

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the consultative meeting of Council held at Online via the Zoom App on 19 October 2022**

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

The meeting started at 6.00 pm and ended at 10.14 pm

#### **33 Appointment of Vice-Chair of the Council**

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 first item on the agenda was the appointment of the Vice Chair of the Council for the remainder of the civic year, due to the sad passing of the former Vice-Chair, Cllr Val Ranger in August. Before inviting nominations for the office of Vice-Chair, the Chair wanted to say a few words about the former colleague with whom he had the pleasure of working closely over recent years.

Val Ranger was first elected on 7 May 2015 and re-elected in 2019, as a Ward member for Newton Poppleford and Harpford. Over recent months she had become increasingly ill but continued to serve her constituents with unique courage, dignity and fortitude up to the day of her death.

She had served on a number of Council committees, most recently including Overview Committee and becoming Vice Chair for both the Scrutiny and Personnel Committees, as well as for Council itself. She had also sat on several other panels and bodies, including the Community Grant Panel, and the East Devon Highways & Traffic Orders Committee.

The Chair invited members to share a moment of quiet reflection on the life, courage and resilience of a deeply missed friend and colleague. He then invited any comments from members present.

Several members spoke about Val Ranger, and how she had offered help and good guidance to many and worked diligently and with integrity, but also compassionately.

The Chair then invited nominations for the office of Vice Chair.

Cllr Arnott proposed Cllr Eleanor Rylance.

Cllr Eileen Wragg seconded Cllr Rylance.

There were no other nominations.

The Chair invited members to confirm the appointment of Cllr Rylance as the Vice Chair of Council by raising their hands. Following a vote he confirmed that Cllr Rylance was to be duly appointed to the office of Vice- Chair of Council.

Cllr Rylance then read aloud the wording from the Declaration of Acceptance of Office Book to the meeting.

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

## 34 **Public speaking**

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 topics of a Tree Strategy, and Car parking charges.

In response to the first issue, the Strategic Lead for Health, Housing and the Environment, stated that the Council had taken up the opportunity to work in partnership with DCC, the Woodland Trust other districts in Devon to produce a Devon Tree Strategy. This work was being commissioned and was about to go out to tender to appoint a suitably qualified and experienced organisation to undertake the work. EDDC anticipated having an early draft of the report in the Spring. This was likely to be supplemented by an additional piece of work that focuses on East Devon's unique tree scape. This will all be funded from the budget identified and secured for this work. The Council was not waiting for this work to progress its ambitious tree planting programme and continue to protect the wonderful number and variety of trees in the district.

The Portfolio Holder for Coast Country and Environment, Cllr Jung, also confirmed that there was a lot of involvement in the work of the Woodland Trust and Clyst Valley Regional Park to create the Devon wide tree strategy, which would act as a template for that of the Council.

In response to the second issue, the Portfolio Holder for Finance, Cllr Rowland, confirmed that he had already requested an officer to report on the matter to Cabinet at its meeting on 30th November, the reason being that the winter charge applies from 1<sup>st</sup> November for the ensuing five months, and this will give time for the officers to see the full effects of the charging rates, which apply to the end of October. He also reminded the meeting that the Roxurgh Car park did not have the increase Mr Goodman referred to. Cllr Rowland went on to say that he had been monitoring the monthly income from East Devon car parks against the budgetted income for the financial year to date, and this would be reflected and reported on in the report to Cabinet in November. He commented that he had experienced difficulty finding an empty space in Sidmouth's car parks due to the number of visitors over the summer, a view shared by the speaker, and this was good news for the businesses of the town.

The Chair thanked Mr Goodman for his contribution.

35 **Minutes of the previous meeting**

The Chair invited comments of from members on the minutes of the Council meeting held on 20th July, and the Extraordinary meeting of Council held on 28th September 2022. Following a vote he then confirmed that the minutes of Council on 20th July, and the Extraordinary meeting on 28th September were received and noted and recommendations contained therein recommended for approval.

36 **Declarations of interest**

41b. Minutes of Cabinet held on 7 September 2022. Minute numbers 51 and 52.  
Councillor Kevin Blakey, Affects Non-registerable Interest, Member of Cranbrook Town Council.

41b. Minutes of Cabinet held on 7 September 2022. Minute numbers 51 and 52.  
Councillor Kim Bloxham, Affects Non-registerable Interest, Member of Cranbrook Town Council.

