanked Mr Goodman for his positive contribution to the start of the meeting.

16 **Minutes of the previous meeting**

The Chair asked for comments on the minutes of the Annual Council meeting held on 19<sup>th</sup> May 2022.

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

Following a vote the Chair confirmed the minutes of Annual Council of 19<sup>th</sup> May 2022 were received and noted.

17 **Declarations of interest**

22a. Minutes of Cabinet held on 4 May 2022. Minute numbers 211 - 227.  
Councillor Andrew Moulding, Affects Non-registerable Interest, Minute 225, Member of Axe Valley Levelling Up Project Group.

22a. Minutes of Cabinet held on 4 May 2022. Minute numbers 211 - 227.  
Councillor Ian Hall, Affects Non-registerable Interest, Minute 225. Member of Axe Valley Levelling Up Project Group.

22b. Minutes of Cabinet held on 8 June 2022. Minute numbers 1 - 15.  
Councillor Ian Hall, Directly relates Non-registerable Interest, Item 14. Trustee of Axminster Skate Park.

22b. Minutes of Cabinet held on 8 June 2022. Minute numbers 1 - 15.  
Councillor Andrew Moulding, Affects Non-registerable Interest, Item 13. Member of Axe Valley Levelling Up Project Group.

22b. Minutes of Cabinet held on 8 June 2022. Minute numbers 1 - 15.  
Councillor Andrew Moulding, Directly relates Non-registerable Interest, Item 14. Trustee of Axminster Skate Park.

22b. Minutes of Cabinet held on 8 June 2022. Minute numbers 1 - 15.  
Councillor Ian Hall, Affects Non-registerable Interest, Item 13. Member of Axe Valley Levelling Up Project Group.

22b. Minutes of Cabinet held on 8 June 2022. Minute numbers 1 - 15.  
Councillor Jake Bonetta, Affects Non-registerable Interest, Minute 9. Received lobbying from the British Ugandan Asians Association (BUA), and is a resident of Honiton.

22b. Minutes of Cabinet held on 8 June 2022. Minute numbers 1 - 15.  
Councillor Sarah Jackson, Affects Non-registerable Interest, Re Minutes 13 and 14. An interest the nature of which is sensitive and does not need to be declared under S32 of the Localism Act 2011.

22c. Minutes of the Extraordinary Cabinet meeting held on 29 June 2022. Minute numbers 16 - 21.  
Councillor Andrew Moulding, Affects Non-registerable Interest, Minute 20. Member of Axe Valley Levelling Up Project Group.

22c. Minutes of the Extraordinary Cabinet meeting held on 29 June 2022. Minute numbers 16 - 21.

Councillor Ian Hall, Affects Non-registerable Interest, Minute 20. Member of Axe Valley Levelling Up Project Group.

22c. Minutes of the Extraordinary Cabinet meeting held on 29 June 2022. Minute numbers 16 - 21.

Councillor Sarah Jackson, Affects Non-registerable Interest, Minute 20. Resident of Axminster and involved in discussions on Levelling up.

26. Motion: Uniform public litter bin collection pricing.

Councillor Kevin Blakey, Affects Non-registerable Interest, Member of Cranbrook Town Council and proposer of the Motion.

26. Motion: Uniform public litter bin collection pricing.

Councillor Kim Bloxham, Affects Non-registerable Interest, Member of Cranbrook Town Council.

26. Motion: Uniform public litter bin collection pricing.

Councillor Marcus Hartnell, Affects Non-registerable Interest, Member of Seaton Town Council.

26. Motion: Uniform public litter bin collection pricing.

Councillor Peter Faithfull, Affects Non-registerable Interest, Member of Ottery Town Council.

26. Motion: Uniform public litter bin collection pricing.

Councillor Tom Wright, Affects Non-registerable Interest, Member of Otterton Parish Council.

26. Motion: Uniform public litter bin collection pricing.

Councillor Vicky Johns, Affects Non-registerable Interest, Member of Ottery Town Council.

## 18 **Matters of urgency**

There were no matters of urgency.

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

The Chair had two announcements tonight, sadly both in relation to the recent passing of people well known to the Council.

Firstly, Peter Sullivan who was first elected in 2011, serving on the Development Management Committee, Housing Review Board (HRB), Licensing and on LED, until the end of his term in 2015. He then went on to become a Tenant representative on the HRB in 2017 and then became Vice Chair in 2018 until his retirement through ill-health. He was highly regarded by both Tenants and Officers, and was invited to participate in negotiations for a new Repairs Contract.

