



## Agenda for Overview Committee Thursday, 9th November, 2023, 6.00 pm

### Members of Overview Committee

Councillors: B Bailey, J Brown, T Dumper, P Fernley, A Hall (Chair), J Heath, V Johns, Y Levine, M Martin, C Nicholas, T Olive, H Riddell and D Wilson (Vice-Chair)

**Venue:** Council Chamber, Blackdown House, Honiton

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(or group number 01395 517546)

Wednesday, 1 November 2023

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- 1 Apologies
- 2 Minutes of the previous meeting held on 12 October 2023 (Pages 3 - 8)
- 3 Declarations of interest  
Guidance is available online to Councillors and co-opted members on making [declarations of interest](#).
- 4 Public Speaking  
Information on [public speaking](#) is available online.
- 5 Matters of urgency  
Information on [matters of urgency](#) is available online.
- 6 Confidential/exempt item(s)  
To agree any items to be dealt with after the public (including press) have been excluded. There are **no** items that officers recommend should be dealt with in this way.
- 7 Public Toilets update report (Pages 9 - 20)
- 8 Draft Scrutiny Protocol (Pages 21 - 37)
- 9 Work Programme 2023-2024 (Pages 38 - 42)  
The Cabinet Forward Plan is attached for consideration; would the Committee wish to receive a report on key decisions prior to Cabinet?

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Members of the public exercising their right to speak during Public Speaking will be recorded.

[Decision making and equalities](#)

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**EAST DEVON DISTRICT COUNCIL**

**Minutes of the meeting of Overview Committee held at Council Chamber,  
Blackdown House, Honiton on 12 October 2023**

**Attendance list at end of document**

The meeting started at 6.00 pm and ended at 7.54 pm

**9 Minutes of the previous meeting held on 20 July 2023**

The minutes of the previous meeting held on 20 July 2023 were signed as a true and accurate record.

**10 Declarations of interest**

Cllr B Bailey – Minute 15; Affects Non-Registerable Interest: Member of Exmouth Town Council.

Cllr K Blakey – Minute 15; Affects Non-Registerable Interest: Cranbrook ward member and member of Cranbrook Town Council.

Cllr K Bloxham – Minute 15; Affects Non-Registerable Interest: Cranbrook ward member.

Cllr J Brown – Minute 15; Affects Non-Registerable Interest: Member of Honiton Town Council.

Cllr T Dumper – Minute 15; Affects Non-Registerable Interest: Member of Exmouth Town Council.

Cllr P Fernley – Minute 15; Affects Non-Registerable Interest: Member of Broadclyst Parish Council.

Cllr M Martin – Minute 15; Affects Non-Registerable Interest: Member of Ottery Town Council.

Cllr D Wilson – Minute 15; Affects Non-Registerable Interest: Member of Exmouth Town Council.

Cllr T Olive wished it to be recorded for minutes 14, 15 and 17 that he is Assistant Portfolio Holder Coast, Country & Environment.

**11 Public Speaking**

There were no members of the public registered to speak.

**12 Matters of urgency**

There were no matters of urgency.

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

There were no confidential or exempt items.

14 **Car Parking Strategy - Draft principles and objectives**

The Parking Services Manager introduced this report which set out the draft principles and objectives that will form the basis for the Council's Car Parking Strategy for the proposed dates of 2024-2031, for the Committee to consider.

In discussion at length, Members were broadly supportive of the principles and objectives, and several Members made comments which aligned with a number of the specific objectives set out in the report.

Other points and clarification included the following:

- People who park and charge electric vehicles are currently only charged for charging, and not for parking. This can be reviewed in the future; there are inconsistencies across Devon and some other councils charge for both parking and charging.
- Some members were keen to ensure that parking in short-stay car parks remains free after 6pm.
- Residents parking permits need to be widely promoted, to raise awareness. However, one member was of the view that parking permits are not suitable for all residents.
- Some members would like to see reduced tariffs available for locals and for people who need to travel by car into town from rural locations.
- One Member was of the view that a 7-year strategy could be too long given the changes that can occur over that time, and it might be appropriate to consider a reduced time span.
- Constituents want to see value for money, and if car parking charges are reviewed, then this needs to be balanced with what is spent in wards.
- People should be encouraged to use public transport where possible, given the climate emergency.
- The draft principles and objectives do not cover coach parking.

The following were then agreed:

**RESOLVED:**

1. The Committee agreed the proposed principles and objectives that will form the basis for EDDC's Car Parking Strategy.
2. The Committee agreed the dates of 2024-2031 for the time period in which the strategy will cover.
3. Members will feed into the strategy by providing their comments to the officers who are preparing the strategy.
4. The strategy is to be brought back to Overview Committee for debate and recommendation to Council via Cabinet.