41b. Minutes of Cabinet held on 7 September 2022. Minute numbers 51 and 52.  
Councillor Sam Hawkins, Affects Non-registerable Interest, Member of Cranbrook Town Council.

41k. Minutes of Strategic Planning Committee held on 4 October 2022. Minute number 40.  
Councillor Kevin Blakey, Affects Non-registerable Interest, Member of Cranbrook Town Council.

41k. Minutes of Strategic Planning Committee held on 4 October 2022. Minute number 40.  
Councillor Kim Bloxham, Affects Non-registerable Interest, Member of Cranbrook Town Council.

41k. Minutes of Strategic Planning Committee held on 4 October 2022. Minute number 40.  
Councillor Sam Hawkins, Affects Non-registerable Interest, Member of Cranbrook Town Council.

42. Cranbrook Plan Development Plan Document.  
Councillor Kevin Blakey, Affects Non-registerable Interest, Member of Cranbrook Town Council.

42. Cranbrook Plan Development Plan Document.  
Councillor Kim Bloxham, Affects Non-registerable Interest, Member of Cranbrook Town Council.

42. Cranbrook Plan Development Plan Document.  
Councillor Sam Hawkins, Affects Non-registerable Interest, Member of Cranbrook Town Council.

42. Cranbrook Plan Development Plan Document.  
Councillor Megan Armstrong, Affects Non-registerable Interest, A family member lives at Cranbrook.

37 **Matters of urgency**

There were no matters of urgency.

38 **Announcements from the Chair and Leader**

The Chair had one announcement. He said he was deeply saddened to report the passing of another former colleague, former Cllr Pat Graham, who sadly passed away on 8th October 2022.

She was first elected on 3 May 2007 to serve Exmouth Town ward and re-elected in 2011 and 2015. She decided to retire as a Cllr in December 2017 after 14 years of service due to the impact of Parkinson's disease. She was then awarded the title of Honorary Alderwoman in July 2018, having been nominated by Cllr Gazzard, seconded by Cllr Eileen Wragg, and endorsed by all Council members.

She had been a key figure on a number of committees including Licensing & Enforcement, Corporate overview, Overview & Scrutiny and more latterly on Overview with its role in relation to the work of Cabinet and Council overall.

She had been involved in East Devon Business Forum, Exmouth Sports Centre Advisory Forum, the Member Development Working Party, the LED Joint Working Party, and the Lower Exe Mooring Authority Management Committee.

She made an enormous difference to Exmouth and its people, serving as its Mayor. She received an MBE in recognition of her hard work and dedication to projects such as Britain in Bloom, and was a special person who helped put Exmouth on the map as an excellent place to live, visit and work.

Several members commented that Pat had been a remarkable person, and an excellent mayor who had taken Exmouth to her heart.

The Chair invited members to share a moment of quiet reflection in remembrance of their former colleague.

Cllr Wragg informed members that the funeral would be taking place on Friday 28<sup>th</sup> October at 11am at Holy Trinity Church in Exmouth.

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

There are no confidential or exempt items.

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

Twelve 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.

Q3 Cllr Millar stated that the response received had provided no detail, so he wanted to ask the portfolio Holder, Cllr Jackson, if she agreed that specific advice given by any senior officer referred to verbally from the LGA's Head of Safeguarding should have been shared with members?

In response the Leader confirmed that a response would be provided to Cllr Millar outside the meeting.

The Portfolio Holder for Transparency and Democracy added that she thought it was important that verbal advice was also reflected in its fullest in the same way as if it were written advice.

Q4. Cllr Millar asked if the Portfolio Holder for Corporate and Council Coordination, Cllr Loudoun had a target timetable for the staff pay review to be completed?

In response the Portfolio Holder for Corporate and Council Coordination said that there had been delays but the Council was hopeful that it would be completed and into staff pay packets before the end of the year.

Q6. Cllr Millar asked if Chair would agree to meet himself and Cllr Bailey to discuss the relevant issues in more detail since the response given was not a proper answer.

In response the Chair said that he was happy to meet with colleagues.

Q8 Cllr Bailey asked how the Portfolio Holder for Corporate and Council Coordination could be sure that receiving anonymous communications was not an attempt to intimidate members of the Council?