And secondly, Rob Longhurst, Ward Member for Woodbury and Lypstone and a member of the Independent East Devon Alliance. Rob was first elected for in May 2015 and served until 2019, having had a successful career with BP. During this time he served on a number of committees, including Overview, Strategic Planning and Audit & Governance.

He was also appointed to the Devon & Exeter Area Rail Working Party in 2016 and the LED Leisure Joint Working Party and was nominated as 'Designated Person' to work with the Tenant Complaint Panel in 2016. He was also on the Strategic Development Think Tanks.

The Chair said that he had attended both funerals as a representative of EDDC and as a personal friend, and called for a minute of silent reflection on two former colleagues.

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

There were none.

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

Seven questions had been received from Cllrs and all had been responded to in writing and published prior to the meeting. The Chair asked if there were any supplementary questions.

Q1 Cllr Faithfull asked the Chair if he agreed that child abuse should not be regarded as a party political issue and that all Cllrs should take responsibility for the prevention of child abuse.

In response the Chair said that he agreed.

Q2. Cllr Hartnell thanked the Portfolio Holder for his response but said that it was ambiguous about the site involved. Since the issue had been first flagged in November 2020, he wanted to ask him to intervene so that the matter got urgent attention.

In response and in the absence of the Portfolio Holder for Economy & Assets, the Leader said that Cllr Hayward would watch the recording of the meeting as soon as possible and respond accordingly.

22 **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.

(a) **Minutes of Cabinet held on 4 May 2022. Minute numbers 211 - 227**

The Chair invited Cllr Arnott to move the minutes.

Following a vote the Chair confirmed that the above minutes were received and noted and recommendations contained therein recommended for approval.

(b) **Minutes of Cabinet held on 8 June 2022. Minute numbers 1 - 15**

The Chair invited Cllr Arnott to move the minutes.

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 Extraordinary Cabinet meeting held on 29 June 2022.  
Minute numbers 16 - 21**

The Chair invited Cllr Arnott to move the minutes.  
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 Scrutiny Committee meeting held on 7 April 2022.  
Minute numbers 58 - 64**

Following a vote the Chair confirmed that the above minutes were received and noted.

**(e) Minutes of the Scrutiny Committee meeting held on 9 June 2022.  
Minute numbers 1 - 9**

Relating to the Minutes of Scrutiny Committee held on 9<sup>th</sup> June 2022, there were called minutes.

Called minutes from Cllr Arnott, and Cllr Gardner and issues arising;

- 1) Minutes 1, and 7 of the Scrutiny Committee held on 9<sup>th</sup> June, 'Car parking petitions'.

Cllr Arnott stated that with regard to minutes 1 & 7 of the Scrutiny minutes for the 9th June he wished to clarify for the record that he and Cllrs Hayward and Loudoun were invited to endorse the officer advice with regard to this matter. This process was not led by them, and the inaccurate statements made by members of the public needed to be considered in the light of this factual information.

- 2) Cllr Gardner wanted to comment on the same minutes, and stated that having attended the meeting she had been very concerned when the Chair unilaterally decided to insert the words from an email received from a member of the public, directly into the minutes and requested that this be done.

Several committee members were unhappy about this because the contents of the email had not been discussed at all during the meeting, and commented that there were errors in the email, but not given the chance to correct them or make any statements. She was alarmed that the full text of the email was in the Minutes and the public record forever, which seemed procedurally dangerous. She would like this to be corrected and suggested that the minutes were not passed at Council and sent back to Scrutiny where officers' advice could be taken on board, the minutes could be corrected, and the email removed. Discussion of the contents could also happen, but such unilateral action by a Chair should not be allowed.

She then asked members not to vote through the minutes of this meeting and send them back to Scrutiny to re-examine at the next meeting.

The Chair requested advice from the Monitoring Officer, who confirmed that the Scrutiny Committee had effectively accepted what the Chair had wanted to do. However it was noted that, the minutes of the meeting did record that the email had not been subject to discussion at the meeting and also that the Monitoring Officer had not seen the email in advance of the meeting. So there were safeguards within this situation. However, if

Council wished to send the minutes back that was within its remit to do so, although the record makes it clear that a communication had simply been received, and it does not stand as a record of fact.

He went on to confirm that despite the safeguard, it did set a dangerous precedent in relation to having lots of communications in future simply being recorded in the minutes. It also made the job of officers difficult in terms of understanding what committees were actually debating, if correspondence was going to be routinely inserted merely to be noted. Sending the minutes back to Scrutiny to reflect and review was the right thing to do.