15 **StreetScene Public Bin Review**

The Assistant Director - StreetScene introduced this report which was a review of the StreetScene bin collection service. The review arose due to Cranbrook Members requesting, through a question to Council, a review of equitable bin charging across the district, and also from the Service's own planned work to review service delivery within operations tied to the recycling and waste contract work.

The review examines the council's litter, recycling and dog collection service charges and operational model. Members were asked to consider the overall policy and the findings of the review, and to discuss whether dog bin charges should be increased in line with the litter bin charges and whether this increase should be staged over two years as suggested, or come forward to one year.

Discussion and clarification included the following:

- Members asked direct questions concerning the content of the report, raised wider issues around the collection and disposal of waste and the town and parishes service charges, and highlighted concerns of particular relevance to their towns, parishes and wards.
- The due date for this report, as set out in the Service Plan, was Spring 2024, however one Member expressed disappointment that the report was not prepared earlier.
- The first occupation in Cranbrook was ten years ago and Cranbrook members were of the view that a strategic plan for the bin collection service should have been prepared alongside developer planning applications and delivery of dwellings. It was noted that continued growth in Cranbrook and other areas required a fundamental review of the bin collection service, and the current report looks at the service holistically.
- Towns and parishes will be looking at their costs, and will be less concerned with equity when compared to Cranbrook; it is Officers assessment that the increase to service charges risks wider reputational damage if those towns and parishes make complaints.
- Whereas the review aims to bring about a more equitable scheme of charges for bin collections, it would not be appropriate to expect residents of resort towns to pay for all of their visitors' rubbish to be collected.
- The proposed new service charges will cover labour costs and on-costs.
- Benchmarking with local district councils is being carried out in order to explore if the StreetScene Service is achieving best value, or if other services apply margins to their external charges.
- Mixed waste bins containing dog waste have weighed up to 30kg and Cranbrook Town Council has worked with StreetScene to put in extra bins at extra cost to the town council, to make manual handling easier.
- Bins on EDDC land or adopted public realm land are collected free of charge by the StreetScene service. Bins on other relevant land owned by others, such as a Town Council, are chargeable.
- This council adopted a policy some 10 years ago which set out that open spaces, and any public waste bins required in those spaces, would become the responsibility of a management company, with residents responsible for the management company's fees. Cranbrook Town Council took the decision to take these charges into their precept, and it is for this reason that bin collections in Cranbrook have become the responsibility of Cranbrook Town Council, and not EDDC.
- Some members expressed a view that the increased charges to town and parish councils should be implemented without delay, given that the Council is currently delivering the service at a loss. It was clarified that the rationale for the proposed two-year roll out for the increase is to reduce the impact on customers and to enable parish and town councils to build the charges into their budgets from April 2024.
- The mapping of bins that has taken place will improve the reliability of dog bin collections.
- It was suggested that if the government reinstate the Dog Licence at a suitable level, this could cover the costs involved in dog waste collection.
- StreetScene Area Officers will work with town and parish councils regarding the locations for new bins.
- Cabinet have agreed to set up a Portfolio Holder team to look at future services work for the recycling and waste contract, and the model of operation for StreetScene operations will be considered as part of this. This work will need to be completed by 2026, when the waste and recycling contract renews.
- StreetScene Operations is working with the Property, Assets and Commercialisation team to identify further depot locations in the district; one Member suggested this could be included in the S106 negotiations current taking place for the Cranbrook expansion areas, or for developments in Honiton or Ottery St Mary.

- Under future services work, it would be appropriate to look into other models of operation, to bring innovation and future transformation into the service delivery.
- The government is due to give some guidance around the Environment Act and the Deposit Return Scheme, and this Scheme will change the landscape of what recyclable materials there are in the materials stream; it is therefore not appropriate to invest heavily in recycling bins and associated logistics, at the present time.

Following the discussion, Members were invited to make suggestions for officers to consider incorporating into the policy, which would then go to Cabinet. Members then voted in favour of the following recommendations.

**RECOMMENDED:**

1. That the proposed increase to the litter bin collection rate should be applied to the dog bin collections.
2. That the increase to all town and parish service charges should be spread over two years.

16 **Minutes of Scrutiny Committee held on 9 June 2022**

The minutes of Scrutiny Committee held on 9 June 2022 had been referred to Overview Committee by Cabinet on 13 July 2022, to look into making further progress on the following recommendations (set out at minute 7 of the 9 June 2022 minutes):

- To consider a petition platform within the Council's website
- To publicise the Council's petition scheme via the Council's weekly press release

Discussion included the following points:

- Some members expressed concern about bias and leading questions in petitions, however it was noted that this can occur irrespective of whether a petition is on a digital platform, or on paper.
- Members were of the view that a digital petition platform would improve democratic participation in local government and give everyone a voice.