In response the Leader that this was a complicated issue, and since Cllr Bailey was one of the subjects of the question concerned there was a balance to be struck about how to address it, but the Monitoring Officer had given a view, which reflected that the Council was in a no-win situation.

Q10 Cllr Bailey stated that the request for a tree strategy started following a Council Motion in July 2020, and so asked for a time commitment for when the East Devon tree strategy would be completed.

In response the Strategic Lead for Housing Health and the Environment said that he could commit on the first phase of the work which would be spring 2023. The East Devon work would follow on soon afterwards but he could not give a date.

Q12 Cllr Armstrong requested clarification about the word 'advice' used in the response or whether it should have read 'instructions' instead since they meant different things.

In response the Leader confirmed that the response should refer to instructions, and clarified that members could be reassured that Verita would make a decision on what would be appropriate for them to read as part of the process.

Cllr Bonetta asked the Chair if it was in order for officers to answer questions directed to Portfolio Holders.

In response the Chair stated that he thought that most Portfolio Holders would engage with the relevant service leads to put an answer together, because he hoped that Cllrs and officers would be working together on many activities in a combined effort rather than in silos.

Cllr Arnott said that the information requested in questions could be technical in nature and it was better not to have answers authored solely by members without the relevant advice.

## **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 13 July 2022. Minute numbers 22 - 41**

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 7 September 2022. Minute numbers 42 - 63**

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

**(c) Minutes of Cabinet held on 5 October 2022. Minute numbers 64 - 78**

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

**(d) Minutes of Scrutiny Committee held on 7 July 2022. Minute numbers 10 - 19**

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

**(e) Minutes of Scrutiny Committee held on 8 September 2022. Minute numbers 20 - 26**

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

**(f) Minutes of Scrutiny Committee held on 6 October 2022. Minute numbers 27 - 38**

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

**(g) Minutes of Strategic Planning Committee held on 12 July 2022. Minute numbers 9 - 15**

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

**(h) Minutes of Strategic Planning Committee held on 9 August 2022. Minute numbers 16 - 22**

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

- (i) Minutes of Strategic Planning Committee held on 6 September 2022. Minute numbers 23 - 28**  
Following a vote the Chair confirmed that the above minutes were received and noted.
- (j) Minutes of Strategic Planning Committee held on 29 September 2022. Minute numbers 29 - 35**  
Following a vote the Chair confirmed that the above minutes were received and noted.
- (k) Minutes of Strategic Planning Committee held on 4 October 2022. Minute numbers 36 - 42**  
Following a request for clarification from Cllr Bruce, Cllr Jung confirmed that his statement at the meeting was that any further development in Feniton would contribute to more flooding rather than less.  
Following a vote the Chair confirmed that the above minutes were received and noted and recommendations contained therein recommended would be taken into account at item 11.
- (l) Minutes of Planning Committee held on 26 July 2022. Minute numbers 17 - 30**  
Following a vote the Chair confirmed that the above minutes were received and noted.
- (m) Minutes of Planning Committee held on 2 August 2022. Minute numbers 31 - 32**  
Following a vote the Chair confirmed that the above minutes were received and noted.
- (n) Minutes of Planning Committee held on 30 August 2022. Minute numbers 33 - 42**  
Following a vote the Chair confirmed that the above minutes were received and noted.
- (o) Minutes of Planning Committee held on 30 September 2022. Minute numbers 43 - 52**  
Following a vote the Chair confirmed that the above minutes were received and noted.
- (p) Minutes of Licensing & Enforcement Committee held on 20 July 2022. Minute numbers 1 - 9**  
Following a vote the Chair confirmed that the above minutes were received and noted.
- (q) Minutes of Licensing & Enforcement Sub-Committee held on 24 August 2022. Minute numbers 11 - 15**  
Following a vote the Chair confirmed that the above minutes were received and noted.
- (r) Minutes of Audit and Governance Committee held on 28 July 2022. Minute numbers 1 - 13**  
Following a vote the Chair confirmed that the above minutes were received and noted and recommendations contained therein recommended for approval.

**(s) Minutes of Standards Committee held on 27 July 2022. Minute numbers 22 - 28**

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

**42 Cranbrook Plan Development Plan Document**

The Chair invited the Monitoring Officer to address the report.