In the absence of Cllr Allen, Cllr Skinner confirmed his support of the view that the minutes should be sent back to Scrutiny.

Cllr Gardner said that one of the problems with this issue had been that the Chair of the meeting had not allowed Committee members to vote on inclusion of the email.

The Chair invited those present to vote to receive and note the minutes or alternatively refer them back to the Scrutiny Committee.

Following a vote the Chair confirmed that the above minutes would be referred back to the next Scrutiny Committee meeting for further consideration.

**(f) Minutes of the Housing Review Board meeting held on 16 June 2022. Minute numbers 1 - 17**

Following a vote the Chair confirmed that the above minutes were received and noted and recommendation contained therein recommended for approval.

**(g) Minutes of the Strategic Planning Committee meeting held on 3 May 2022. Minute numbers 106 - 112**

Following a vote the Chair confirmed that the above minutes were received and noted.

**(h) Minutes of the Strategic Planning Committee meeting held on 7 June 2022. Minute numbers 1 - 8**

Following a vote the Chair confirmed that the above minutes were received and noted.

**(i) Minutes of the Planning Committee meeting held on 13 April 2022. Minute numbers 131 - 142**

Following a vote the Chair confirmed that the above minutes were received and noted.

**(j) Minutes of the Planning Committee meeting held on 27 April 2022. Minute numbers 143 - 144**

Following a vote the Chair confirmed that the above minutes were received and noted.

**(k) Minutes of the Planning Committee meeting held on 14 June 2022. Minute numbers 1 - 16**

Following a vote the Chair confirmed that the above minutes were received and noted.

**(l) Minutes of the Licensing & Enforcement Sub-Committee meeting held on 27 April 2022. Minute numbers 31 - 35**

Following a vote the Chair confirmed that the above minutes were received and noted.

**(m) Minutes of the Licensing & Enforcement Sub-Committee meeting held on 8 June 2022. Minute numbers 1 - 6**

Following a vote the Chair confirmed that the above minutes were received and noted.

**(n) Minutes of the Licensing & Enforcement Sub-Committee meeting held on 15 June 2022. Minute numbers 7 - 10**

Following a vote the Chair confirmed that the above minutes were received and noted.

**(o) Minutes of the Personnel Committee meeting held on 19 May 2022. Minute numbers 39 - 47**

Following a vote the Chair confirmed that the above minutes were received and noted.

**23 Motion: Exmouth Town Hall**

The Chair said that he had spoken with Cllr Gazzard as proposer of the Motion, due to the fact that there were procedural difficulties with the item being presented as a Motion. A Motion needed to be a discussion on an item of Council responsibility but also needed to include a proposal, but this item did not contain a proposal and could not be accepted. Accordingly, the Chair and Cllr Gazzard had agreed to propose an alternative, specifically to take a report to Cabinet on the front of house services to be offered at Exmouth Town Hall as soon as possible.

The Chair subsequently spoke to Cllr Rowland who confirmed that a report would be taken to the Cabinet in October on this matter, as the first practical opportunity to do so.

He then invited Cllr Gazzard to speak.

Cllr Gazzard confirmed that he and all those supporting the item originally were happy to agree the new proposal.

Cllr Rowland thanked Cllr Gazzard for bringing this back to the attention of Council, and confirmed that apart from the recommendation made at this meeting, members had been told in June that a report about this subject would be brought to Cabinet in October and this had now been agreed with officers.

Comments during the debate on this motion included the following;

- Exmouth is a large town and it was important for the most vulnerable residents to get the town hall open. It already had an adequate reception area, with a screen and which was COVID safe. There was no need to wait until October to open it.
- It was important for residents of Exmouth to get an update on the issues.
- When asked why this item was put on the agenda, the Chair confirmed that officers normally decided what was valid or not, but in this case a debate could have occurred with no proposal to resolve. He had accordingly made a decision due to the fact that with work already planned on this, lack of debate at Council

would not prevent it from being undertaken. He had spoken to the Chief Executive and agreed that work would proceed as quickly as possible.

- The Town Council and Registrar were tenants with a Tenancy agreement which needs to be taken into account.

The Leader confirmed that this was not just an EDDC matter since the building was shared with the County Council and Town Council, so any agreement needed to involve all three parties. He was happy to be guided by officers who had advised that 14<sup>th</sup> October was the earliest a report could go to Cabinet. Given the difficulties in recruiting staff to EDDC presently, it would be inappropriate to promise what may not be capable of being delivered. However, he would also ask what could be done to assist the exceptional cases who needed access to Council services urgently.