The following was then agreed:

**RESOLVED:**

1. Officers to research what other authorities have done in terms of digital petition platforms on their websites. In doing so, it would be appropriate to explore costs relative to the benefits, and how councils have ensured that people cannot sign a petition if they are ineligible to do so under the rules set out in the constitution.

17 **Work Programme 2023-2024**

This item was for Members to consider additions to the Overview Committee's work programme. The Chair ran through the items on the current work programme, and invited comment.

Members referred to the item regarding grass cutting in urban areas, and suggested the report should include the idea of liaising closely with Devon County Council and local town and parish councils, given that those authorities also have grassed areas to manage in East Devon.

Members then considered a proposal form submitted by Cllr Mike Goodman which proposed that Overview Committee receives an update on the implementation of the public toilet strategy following recommendations made by Council in 2021, and reviews the direction of travel. It was agreed to add this item to the Committee's work programme, and an update report is expected from the Assistant Director – Place, Assets & Commercialisation.

### **Attendance List**

#### **Councillors present:**

B Bailey  
J Brown  
T Dumper  
P Fernley  
A Hall (Chair)  
Y Levine  
M Martin  
T Olive  
H Riddell  
D Wilson (Vice-Chair)

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

P Arnott  
K Blakey  
K Bloxham  
C Brown  
M Goodman  
N Hookway  
G Jung  
D Ledger  
M Rixson

#### **Officers in attendance:**

Richard Easthope, Parking Services Manager  
Andrew Hancock, Assistant Director StreetScene  
Sarah James, Democratic Services Officer  
Anita Williams, Principal Solicitor (Deputy Monitoring Officer)  
Andrew Melhuish, Democratic Services Manager

#### **Councillor apologies:**

J Heath  
V Johns  
C Nicholas

Chair: .....

Date: .....





Report to: Overview Committee

Date of Meeting 9<sup>th</sup> November 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Report summary:

### Update on Public Toilets Review Project

#### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

#### Recommendation:

In light of the significant work undertaken since the Council's previous decisions on Category A, B and C toilets, and the subsequent engagement with Town and parish Councils and other interested parties all set out within this report, Cabinet now needs to review progress to date as well as future timetables and actions. Therefore, Overview Committee is invited, in light of its interest in these matters, to feedback its thoughts on next steps in order to assist officers and Cabinet in progressing these matters.

#### Reason for recommendation:

To seek the thoughts of Overview Committee on next steps in order to assist Officers and Cabinet in progressing this project.

Officer: Tim Child, Assistant Director – Place, Assets & Commercialisation,  
[tchild@eastdevon.gov.uk](mailto:tchild@eastdevon.gov.uk) , 01395 571692

Portfolio(s) (check which apply):

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

**Equalities impact** Low

**Climate change** Medium Impact

**Risk:** Medium Risk; The lack of appetite by Town & Parish Councils and of the commercial sector to take on these CAT B & C sites does risk that these locations will be left with fewer public toilet locations.

**Links to background information :** [\(Public Pack\)Agenda Document for Cabinet, 12/05/2021 18:00 \(eastdevon.gov.uk\)](#) , [\(Public Pack\)Agenda Document for Cabinet, 01/12/2021 18:00 \(eastdevon.gov.uk\)](#) , [Agenda for Overview Committee on Thursday, 25th November, 2021, 6.00 pm - East Devon](#)

**Link to [Council Plan](#)**

Priorities (check which apply)

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

## Report in full

### **1.0 Project Background**

- 1.1 There was a recommendation by Cabinet, approved by Council in May 2021 for a capital budget of £3.15m for the re-build or refurbishment of all Category A public toilets (subject to results of consultation) plus then an additional £250K capital budget for installation of contactless paid access.
- 1.2 For the consultation we set out proposals about the future of our public toilets service, and asked residents, town and parish councils, businesses and others for their views on our proposals. The consultation was open from early July 2021 until 1 October 2021. The proposals that we consulted on listed the public toilets we currently have and proposed what could happen to them in the future to protect and improve important public toilets sites, whilst also balancing the costs of what we can afford.

It was based on some guiding principles to try to ensure we get the right toilet in the right place, these factors included:

- How much the public toilets are used.
- The proximity to other sites and walking distances for people to find a toilet.
- Possible alternative uses, some of which could include public toilets provided by other businesses or organisations or additional amenity uses such as cafes and community facilities.
- Opportunities for innovation, such as asking people to pay to use the toilets so we can continue to provide and invest in them.

The results of the consultation can be found here: [Public Toilet Review - East Devon](#)

- 1.3 A decision was made by Cabinet in December 2021 as to which sites to retain (referred to as CAT A sites) and those sites to dispose of leasehold, either to Town or Parish Councils, or to commercial tenants (referred to as CAT B & C sites). In both instances, the preferred outcome at those B & C sites was a retained publicly accessible toilet provision, albeit most likely at a reduced scale, with repurposing of the remainder of the building which would then generate an income to help maintain and operate the facility. It is worth noting that as part

of the consultation exercise we included the draft heads of terms to parish & town councils – these received no adverse response.