The Monitoring Officer confirmed that the report had been through Strategic Planning Committee and as the Inspectors report had been received it had been brought forward to Council for adoption. The report and associated papers in the agenda incorporate the modifications proposed.

The Strategic Planning Committee have recommended it for approval.

In the absence of the Service Lead for Planning Strategy and Development Management, the Leader proposed and the Chair seconded to move the report and its two recommendations.

The Chair invited members to vote in favour or against receiving and noting the report and its recommendations.

Following a vote he confirmed that the report on the Cranbrook Plan was received, and recommendations contained therein were recommended to be passed for approval.

**RECOMMENDATION** to Senior Officers;

1. That Members note the final report of the Planning Inspector on the examination of the Cranbrook Plan;
2. That the Cranbrook Plan incorporating the proposed main modifications, minor Council additional modifications and the changes to the Cranbrook Plan policies map be adopted.

**43 Report: Changes to governance arrangements**

The Chair introduced this item as being necessitated following the sad passing of former Councillor Ranger and the need to make changes to the committee membership and committee appointments. He invited the Monitoring Officer, Henry Gordon Lennox, to address the report.

He then invited members to comment.

Cllr Millar wanted to nominate Cllr Armstrong to sit on the East Devon Highways and Traffic Orders Committee (HATOC) rather than Cllr Loudoun. The Chair sought advice from the Monitoring Officer on whether a nomination from the floor was appropriate.

The Monitoring Officer advised that these were on the balance, and this was a position held by the Democratic Alliance Group (DAG). His advice was that the position should be maintained within the DAG, rather than going outside it.

Cllr Howe wanted to second Cllr Millar's proposal in support of Cllr Armstrong, and said that the Council needed more people in more roles and to be inclusive. He went on to say that he understood these posts were voted for at the Annual Council, and so the Council should have its free choice of these roles. He also asked for clarification.

The Monitoring Officer stated that the intention behind the allocation of all seats was that they were as balanced as possible. So the seat on HATOC is a seat that Council had agreed go to the DAG by the appointment of Cllr Ranger. The advice was, therefore, to leave it there. If the Council was minded not to do so, it was within its gift, but that would be against the advice of trying to create a balance overall.



The Chair accordingly confirmed that Council could decide in the context of the advice given, whether it wanted to elect Cllr Loudoun or for Cllr Armstrong within the context of the constitutional comments made.

The Monitoring Officer clarified that the Committee table was where the main allocations occur, but beyond that, it was attempted to maintain the political balance into the Panels, Forums and Joint Bodies, but HATOC was slightly different because it was an Outside Body. It would not need a re-balance now but if such changes occur routinely, it becomes difficult to balance the smaller Groups. It may have to be re-done in November before the December Council, depending on what the Newton Popleford by-election reveals. He said that he would not advocate doing a full re-balance until May 2023 because it causes chaos, but if Council chose to change the representative for HATOC it would be fine, but preferable to leave it as it is for now.

The Chair said that on the basis of having a proposer and seconder for Cllr Armstrong, he wanted to ask for a proposer and seconder for Cllr Loudoun.

Cllr Arnott proposed Cllr Loudoun but commented that the change proposed should have been brought forward before the meeting since the agenda had been published for several days.

Cllr Wragg seconded Cllr Loudoun and commented that continuity was important, as was listening to the professional advice of the Monitoring Officer on these matters.

The Chair concluded that although it would have been helpful to have known about the proposal in advance of the meeting in order to form a proper view, he was going to give Council the opportunity to vote for one or other of the candidates who have been proposed and seconded.

The Chair then invited members to participate in a straightforward vote for Cllr Loudoun or Cllr Armstrong.

Following a vote, the Chair confirmed that Cllr Armstrong had been chosen by a majority of those present to take up the position on HATOC. He went on to say that it would be helpful in future if members gave advance notice of such proposals before the meeting started.

The Chair then invited members to vote in favour or against receiving and noting the report and its recommendations, with the amendment of having Cllr Armstrong instead of Cllr Loudoun on the County Committee, HATOC.

Following a vote he confirmed that the report from the Monitoring Officer was received, and recommendations contained therein were recommended to be passed for approval.