Cllr Rowland confirmed that whilst the solution might appear to be simple but there are reception areas at both Blackdown House and Exmouth to open. There surveys currently ongoing by officers about the sort of enquiries coming in, as well as staffing issues in an area already stretched and struggling to fill vacancies. Deploying staff from other work may not be a good use of officer time. The intercom system to be installed will have the option for people to select the service required from Devon County Council, EDDC or the Town Council. A lot of enquiries previously directed at EDDC relating to Housing Benefit, would in future be directed to DWP.

Following the debate, the Chair confirmed that it was proposed to withdraw the original Motion on the basis that a report would go to Cabinet in relation to the front of house services to be provided at Exmouth Town Hall as soon as possible.

Following a vote, the proposal was agreed by those present.

## 24 **Motion: Review of Travel Expenses**

The Chair invited Cllr Faithfull as proposer to speak to the Motion.

Cllr Faithfull stated that the figures currently in use from 2012 were completely out of date. Devon County Council were funding East Devon volunteers and the amount given did not cover their travel costs.

Cllr McCollum as seconder of the motion confirmed that East Devon had a lot of volunteers who relied on travel expenses as a subsidy to keep themselves afloat.

Comments during the debate included the following;

- This issue was about supporting the millions of volunteers who gave up their time for nothing around East Devon and the rest of the country, and asking MPs to lobby Government who could influence the Inland Revenue who were responsible for setting the figures in use.
- The figures currently used go way further back than 2021 and were in need of review.
- People could be paid more than the amount set, but it attracted tax which negated any positive impact the expenses may have for many.

Cllr Faithfull stated that anyone who incurred expenses during the course of their work, voluntary or otherwise, would be subject to any future changes, and so this should not present a specific conflict of interest.



The Chair invited members to vote in favour, against or abstaining in relation to this Motion.

Following a vote the Chair confirmed that the Motion was carried by a majority of those present and would be passed to Senior Officers for approval.

**RECOMMENDATION** to be passed to Senior Officers:

That this Council will contact our Members of Parliament to request that recognised travel expenses for tax purposes be brought up to date to reflect the true running costs of road vehicles.

25 **Motion: John Humphreys**

The Chair invited Cllr Bailey as proposer to speak to the Motion.

Cllr Bailey referred to a statement from one of the victims of John Humphreys, which highlighted how their childhood and teenage years had been taken away by the actions of this person. She went on to summarise the continued public life of John Humphreys until his conviction in August 2021. She said that despite being arrested in 2016, he had continued to play a prominent role for the local Conservative Party, campaigning on their behalf during a number of elections, and with a role at EDDC, Exmouth Town Council and going into his trial with another badge of respectability in the form of Honorary Alderman. Despite questions being asked about this, there had been no explanation from the Conservative Party locally or nationally about why he had not been suspended, prevented from having further involvement with young people and a backdrop of silence. The Leader had written to a number of EDDC conservative Cllrs as well as all local MPS.

Cllr Bailey said that she had written to Simon Jupp as a local MP for answers, on the assumption that he would be likely to want to resolve any issues prior to elections in 2023. She stated that she and Cllr Bonetta had received a response from him on Monday 18<sup>th</sup> July which she read out. It informed them that conservative party processes including vetting and safeguarding were entirely separate, and that the Chair of the East Devon Conservative Association (EDCA) was the appropriate person to contact in relation to the issues raised in the Motion and this should be reflected in an amended Motion. He also wanted to make them aware that he had "a law firm on standby to assess any comment in relation to my [his] character in connection with the jailed individual concerned, either in Council meetings or the press".

Cllr Bailey said that she had felt intimidated by receiving such an email from an MP, but would amend the Motion and call on Cllr De Saram as an EDDC Cllr and Chair of the EDCA to obtain an explanation from the relevant part of the Conservative Party urgently.

Cllr Bonetta as seconder of the motion made the point that all political parties across the UK had processes by which they selected candidates and campaigned for elections. His experience of vetting for candidates at local level had been in depth and investigative, and asked those completing the paperwork to state whether there were any matters relating to them which would be likely to cause embarrassment to the Party concerned. He went on to say that whilst waiting for an investigation to take place, it seemed that there had been a fundamental failure in the candidate selection process within the EDCA. Parties should take responsibility for when things go wrong and prevent them happening again. Simon Jupp was the most senior ranking politician in East Devon, as well as a Conservative, and should assist in this task.