1.4 On 25<sup>th</sup> November 2021 to inform the Cabinet decision of December 2021 a report was presented to Overview Committee, attached here as a background report. The content is self-explanatory and was to provide insight in to the consultation responses and equalities impact assessment. This tested out the proposals and recommendations which were to be put to Cabinet. The debate by Overview resulted in the following recommendations to Cabinet:

- (1) Request that more detailed water usage data for toilets EDDC owned and that toilets are more regularly assessed so they can be broken down to show how popular toilets are at certain points of the day/year.

Usage data will be retrieved through installation of the paid access equipment.

- (2) Request that Town/Parish Councils are offered one final opportunity to retain Category B and C toilets if leases with community partner organisations cannot be struck within 12 months

In reality all CAT B and C sites were offered to Parish and Town Councils before marketing commenced. We've also done this extensively through allowing extra time – extended from 31<sup>st</sup> March 2023 to 31<sup>st</sup> March 2024. Following unsuccessful negotiations in Honiton and Budleigh Salterton Officers then notified those Town Councils prior to marketing, that those sites would now be marketed.

- (3) Request that the council write to all local businesses and make a powerful case for them to offer the use of their toilets to non-paying customers who may have disabilities and illnesses that are not always visible, given the findings of the local consultations which shows the high extent of local need.

This is to follow once all Cat A's refurbished and B&Cs transferred.

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

Cabinet resolved to introduce charging on CAT A sites once upgraded.

- (5) Acknowledge the historic, well-publicised and in parts still live, legal and governance issues within Honiton Town Council and in the fact that they require extra time to make finances and resourcing available for taking over King Street public toilets despite their early inclined desire and to make a special case to keep these toilets open for a further two years rather than one to allow time for them to make the necessary arrangements to inherit and manage the asset.

Additional time given in Honiton.

- (6) Write to the Secretary of State for Housing, Communities and Local Government to request that he lobbies the Treasury for a fund be created to help Councils further invest in public toilet provision and to make toilets a mandatory rather than discretionary service given their positive role in ensuring people with health issues can live their lives.

Focus has been on delivery of outcomes and this letter is still required – can now be drafted to include updated increased build cost estimates. In the meantime the Government have issued grant funding for Changing Places toilets and we have successfully bid for and received funding, as detailed within this report.

1.5 Council then approved the use of the Transformation Reserve to keep those sites open for up to a year until January 2023 and until a later date of end of April 2023 for King's Street in

Honiton due to the changes the Town Council were experiencing at that time. If Parish & Town Councils did not wish to take sites on then those sites would be marketed for commercial purposes, initially with a retained publicly accessible toilet provision, but thereafter without. Council also approved the use of the Transformation Reserve to assist with legal and transfer fees for town or parish councils taking on the running of any CAT B & C sites.

- 1.6 Throughout 2022 Officers worked through marketing and transfer discussions with town & parish councils and the commercial sector. Exmouth Town Council had been clear that they did not wish to take on any sites but the Assistant Directors for Place, Assets & Commercialisation and for StreetScene met in spring / early summer with Honiton Town Council, Budleigh Salterton Town Council, Sidmouth Town Council, Seaton Town Council and Colyton Parish Council to discuss them taking over CAT B & C sites. Sidmouth and Seaton Town Councils were not interested in taking on such sites but were keen to work with EDDC to deliver a good public toilets outcome for their towns. Honiton, Budleigh and Colyton all expressed interest in taking on site/s. Whilst Colyton initially moved more slowly, EDDC progressed heads of terms with both Honiton and Budleigh Salterton Town Councils –

King's Street in Honiton  
Station Road and initially Brook Road in Budleigh Salterton

in accordance with the principles included as part of the consultation back in 2021. Whilst good early progress was made, after 8 months of negotiations, both Councils withdrew their interest.

Officers also marketed other sites that towns & parishes had not expressed any interest in, namely –

Marsh Road, Seaton  
Harbour Road, Seaton  
Seaton Hole, Seaton  
Maer, Exmouth  
Orcombe Point, Exmouth  
Imperial Road, Exmouth  
Jarvis Close, Exmouth  
Brook Road, Budleigh briefly and after Town Council had withdrawn their interest

Note: Further detail on each site is included in the 2<sup>nd</sup> table below.