**RECOMMENDED** that Senior Officers approve;

1. The Vice Chair of Scrutiny and Personnel Committee be Cllrs Kemp and Loudoun respectively;
2. The replacements for Cllr Ranger on Scrutiny, Overview and Personnel be Cllrs Taylor, Kemp and Wragg respectively;
3. The replacements for Cllr Ranger on the Community Grant Panel and County Committees be Cllrs Woodward and Armstrong respectively.

**44 Report: Temporary continuation of virtual meetings**

The Chair introduced this item as relating to the arrangements needing to be put in place for the holding of meetings after 31 October and invited the Monitoring Officer, Henry Gordon Lennox, to address the report.

The Monitoring Officer said that it was not yet possible to bring forward the hybrid solution with the confidence that it was going to work. He reminded members that when COVID restrictions ended and meetings were held in the Chamber it was considered less than ideal, and the ideal solution was not yet available for members to decide on. As a result he was recommending an extension to the virtual approach that had been in place for a while until early next year to allow that work to finish and for Council to form a view of it in December. He outlined the alternative options, which were that members could choose to go back to a purely physical meeting approach, which would be in the Chamber as normal and as in pre-COVID arrangements, or there is the option of a hybrid approach to that, by having some meetings physical and some virtual, as indicated in a table that the Chair had prepared and attached previously to the papers for Council. In summary, the options were to continue to continue virtual meetings until the New Year whilst a more bespoke hybrid option was worked up; return to physical meetings as of 1 November or adopt a midway approach between the two, of some physical and some virtual depending on the categories of meeting. The recommendation of the Monitoring Officer was to carry on with virtual meetings until the New Year.

Cllr Skinner stated that he thought continuation of virtual meetings was nonsensical and that EDDC was the only Council that was running in this particular way. He referred to a decision that was made by the Planning Committee with a Planning Officer not wanting to sign it off. He said that this raised serious issues about virtual meetings and how democratic it was for officers to challenge the decisions of Cllrs.

He then proposed an amendment changing the recommendation to the effect that there were to be face to face meetings at Blackdown House, Exmouth Town Hall or a site designated by officers who would be arranging such meetings. All meetings to start off in the same way as previously with members turning up with laptops in the hybrid position so that members of the public could attend the meeting or join virtually, as well as other members who were not voting members but would have the opportunity to attend virtually. He said that he was proposing a hybrid system, and the system was already being conducted by Devon County Council which works successfully for them. He said that his proposal was not intending to leave anybody out but keep the ability for people to join in, but having face to face meetings was a key issue with all voting members needing to be in the room to be able to vote. He went on to say that he saw no reason why sub-committees and forums could not be kept as virtual meetings. So those physical meetings where members had to be in the room to vote would include Cabinet, Strategic Planning, Planning, Audit and Governance, Overview and Scrutiny. Licensing already met in both a face to face and virtual manner when appropriate.

The Chair asked for a seconder for the amendment to the proposal.

Cllr Hawkins seconded the amendment and stated that the Council was not making legally binding decisions via its democratically elected Cllrs. No other Council was operating this way and making recommendations to officers through delegation, and whatever the benefits of virtual meetings were the Council was supposed to be following the Local Government Act 1972. He said that it was right for standing committees to go back to physical meetings in public offices and that advisory panels and forums remain virtual.

The Chair clarified that members were considering a report and its recommendations rather than a motion with amendments.

The Monitoring Officer said that the proposal from Cllr Skinner and Cllr Hawkins effectively replaced the recommendations in the report, and was that meetings would be compliant with the Local Government Act. The rest of the report as presented fell away, and what was then done in relation to a hybrid system could be dealt with as part of the proposal, so that there would be physical meetings without delegations.

Other comments made during the debate included the following;