Comments during the debate included the following;

- Victims should be at the front of our minds. As a victim it might have been helpful to be contacted by the Conservative Party who form the current national Government.
- Devon County Council were contacted by the NSPCC in 2014 about these matters.
- It was queried who was advising the Conservative Party because this was a national matter to resolve which was bigger than East Devon, and all political Parties would have procedures which should have been put into operation a year ago, but did not in this case.
- Sexual abuse was about power and control. Simon Jupp MP should use his influence to call for an independent inquiry into his Party's vetting and safeguarding procedures.
- Leadership was required in situations such as these, which had been lacking at national and local levels, and which lowered the reputation of political parties, the tone of public life, and the trust the public place in all representatives.
- The key question was who knew that John Humphreys was being investigated for serious offences and why was he allowed to carry on as if nothing was happening? The agencies this question should be directed to include Devon & Cornwall Police, Devon County Council and the Conservative Party.
- It was necessary to learn about safeguarding within the context of education and social welfare, and what could be done on a routine daily basis.
- Councillors were awaiting training on safeguarding issues.
- Concern was expressed about John Humphreys being given access to schools and colleges by virtue of his positions in public life, whilst the allegations of victims were not believed.

Cllr Skinner responded on behalf of the Conservative Group. He stated that all Conservative Cllrs regretted the circumstances which gave rise to discussing the Motion at this meeting, He was sure that every member of the Council wished the victims and their families every sympathy, and were ashamed that an elected member of EDDC had acted this way. However, he suspected that all members of the Council were only made aware of the crimes through the press.

In relation to the wording of the Motion, he repudiated the allegation that the Conservative Party were in any way complicit and aware of the wrongdoings of John Humphreys. This accusation was untrue, and it represented a legal challenge. The Conservative Group would not condone such behaviour and if they had been aware of his crimes, would have taken action immediately.

The responsibility of vetting and selection processes was nothing to do with the local MP, Simon Jupp, and was entirely in the hands of the East Devon Conservative Association, and so the Motion was inaccurate and needed to be amended. The East Devon Conservative Association would continue to work diligently and with transparency when selecting candidates to stand for Council. They would work closely with officers and members following the outcomes of the report from the Chief Executive which would go to Cabinet on 27<sup>th</sup> July.

Cllr Bailey pointed out that John Humphreys had carried on as a Conservative Cllr after his arrest, and asked if any due diligence had been done. Not answering questions about what went wrong did not generate credibility about working transparently in future. Cllr Skinner said in response that the Conservative Group would be seriously looking into these matters, and also how to deal with the issues moving forward, following the Cabinet meeting on 27<sup>th</sup> July.

Cllr Bailey put forward and circulated an amendment to the Motion, on the basis that it was not Simon Jupp MP's personal responsibility to be involved in vetting and safeguarding within the Conservative Party. Cllr Bonetta seconded the amended Motion.

Cllr Bailey called for a recorded vote which was seconded by Cllr Bonetta.

The Chair invited those present to vote on having a recorded vote, which was carried, and moved that the Motion be put.

The Monitoring Officer read out the full amended Motion, as follows;

"This Council wishes to express its deep disappointment that John Humphreys was permitted by the Conservative party to hold prominent roles as a local Conservative politician for more than four years following his arrest for serious sexual offences against two boys in May 2016. Humphreys was subsequently convicted and imprisoned for 21 years in August 2021.

Despite being under criminal investigation from May 2016, John Humphreys subsequently:

- (A) stood as a Conservative candidate for election (Exmouth Town Council May 2019) and thereafter remained an Exmouth Town Councillor representing the Conservative Party until August 2020
- (B) continued being a Conservative District Councillor until May 2019
- (C) campaigned in the town, district and parliamentary elections for the Conservative Party (May and December 2019)
- (D) was nominated by the Conservative Party for the award of Alderman which he received from Eddc in December 2019.

In the eleven months since John Humphreys' conviction, the Conservative Party locally and nationally, has refused to explain why it allowed John Humphreys to continue in these positions of prominence and even nominated him as an alderman despite being under criminal investigation.

In the interests of the safety and wellbeing of children in the district, this Council calls on Simon Jupp MP to obtain from the relevant part of the Conservative Party an urgent explanation as to what went wrong with the Conservative Party's vetting and safeguarding processes in East Devon and provide reassurance that these issues have now been addressed and resolved."

Following a recorded vote the Chair confirmed the Motion was carried.