- 1.7 In early 2023 Officers reported to Cabinet, then in March 2023 to All Councillors on the challenges of securing interest in the CAT B & C sites. Some successes had been achieved in securing repurposing of buildings to incorporate a continuing publicly accessible toilet provision, but this success (then) had been entirely with the commercial sector – granting of 25 year leases at a discounted rent to reflect the use to which they were putting the building to. The commercial sector had most definitely stepped up to the challenge, embraced the business model and we had some really exciting repurposing projects, albeit complexities around adjacent land interests and the need for planning consent for changes of use and building works meant that sites would still be with EDDC as of 1<sup>st</sup> April 2023 and through the summer season. Town Councils on the other hand, who were being granted very favourable 99 year leases at a nominal peppercorn / £1 rent were seeing the Council's heads of terms as too onerous, restrictive and seeing the projects as

risky despite perceived early progress having been made with them in the summer of 2022. The heads of terms to parish & town councils was included in the 2021 consultation reflecting earlier debate in Cabinet, being that the lease length should be long enough to allow those taking them on to raise investment, but that there should be control over the requirement to provide some form of publicly accessible toilet, hence the lease basis. The lack of appetite by the towns and parishes to step forward and maintain a toilet provision at these locations due to their perception of the level of risk involved balanced by the level of control EDDC wished to retain. Officers' disappointment had been compounded by the fact that these concerns were not raised initially by Towns & Parishes when negotiations commenced and had generally taken from spring 2022 to early 2023 to be raised. Honiton Town Council though had from early on in discussions pushed for a freehold transfer, something which EDDC could not support based on other provisions within the heads of terms and the challenges created then through enforcing any user covenants along with the basis of the previous consultation and decisions reached.

- 1.8 Mindful of the risks around the April 2023 cut-off date for CAT B & C sites, with at that time no leases agreed to parish or town councils, nor any leases completed to commercial tenants, the 31<sup>st</sup> March 2023 cut-off was postponed due to the natural delays we had experienced in negotiations since spring 2022. An additional £200K from the transformation reserve was agreed to be made available for 2023/24 as a provisional sum to enable the CAT B & C toilet sites (those open) to remain open. Seasonal sites up until the end of 2023 season, and for all-year-round sites, to 31<sup>st</sup> March 2024. This gave breathing space of 1 year before facilities would close.
- 1.9 The December 2021 Cabinet decision set out that for those sites offered to businesses / community groups, if no offers came forward to include a publicly accessible toilet provision then these were to be marketed for disposal in accordance with the General Disposal Consent (England) Order 2003 and to ensure best value. For sites offered to parish & town councils, if they didn't require the site, we would then market as we've already done at other sites and seek to secure a commercial offering / community use with retained publicly accessible toilet provision, if unsuccessful we'd then follow suit and dispose in accordance with our legal duty to ensure best value.
- 1.10 The realities of the sites mean that even where strong interest has been forthcoming (summer / late 2022 at two such sites), lease negotiations have become complex and conditional hence limited progress during last 6 months. In addition, assuming agreements for lease are entered into, the leases themselves will be conditional on planning consent, in one instance also a third-party landowner granting a lease and thereafter significant remodelling works and investment by the tenant. Nonetheless these specific sites had very good commercial interest, so if they do not complete, alternative additional uses will be possible, but it causes further delays in transferring sites.
- 1.11 The project is broken down into 2 components:
  - CAT A Investment Works – Led by Property & FM Team
  - CAT B & C Disposals – Led by Estates Team

Both projects now being led / coordinated by Assistant Director – Place, Assets & Commercialisation, with significant input by Assistant Director – StreetScene, who produced the original review and framework for this project.

## **2.0 Detailed Project Update**

### **2.1 CAT A rebuild update:**

- Consists of 15 sites as set out in table below.
- Approved capital budget £3.4m (£3.15m + £250K)
- In addition, secured £242K from DLUHC towards Changing Places facilities at 4 sites— must be delivered by 31<sup>st</sup> March 2024 so these sites included in phase 1.
- Phase 1 will provide for a more manageable works programme but also enable incorporation of lessons learnt into phase 2.
- Due to scale of programme, we've procured through framework contract a dedicated project manager/ design/ delivery support etc through Kendall Kingscott Ltd (KK) working alongside Healthmatic and others. Consultancy costs are coming from capital budget.
- Focus over the summer months has been on phase 1 projects where KK have been progressing due diligence, survey works including electrical and mechanical and now design works. Officers and consultants have formed the brief through learnings from best practice elsewhere. The brief and design work is further informed by feedback received from Members and through the public consultation back in 2021.
- An off-site modular construction delivery model is being adopted. Advantages:
  - Speed of build
  - Off-site construction – minimising impact on existing sites being closed for unnecessarily long periods
  - Eco-friendly and with less waste
  - Cost-effective
  - High quality construction
- Updated cost plan received in recent weeks indicating that through build cost inflation since the time of the estimates, namely early 2021, and now, an additional budget of circa £1.6m is likely to be needed.
- Planning applications for phase 1 sites expected to be submitted during November 2023. With outline design works now almost complete, will be liaising with Planners for pre-planning advice and commencing detailed design.
- KK relatively confident of delivery of phase 1 sites by 31<sup>st</sup> March assuming no unexpected difficulties – still too early to see if those difficulties might arise. Planning consent and Supplier lead-in remain biggest two risks. Delays in recent months in getting contract with KK signed, deferred project as whilst a letter of undertaking was issued to KK, they were not able to appoint sub-consultants. Contract eventually signed last week following externally procured legal advice.
- With progress in recent weeks having significantly ramped-up along with Design Team Meetings with Officers and KK, weekly project meetings now take place with PAC & StreetScene.