- The Council has made the legislation work, and there are many advantages to virtual meetings, including increased Cllr participation, greater public engagement and openness, access to all, it is cheaper and greener and enables more Cllrs to take part than previously.
- Working virtually has attracted more young people and women to being a Cllr and so is more inclusive, indicating the way forward in a more environmentally friendly manner compared to many individuals travelling by car to an office in Honiton.
- For those who cannot drive but who work normal working hours, it is difficult to get to a meeting at 6pm in Honiton in person when there is only one train every two hours and an otherwise unreliable public transport system.
- A hierarchy is being created if officers are forced into working in offices while Cllrs are allowed to continue to work virtually.
- The Local Government Act is the stumbling block to making virtual meetings legal so EDDC was in a unique position, but 'zoom in the room' was a very helpful way of resolving such issues.
- It can be stressful trying to join a meeting online if there is poor broadband connection.
- Going back to face to face meetings does not need to happen for every meeting, such as Working Party meetings.
- Cllrs' experience of using zoom in the room was that they got very bad feedback even with headphones on, and one would effectively hear the discussion twice.
- The Monitoring Officer has confirmed that EDDC has not got the right technology in place, but it employs Strata who have set up effective systems for Exeter CC and Teignbridge DC, so why can they not do the same for EDDC? In response, the Monitoring Officer said that a solution has to be brought in and he was unaware of the systems brought in by the other Councils, but the difficulty at EDDC was compounded by the need to develop a wider project which included Exmouth Town Hall. Outside companies have been involved in bringing this forward but have not presented the solution we expected. Solutions may be available but it's a case of getting the right one for members to approve because of the budgetary implications, and members need to decide how much money to spend on the appropriate solution.
- Physical meetings provide a good opportunity for interaction between Cllrs and with officers.
- It is depressing that the Council is shackled by a piece of legislation that pre-dates the internet, and climate change and is older than many Cllrs.
- The benefits of holding virtual meetings have been obvious over the last two years and has permitted people with vulnerabilities to carry on attending meetings.
- Those supporting a return to face to face meetings are effectively rolling the clock back on diversity, rather than allowing people with significant commitments to stand as Cllrs in the first place. It is difficult for many to get to meetings in person for a wide range of reasons.
- Members of the public appreciate the ability to log in from home, find out what is going on and replay it later.
- A return to face to face meetings will risk going back to a situation where Local Government representation returns to the province of older retired people of a particular demographic.
- The Local Government Act 1972 should be modernised so that more people could fulfil a democratic role.

The Monitoring Officer reminded members that the difficulty with using the term hybrid was what it specifically referred to, and that members had previously voted against pursuing the sort of hybrid approach which was deemed to be sub-standard in May because of issues such as the sound and feedback difficulties. This would be compounded by the fact that members of the public would have to be in the Chamber, as was their right to attend.

What would happen in a hybrid system was that a physical meeting would take place in order for those in attendance to vote, and the public would have unrestricted access to it who would not be bringing laptops or devices with them. There would be a problem running the interim hybrid approach on a physical basis with members of the public present, because the public would not be able to engage in the meeting if they did not have suitable IT devices. The interim hybrid solution would not resolve this situation. There would also be no ability for the public to watch the meeting live because the system to do that would not yet be in the Chamber. Members would need to recognise that EDDC would lose a significant amount of its interaction, openness and transparency with the public. The budget requirements are also likely to be substantial for a proper hybrid system.

The best solution was to accept that a hybrid approach was the desired outcome, but between now and January would be a return to physical meetings for the standing committees and their sub-committees, on a short term basis, but not for the panels and forums which are not decision making bodies.

- It would be a bad decision to force people into the Chamber and stop live streaming which allows people to participate by watching remotely.
- It is impossible to get 60 Cllrs into the Council Chamber.
- Officers are not changing the recommendations of Cllrs, but it is their prerogative to state that they are uncomfortable with a decision if it is delegated, but it is also clear that it is Cllrs who make the decision and have to stand by it.
- Going back into the room flies in the face of the Council's stated Climate Change actions, when it had been on its way to meeting its carbon neutral target.
- Is it an equalities issue by forcing people to go into the Chamber for meetings when there are many reasons when they could not do so?
- COVID is not over despite the views of some members.
- The view of the LGA is for the government to legislate to change the current rules which prevent us moving into modern times.
- EDDC should be proud to be a progressive and inclusive Council that is acting responsibly in the face of a central government which does not care about local government.
- The Council Chamber is not fit for democratic purposes.
- Going back to physical meetings will create a two-tier system because some Cllrs will be able to attend in person and vote whilst those who can only attend virtually will not be able to vote.
- Trying to shoe horn the current poor hybrid system into a democratic process would be a very bad move.
- It was hoped that physical meetings could be recorded if they take place.