**Recorded vote:**

Councillors Megan Armstrong, Paul Arnott, Jess Bailey, Kevin Blakey, Kim Bloxham, Jake Bonetta, Sarah Chamberlain, Andrew Colman, Olly Davey, Peter Faithfull, Cathy Gardner, Steve Gazzard, Sam Hawkins, Nick Hookway, Sarah Jackson, Paul Jarvis, Vicky Johns, Geoff Jung, Jamie Kemp, John Loudoun, Dawn Manley, Tony McCollum, Paul Millar, Geoff Pratt, Val Ranger, Marianne Rixson, Jack Rowland, Brenda Taylor, Ian Thomas, Joe Whibley, Tony Woodward, Eileen Wragg, - voted in favour – 32.

Councillor Colin Brown, Alasdair Bruce, Fred Caygill, Maddy Chapman, Iain Chubb, Ian Hall, Marcus Hartnell, Stuart Hughes, Ben Ingham, Richard Lawrence, Andrew Moulding, Philip Skinner, Tom Wright – abstained – 13.

**RECOMMENDATION** to be passed to Senior Officers:

That this Council wishes to express its deep disappointment that John Humphreys was permitted by the Conservative Party to hold prominent roles as a local Conservative politician for more than four years following his arrest for serious sexual offences against two boys in May 2016. Humphreys was subsequently convicted and imprisoned for 21 years in August 2021.

Despite being under criminal investigation from May 2016, John Humphreys subsequently:

- (A) stood as a Conservative candidate for election (Exmouth Town Council May 2019) and thereafter remained an Exmouth Town Councillor representing the Conservative Party until August 2020
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- (C) campaigned in the town, district and parliamentary elections for the Conservative Party (May and December 2019)
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In the eleven months since John Humphreys' conviction, the Conservative Party locally and nationally, has refused to explain why it allowed John Humphreys to continue in these positions of prominence and even nominated him as an alderman despite being under criminal investigation.

In the interests of the safety and wellbeing of children in the district, this Council calls on Simon Jupp MP to obtain from the relevant part of the Conservative Party an urgent explanation as to what went wrong with the Conservative Party's vetting and safeguarding processes in East Devon and provide reassurance that these issues have now been addressed and resolved.

26 **Motion: Uniform public litter bin collection pricing**

The Chair invited Cllr Blakey as proposer to speak to the Motion.

Cllr Blakey said that this issue had been raised on several occasions. However it had become clear that an inconsistent and arbitrary pricing structure was in place and that the service was making a financial loss, with the effect that it was being subsidised by Council Tax payers. It had also come to light that many bins in coastal areas were being emptied by EDDC free of charge. Cranbrook residents have long felt the charge to them was excessive.

Changes were long overdue and officers have said that £5 represents the real cost of collection and disposal. In the interest of fairness he proposed that all bin emptying carried out by EDDC was charged a uniform and economically sustainable rate, and to be agreed now so that it could be introduced into the next budget.

Cllr Bloxham as seconder of the motion raised the issue of whether the charge of £5 per resident had ever been considered in relation to Cranbrook as it was being developed. The Motion did not seek a cost reduction but a levelling across the District and was an opportunity to put a bad situation right.

Cllr Geoff Jung as Portfolio Holder, responded by saying that he understood that this was one of the difficulties facing Cranbrook, and gave a number of examples of the plans in place to develop facilities and services to support the town in future. In terms of why the town was being treated differently in relation to bin collection, it was the historic consequence of government legislation and planning policies held together loosely with little regard to the practical realities of providing services. There are 600 bins across East Devon but only about 160 are paid for.

He went on to say that the Motion would not fix the problem but could make it worse, and was not supported by any evidence. At the last budget setting process the request was made for funding for more staffing for Streetscene because there was no capacity for additional work.

Cllr Jung put forward an amendment as follows;

“That this Council resolves to scope a total review of the litter and dog bin provision services, looking at alternative practices from other Councils, consider the use of recycling bins, the need to separate dog poo bins, reducing the manual handling and review of costs and charges. This review to be carried out by the new Streetscene officer and the report to come forward as soon as possible.”

Cllr Tom Wright seconded the amendment, and confirmed his view of the inequality of the current service and his support for a review.

Comments during the debate included the following;

- Town and Parish Councils were prepared to pay for collections so why was this an issue preventing it being done?
- If there were different charges for different areas, it was time for a review.
- Could the timing of collections be reviewed, particularly in coastal areas where beaches could be busy by 7am with visitors, when bins have yet to be collected from the previous day?
- Management charges in Cranbrook have always been paid for by residents and not Developers, as appeared to be commonly misunderstood.
- Patience had been requested on the part of Ward Members and residents of Cranbrook, but this had been an issue for 3 years.
- How would a review be resourced?