### **Category A public toilets – Sites to be retained and invested in by EDDC**

<b>PC Name</b>	<b>Town</b>	<b>Built</b>	<b>Refurbishment</b>	<b>Position Statement 10.10.23</b>
West Street Car Park Public Conveniences	Axminster	1980	1995, Due 2018/19	Main programme for winter 2024/25
Cliff Path (West End/Steamer) Public Conveniences	Budleigh Salterton	c.1950?	1994, 2010, Due 2028	Main programme for winter 2024/25
East End (Lime Kiln) Public Conveniences	Budleigh Salterton	c.1960?	1994, 2011, Due 2029	Phase 1 project for winter 2023/24. Includes DLUHC funded adult changing places facility
Jubilee Gardens Public Conveniences	Beer	1980	1996, Due 2020/21	Main programme for winter 2024/25
Foxholes Car Park Public Conveniences	Exmouth	1983	2004, Due 2023/24	Phase 1 project for winter 2023/24. Includes DLUHC funded adult changing places facility
Magnolia Centre (London Inn) Public Conveniences	Exmouth	c.1980	2003, Overdue 2016/17	Main programme for winter 2024/25
Manor Gardens Public Conveniences	Exmouth	c.1939?	2012, Due 2030	Main programme for winter 2024/25
Phear Park Public Conveniences	Exmouth	1976	1998, Due 2022/23	Main programme for winter 2024/25
Queens Drive Public Conveniences	Exmouth	2014	Due 2032	Main programme for winter 2024/25
Lace Walk Public Conveniences	Honiton	c.1990	Due 2021/22	Phase 1 project for winter 2023/24
West Walk Public Conveniences	Seaton	c.1960?	2009, Due 2027	Phase 1 project for winter 2023/24. Includes DLUHC funded adult changing places facility
Connaught Gardens Public Conveniences	Sidmouth	c.1960?	1994, Due 2021/22	Main programme for winter 2024/25
Triangle Public Conveniences	Sidmouth	c.1930?	1994, 2013, Due 2031	Main programme for winter 2024/25
Market Place	Sidmouth	?	?	Main programme for winter 2024/25 Sidmouth was due a net decrease of 1 site under the review. In discussion with Town Council desires to retain geographic locations are being worked through. To enable this Market Place site is reducing footprint, with new site at Ham. Publicly accessible toilet to be provided by others at Port Royal.
Ham car park – New Site	Sidmouth	N/A	N/A	Phase 1 project for winter 2023/24. Includes DLUHC funded adult changing places facility so was not initially included within the Toilets Review Project. However, taking on board concerns from Town Council about loss of cubicle numbers at Port Royal, this site provides opportunity to locate

				2 cubicles alongside changing places facility. Additional cost will be incurred but marginal in comparison to a self- contained block.
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## 2.2 Category B & C public toilets sites

The table below summarises the current position at each B & C site.

Site	Current Position	Next Steps & Estimated Handover Date	Toilet provision in place for April 2024?
Exmouth – Orcombe Point	<p>Heads of Terms agreed and Legal Services instructed late 2022. Proposal includes publicly accessible toilet provision and exciting repurposing of remainder. Agreement for lease to be entered into and with a longstop date of 12 months from signing. On grant of planning consent and consents needed from 3<sup>rd</sup> party, the lease will then automatically be entered into.</p> <p>The transaction has been delayed for past 6 months due to a request to 3<sup>rd</sup> party being needed.</p>	<p>Will almost certainly remain in EDDC ownership for the 2024 summer season.</p> <p>Conclude agreement for lease in winter 2023/24 which will then run for 12 months. At best, building works in winter of 2024/25.</p>	No
Exmouth – The Maer	<p>Heads of terms almost agreed. Includes publicly accessible toilet provision and exciting repurposing of remainder. Leased area to include outdoor space too. Agreement for lease to be entered into and with a longstop date of 12 months from signing. On grant of planning consent, the lease will then automatically be entered into.</p> <p>External seating and the sale of hot &amp; cold drinks and snacks is permitted along with the ability to hold external events.</p>	<p>Considering the need to finalize legals, obtain planning consent and mobilize contractors, will almost certainly remain in EDDC ownership for the 2024 summer season.</p> <p>Conclude agreement for lease in winter 2023/24 which will then run for 12 months. At best, building works in winter of 2024/25.</p>	No
Exmouth – Imperial Road	<p>Marketing in early summer 2022 generated a good level of interest. Exmouth Town Council expressed interest in taking a lease to provide an eco- hub alongside a publicly accessible toilet provision. Heads of Terms issued in 2022 but progress stalled awaiting decision on whether want to proceed or not. Another interested party we believe is still interested.</p> <p>Town Council's interest has delayed this repurposing since summer 2022. Having expressed interest in summer 2022, heads of terms were issued but Town Council were unable to progress until a formal</p>	To write formally to ETC.	No