Following debate the Monitoring Officer clarified the wording to be used in the proposal of Cllr Skinner and seconded by Cllr Hawkins, as follows;

That;

1. Council and all committees and sub-committees and Community Grant Panel to return to physical meetings unless legislation permits virtual meetings.
2. All other panels, forums and meetings can be held virtually with Democratic Services, in consultation with the Monitoring Officer, able to convene a physical meeting if required.

3. Council requires a report to Decembers meeting presenting a hybrid solution for members to consider.

The Chair clarified that the debate being held and the report as presented had clearly indicated that the situation was not as simple as it might have appeared.

Cllr Allen moved that the proposal now be put.

The Chair went on to say that he would be inviting members to vote on the proposal of Cllr Skinner and seconded by Cllr Hawkins, which would entail going back to face to face meetings from 1 November. If that proposal was voted against, then the meeting would revert to the report of the Monitoring officer with recommendations as presented. In either event members would require a report from officers on the hybrid based solution for the December Council meeting.

Cllr Hayward called for a recorded vote, which was carried after a vote by those present.

The Chair then invited members to vote for the proposal of Cllr Skinner and Cllr Hawkins, and against for the report presented to the meeting by the Monitoring Officer.

Following a recorded vote the Chair confirmed that the proposal from Cllr Skinner and Cllr Hawkins was recommended to be passed for approval.

**Recorded vote:**

Councillors Mike Allen, Dean Barrow, Kevin Blakey, Kim Bloxham, Jake Bonetta, Colin Brown, Alasdair Bruce, Fred Caygill, Maddy Chapman, Iain Chubb, Bruce De Saram, Alan Dent, Peter Faithfull, Steve Gazzard, Ian Hall, Marcus Hartnell, Sam Hawkins, Mike Howe, Stuart Hughes, Ben Ingham, Paul Jarvis, David Key, Richard Lawrence, Tony McCollum, Paul Millar, Andrew Moulding, Philip Skinner, Phil Twiss, Tom Wright - voted in favour – 29.

Councillor Paul Arnott, Jess Bailey, Denise Bickley, Andrew Colman, Olly Davey, Paul Hayward, Nick Hookway, Sarah Jackson, Vicky Johns, Geoff Jung, Jamie Kemp, John Loudoun, Dawn Manley, Marianne Rixson, Jack Rowland, Eleanor Rylance, Brenda Taylor, Joe Whibley, Eileen Wragg – voted against – 19.

Councillor Megan Armstrong, Sarah Chamberlain, Dan Ledger, Ian Thomas – abstained – 4.

**RECOMMENDATION** to be passed for approval that;

1. Council and all committees and sub-committees and Community Grant Panel to return to physical meetings unless legislation permits virtual meetings.
2. All other panels, forums and meetings can be held virtually with Democratic Services, in consultation with the Monitoring Officer, able to convene a physical meeting if required.
3. Council requires a report to Decembers meeting presenting a hybrid solution for members to consider.

45 **Motion: Disabled Energy Support fund**

The Chair invited Cllr Allen as the proposer, to speak to the motion.

Cllr Allen said that the work on poverty had generated a lot of creativity and non-partisan cooperation across the Council. He referred to the report of the Joseph Rowntree Foundation this year entitled 'From disability to destitution', comparing the differences between families in poverty with family members with disabilities compared to those with none, indicating that 15% of the former were in deep poverty. He quoted recent statistics for East Devon, where 11,814 people whose day to day activities were limited and with energy costs doubling there are serious concerns for those who depend on equipment such as ventilators or health monitors. He went on to say that the Charity Scope found that on average such individuals would need £500 more per year in energy than other people. He then referred to funds which could be available from EDDC to assist. He considered that the proposal may need modifications but did need a rapid decision in order to act before Christmas.

The Chair clarified the amendments made to the motion agreed by the proposer and supporters prior to the meeting and circulated to all members, as follows and inserted after the penultimate paragraph of the original wording;

*'And agrees one of the following two options;*

*Option 1*

*Agrees a fund of £300,000 will be made available from November 1st which will be funded partly from an up to 0.5% reduction in budgets or by a delay in Consultancy projects, or*

*Option2*

*Requests the Overview Committee to hold an emergency meeting to consider winter budget and operational details in relation to the Disabled Energy Support fund for recommendation to Cabinet or Council as appropriate.'*

The Chair invited Cllr Lawrence as the seconder, to speak to the motion.