Cllr Arnott said that he had spoken to the relevant officers in May to express the disappointment of Cranbrook Cllrs and residents on the lack of progressing a review. It was made clear that a review could not take place until the new officer arrived in the autumn, but this would be kept as a priority, and he would support the rationale behind the amendment.

The Chair invited members to vote in favour, against or to abstain in relation to the amendment.

Following a vote the amendment was carried and became the substantive Motion.

Cllr Hall called for a recorded vote which was seconded by Cllr Bruce.

Following a vote the call for a recorded vote was not carried.

The Chair invited members to vote in favour, against or abstaining in relation to the Motion.

Following a vote the Chair confirmed that the Motion was carried.

**RECOMMENDATION** to be passed to Senior Officers;

That this Council resolves to scope a total review of the litter and dog bin provision service, looking at alternative practices from other councils, consider the use of recycling bins, the need for separate dog poo bins, reducing the manual handling, and a review of costs and charges. This review to be carried out by the new Streetscene officer. The report and new charging structure to come forward as soon as possible.

## 27 **Motion: Equalities Policy**

The Chair invited Cllr Skinner as proposer to speak to the Motion.

Cllr Skinner stated that protecting equalities in our society was one of the most important things the Council could do and this was an opportunity to consider the nine protected characteristics. EDDC had updated its strategy in June 2021 along with the actions it needed to take, and recorded some useful statistical data about residents in the area. He went on to refer to some of this data relating to certain characteristics. Officers needed to be trained and able to comply with legislation and complete equality impact assessments. He proposed that the Council ask the LGA to carry out an Equality peer challenge to ensure the Council are complying with the Equalities Act.

Cllr Ingham as seconder of the motion said that council reports needed a full equality impact assessment rather than a categorisation of low, medium or high impact without a summary of the equality issues. Public involvement and influence must be part of the way in which services were delivered to reflect the diversity of the area. He reiterated the need to invite the LGA to carry out an equality peer challenge to provide a perspective of this Council's achievement and progress to date, suggesting areas for improvement.

Comments during the debate included the following;

- The peer challenge undertaken in 2019 was excellent and gave this Council sound advice in terms of hearing from other Councils.
- It was considered to be distasteful to get a lecture on equality when one of the supporters of this Motion regularly posted things on social media which were damaging and prejudicial to one of the protected groups.
- To suggest that this Motion was linked to safeguarding was insensitive and just a blatant attempt at political point scoring.
- Officers undertake the equality assessments for every report already even if this was not apparent when there was a low impact.
- It was good to see the Conservative Party promoting the Equalities Act of 2010 which was introduced by a Labour Government.
- An Equality Peer Review would cost money.
- Whilst the Motion had merit at first glance, the detail had not been thought through and the motivation for presenting it was questionable.

Cllr Hawkins said that he had asked the relevant officer to bring a report to the Audit and Governance Committee should they come across evidence to suggest the Council was not complying with current legislation.

Cllr Jung felt the Motion was premature since the Equality Policy was only agreed last year and was to be subject to annual reviews. This had not happened yet although a lot of work had been undertaken, so Council should wait for the outcome of the first review before embarking on any further work.

Cllr Hookway expressed concern about the motivation behind this Motion. He referred to the development of the Culture Strategy which was a high level document and which had taken full account of equalities issues.

The Monitoring Officer took the opportunity to clarify the distinction between equality assessments, which were undertaken by officers and referred to in reports, and equality impact assessments which were legal documents used for different purposes.

Cllr Loudoun referred to the Motion as a 'wolf in sheep's clothing' and championed by the Conservative Party without reference to knowledge of equalities or the policies and procedures adopted by EDDC in July 2021.

No annual reviews have been completed yet but the approach adopted is the same one operated pre-2019. He went on to explain the process in detail which had been the basis of decisions for the previous administration as it had been over the last two years.

Cllr Loudoun proposed an amendment as follows;

That this Council resolves to:

1. Continue to always follow the Equalities Act of 2010 and protect those people that come under the nine characteristics.
2. Continue, as we do, to comply with the requirements of the Policy to ensure that equality impact assessments are undertaken on any report to Council or Cabinet.
3. Ensure all officers and Members have the appropriate training to understand and act as required within the Act.
4. To include in the next peer review a check that the council is acting within best practice on this matter.

Cllr Gazzard seconded the amendment.

Cllr Arnott called for a recorded vote which was seconded by Cllr Jung.

The Chair invited votes in favour of a recorded vote, which was carried.

He then invited members to vote in favour, against or to abstain in relation to the amendment.

Following a vote in favour of the amendment, it became the substantive Motion.