	decision had been made by Councillors which itself required the commissioning of a business plan. During September 2023 EDDC Officers met with ETC Officers.		
Exmouth – Jarvis Close	<p>Awaiting decision by Housing Taskforce on site including wider car park. Had been expected winter / early Spring 2023 following interest by Taskforce in summer 2022.</p> <p>Taskforce submitted pre-application advice from Planners in September 2023. Following any feedback, if still of interest, will progress to due diligence and viability assessment. Decision unlikely for say 6 months.</p>	<p>Facility has been closed throughout and since pandemic, so no need to re-open ahead of decision.</p> <p>Await update from Housing Taskforce during winter 2023/24. If not interested, will market it either with / without car park. Clearly much more attractive as development site with car park. As toilets already closed, no need to market to include toilets provision.</p>	N/A as already closed
Seaton – Seaton Hole	Short term ongoing public toilet provision secured through incorporating into main lease of takeaway.	Short term future of toilets secured.	Yes
Seaton – Harbour Road	<p>After two rounds of marketing for a repurposing of building with publicly assessable toilet provision – 1<sup>st</sup> in summer, 2<sup>nd</sup> in autumn 2022, no offers had been received which score sufficiently highly in the weighted scoring matrix to be taken forward.</p> <p>During 2023 Officers have been working with a 3<sup>rd</sup> party. High level design work complete and looks very promising and heads of terms are being worked up.</p>	<p>If a credible proposal comes forward then legals can be progressed during winter 2024/25.</p> <p>Considering the need to finalise legals, obtain planning consent and mobilize contractors, will almost certainly remain in EDDC ownership for the 2024 summer season.</p> <p>If progress with 3<sup>rd</sup> party, conclude agreement for lease in winter 2023/24 which will then run for 12 months. At best, building works in winter of 2024/25.</p>	No (but commitment already made by EDDC that a public toilet provision will be continued in some form)
Seaton – Marsh Road	<p>Marketed extensively through 2022. One offer received which included for a publicly accessible toilet provision along with a re-purposing. Offer then withdrawn.</p> <p>During 2023 Officers have been working with a 3<sup>rd</sup> party and a more appropriate proposal is now coming forward. High level design work complete and looks very promising and heads of terms are being worked up.</p>	<p>If a credible proposal comes forward then legals can be progressed during winter 2024/25.</p> <p>Considering the need to finalise legals, obtain planning consent and mobilize contractors, will almost certainly remain in EDDC ownership for the 2024 summer season.</p> <p>If progress with 3<sup>rd</sup> party, conclude agreement for lease in winter 2023/24 which will then run for 12 months. At best, building</p>	N/A as already closed.

		works in winter of 2024/25.	
Budleigh Salterton – Brook Road	<p>Town Council rejected.</p> <p>Awaiting decision by Housing Taskforce on site including wider car park. Had been expected winter / early Spring 2023 following interest by Taskforce in summer 2022.</p> <p>Taskforce submitted pre-application advice from Planners in September 2023. Following any feedback, if still of interest, will progress to due diligence and viability assessment. Decision unlikely for say 6 months.</p>	<p>Facility has been closed throughout and since pandemic, so no need to re-open ahead of decision.</p> <p>Await update from Housing Taskforce during winter 2023/24. If not interested, will market it either with / without car park. Clearly much more attractive as development site with car park. As toilets already closed, no need to market to include toilets provision.</p>	N/A as already closed
Budleigh Salterton - Station Road	<p>Town Council had been interested but after 8 months of negotiations have confirmed they no longer wish to proceed. Letter received 01/02/23 confirming that members felt heads of terms were too inflexible, the cost of any future refurbishment was too great and the day-to-day cleaning and maintenance was too costly. In the last meeting with them in early January amongst their requests had been for a much shorter lease and with a tenant break option every 5 years.</p> <p>With Town Council not being interested, the site has been marketed during late summer. Only one offer received but it doesn't provide toilet provision and they aren't proposing to pay a rent. We'll need to work out what the alternative options for this site are, given the existing supply to the site could possibly be used for EV charging points.</p>	<p>An ongoing toilet provision has been found not to be possible – either through Town Council or through marketing.</p> <p>Decision needed on whether to now market without toilet provision, or to demolish and convert to car spaces possibly for EV's.</p>	No
Colyton – Dolphin Street	On 9 <sup>th</sup> October Parish Council have resolved to take on this site.	Being a Parish Council and with their proposals being phased, if legals can be concluded it is hoped that the Parish could provide the public toilet from 1 <sup>st</sup> April 2024.	Possible
Honiton – King Street	After 6 months of negotiations Town Council confirmed it no longer wished to proceed in November 2022. Similarly to Budleigh Salterton they sighted risk, cost and lack of flexibility.	A business case to be prepared to consider commercial disposal (without toilets) or demolition and use as car spaces.	No