Cllr Lawrence urged members to support the motion as an urgent matter which could not be put off until next March.

Cllr Rowland said that he wanted to express his empathy with the intention behind the motion. However he said that he could not accept the motion as presented due to the financial implications involved which had not been discussed with the relevant Council officers prior to the motion being presented. Secondly, that any additional scheme to be funded by this Council needed to be properly costed, decisions made on budgeting, have an accountable reconcilable system and adequate resources to administer and deliver, none of which are feasible by the date of 1 November referred to in the motion which was only eight days away. No account had been taken of other schemes underway to assist residents where they may already be in receipt of disability or carers allowances. The motion focuses on residents with specific disabilities but there were many others who also faced difficult choices and the Council had got to consider its budget and overall financial position. The help that was needed for many people lies within the gift of central government.

In view of this, Cllr Rowland proposed an amendment to the motion as follows, so that everything after the first two paragraphs was replaced with;

*"This Council requests Officers to investigate creating an additional discretionary energy support fund based on evidence from the poverty dashboard data and taking into account existing funds and how this additional fund could be financed both from the level*

*of grants, but also in respect of the systems and staff resources required to design and administer a scheme.*

*The report to be presented at a Poverty Working Panel meeting for consideration and potential recommendations”.*

Cllr Loudoun also empathised with the intention of the motion but could not accept it as it stood. He stated that putting forward un-costed proposals against the backdrop of several financial u-turns by the government who had axed the energy support arrangements which would have helped the people his motion was aimed at, meant that it was effectively asking the Council to bail out government incompetency with fiscal irresponsibility at a local level.

Comments made during the debate included the following;

- There were many types of help required for people and so it would be preferable to have a fund which was wider in its scope.
- Caution needed to be used in relation to the criteria used to define disabilities which was used for some people but not others who were also in need.
- The motion had a number of concerning elements to it, such as not having a means-tested element to it, and the reference to taking funds away from other projects.
- This was nothing to do with central government and only about what East Devon could do for its residents.
- The Council already had mechanisms in place to deal with the other difficulties faced by people.
- It was the government who should be addressing this issue directly and not leaving it to hard pressed local authorities to sort out the problems they are not tackling.
- The work of the Poverty Working Panel shows how much action was already being taken locally, including for people with disabilities.
- There is no evidence that other Councils have introduced this kind of scheme with any success and, therefore, needs to be fully scoped.
- Changing a carefully worked out with so little forethought is not responsible.
- Why was the motion not put forward to the relevant officers for proper consideration before the meeting?

The Chair moved that the amendment to the motion be put, and invited members to vote in favour or against the amendment.

Following a vote the Chair confirmed that the amendment was carried and became the substantive motion.

He invited Cllr Allen to sum up.

Cllr Allen asked Cllr Rowland and Cllr Johns to consider adding to the motion that an emergency meeting of the Overview Committee be convened to look at the issues.

The Chair confirmed that the Poverty Working Panel would be considering the issues as a result of the amendment and any actions would go on to Cabinet as appropriate.

The Chair moved that the motion as amended now be put.

Following a vote, he confirmed that the motion was carried.

**RECOMMENDATION** to be passed for approval that;

This Council appreciates the actions taken by the Government to cap energy costs but believes that more is needed for the disabled who are estimated to be about 10% of the East Devon population.

Some of these are disabled people who depend on electricity for mobility, monitoring or other necessities must not find themselves unable to pay their energy bills. Moreover, those who are immobile will need to maintain the temperature of their homes at reasonable levels.

This Council requests Officers to investigate creating an additional discretionary energy support fund based on evidence from the poverty dashboard data and taking into account existing funds and how this additional fund could be financed both from the level of grants, but also in respect of the systems and staff resources required to design and administer a scheme.

The report to be presented at a Poverty Working Panel meeting for consideration and potential recommendations.

The Chair thanked everyone for attending the meeting including those watching at home.

The meeting ended at 10.14pm.

**Attendance List**  
**Councillors present:**

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

**Officers in attendance:**

John Golding, Strategic Lead Housing, Health and Environment



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

Susan Howl, Democratic Services Manager

Sarah James, Democratic Services Officer

Andrew Hopkins, Communications Consultant

Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

**Councillor apologies:**

T Woodward

C Wright

C Gardner

G Pook

Chair .....

Date: .....