The Chair invited members to vote on the Motion.

**Recorded vote:**

Councillors Paul Arnott, Jess Bailey, Kevin Blakey, Kim Bloxham, Fred Caygill, Sarah Chamberlain, Andrew Colman, Olly Davey, Peter Faithfull, Cathy Gardner, Steve Gazzard, Sam Hawkins, Nick Hookway, Sarah Jackson, Paul Jarvis, Geoff Jung, Jamie Kemp, John Loudoun, Paul Millar, Val Ranger, Marianne Rixson, Jack Rowland, Brenda Taylor, Ian Thomas, Joe Whibley, Tony Woodward, Eileen Wragg, Tom Wright - voted in favour – 28.

Councillor Ben Ingham, Richard Lawrence, Andrew Moulding, Philip Skinner – voted against – 4.

Councillor Megan Armstrong, Alasdair Bruce, Marcus Hartnell – abstained – 3.

Following a vote the Chair confirmed that the Motion was carried.

**RECOMMENDATION** to be passed to Senior Officers;

That this Council resolves to:

1. Continue to always follow the Equalities Act of 2010 and protect those people that come under the nine characteristics.
2. Continue, as we do, to comply with the requirements of the Policy to ensure that equality impact assessments are undertaken on any report to Council or Cabinet.
3. Ensure all officers and Members have the appropriate training to understand and act as required within the Act.
4. To include in the next peer review a check that the council is acting within best practice on this matter.

## 28 **Motion: Proportional Representation**

The Chair invited Cllr Woodward to speak to the Motion in the absence of Cllr Rylance. He said that Proportional Representation (PR) was fundamental to democracy in this country, and in the current system many people did not feel that their voice was heard. PR means that they would have someone representing them in central government. The Motion was presented now because new concepts take time to be processed, such as anti-slavery and votes for women, which had all taken time to change public opinion. PR needed to be discussed so that it became mainstream. North Somerset DC recently adopted a PR resolution so he wanted to urge colleagues at EDDC to do the same.

Cllr Arnott as seconder of the motion pointed out that in the next two weeks a new Prime Minister would be chosen by 170,000 members of a political party.

On the critical issue of equalities, the electoral system was completely broken, and it would be a very progressive thing for this Council to do, to back the idea of PR, in order to move forward.

Cllr Davey said that although this had been an issue for years, he had been contacted recently in a move to encourage Councils to support PR as a cross party initiative, by two organisations, 'Get PR done' and 'Make votes matter'. The aim being to encourage Councils to consider supporting this before the party conference season begins in order to inform them of people's views across the country.

Cllr Skinner said that he was not in favour of PR but also considered that there was not much wrong with the current system. He referred to a debate held in 2019 at EDDC prompted by the current administration about changing the nature of the governance structure. This had not been taken forward more recently.

Comments during the debate included the following;

- PR had its merits, but it was not relevant and had nothing to do with the functions of EDDC.
- There was evidence that a single ballot, first past the post system will always lead to a two party system. The Conservative Party have been in power for 76 out of the last 100 years, so it was unfair to minimise the issue and marginalise the smaller political parties.



- EDDC was a multi-party authority and so it benefits from parties working collaboratively, and as such this issue was very relevant at local level.
- Most countries use PR now and the 'first past the post' system was very outdated.
- Compass had been set up indicating there was great national dissatisfaction with the current electoral process of electing parliamentary representatives, and engaging minority parties. A lowering polling turnout also indicated the need for change.
- Governance on a national level was in a sorry state and we should be receptive to issues relating to democracy. EDDC had written to Government on a number of issues technically outside its remit, and this Motion only suggested drafting a letter to the Government.

The Chair invited members to vote in favour, against or to abstain in relation to the Motion.

Following a vote the Chair confirmed that the Motion was carried by a majority of those present and would be passed to Senior Officers for approval.

**RECOMMENDATION** to be passed to Senior Officers;

That his council resolves to write to H.M. Government to call for radical and progressive change to our outdated electoral laws to enable Proportional Representation to be used for general elections.

The Chair thanked everyone, including members of the public, for their attendance and closed the meeting at 9.35pm.

## **Attendance List**

### **Councillors present:**

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

**Officers in attendance:**

- Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)
- Susan Howl, Democratic Services Manager
- Sarah Jenkins, Democratic Services Officer
- Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)
- Andrew Hopkins, Communications Consultant

**Councillor apologies:**

- D Ledger
- P Hayward
- M Allen
- A Dent
- D Barrow
- M Howe
- H Parr
- G Pook
- B De Saram

Chair .....

Date: .....