	The site was marketed in late summer 2023 to include for a public toilet. No offers received.		
Sidmouth – Port Royal	To be incorporated into Rockfish development of Drill Hall site. Heads of terms (subj to contract) signed June 2023 requiring new toilets to be provided by 1 <sup>st</sup> April 2024, failing this they need to provide temporary facilities, and from a later date, pay financial penalty if fail to deliver.	Current timings provide no assurance that a public toilet will be operational by April 2024.	No

2.3 As an aside, Newton Poppleford Parish Council has now served notice to terminate their lease of the existing public toilets. EDDC will need to consider how to remarket (i.e. with / without public toilets). Parish Council comments confirm that there is limited user demand for these toilets.

2.4 As set out in the table, at this point in time it is looking very unlikely that when EDDC budget ends on 31<sup>st</sup> March 2023, that any other operator will be in a position to take over running of the public toilets. This is of concern to the project and requires further consideration as to how the Council can seek to achieve the outcomes it was seeking – whereby others take on sites and retain a publicly accessible toilet provision.

### **3.0 Summary of current position**

- The outcomes and decisions of the Toilet Review which were agreed, were sound decisions following a lengthy and detailed assessment of needs but also having listened to parish, towns and others through the consultation. It is disappointing that towns and parishes in general have not stepped forward and shown willingness to take sites on.
- It is likely that EDDC will require circa £1.6m of additional budget to complete the CAT A investment works in the winter of 2024/25. The condition of the sites is such that we couldn't continue operating without needing to invest.
- The issues we face are not a consequence of any failings in the Toilet Review, albeit yes it had been hoped parishes & towns would step forward, and yes we'd hoped the commercial interest would have crystalised more quickly into leases, repurposing and investment – the issues instead are around the timings of delivery. The early stages of this project, including public consultation were during the latter stages of the covid pandemic and therefore progress was challenging. The project has also been plagued by unprecedented build cost inflation, impacting both on EDDC's capital costs but also those of others.
- Within the Toilet Review we'd included a stepped sequence:
  - For those being offered to Parish / Towns, if they didn't want them, then market with toilets, then without.
  - For those not being offered to Parish / Towns, market with toilets, then without.

**Financial implications:**

The Council made the decision to retain the direct public toilet provision of Category A toilets as defined in the report, it should be noted that not all Councils continue to provide toilets directly because of the affordability. The investment required and ongoing costs necessitated the need to only fund Category A toilets and members agreed to the logic and provision of these key toilets. Currently the cost in retaining the other toilets (Non Category A) is being met from reserves at £200k per annum and if the decision is made to retain these there would be requirement of several million in upgrade costs.

**Legal implications:**

As this report is seeking views on next steps, there are no legal implications directly arising. However, there will be legal steps that need to be taken once Members have determined the approach to be taken and appropriate advice will be provided by the legal team at that stage.

Report to: Overview Committee

Date of Meeting 9 November 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



## Scrutiny Protocol

### Report summary:

To consider a draft Protocol for the Overview and Scrutiny Committees

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

- (1) That Scrutiny consider and recommend changes to the draft Scrutiny Protocol attached at Appendix A
- (2) Alongside any changes recommended by the Overview Committee and Cabinet and taking into account any feedback from the review by the Centre for Governance & Scrutiny, that the draft Scrutiny Protocol be recommended to Members for approval in early 2024

### Reason for recommendation:

To ensure that the role of the Scrutiny Committees and the relationship with the Cabinet is clear, effective and is consistent with best practice

Officer: Melanie Wellman, Monitoring Officer [melanie.wellman@eastdevon.gov.uk](mailto:melanie.wellman@eastdevon.gov.uk)

### Portfolio(s) (check which apply):

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

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk

**Links to background information**

## [Link to Council Plan](#)

Priorities (check which apply)

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

### Report in full

- 1.1 The Centre for Governance & Scrutiny (CfGS) has identified the following four principles which underpin effective scrutiny:
    - Providing a constructive ‘critical friend’ challenge to the Cabinet as well as outside agencies.
    - Reflect the voice and concerns of the public and its communities.
    - Be led by independent people who take responsibility for their role.
    - Drive improvement in public services.
  - 1.2 There are three further components of good scrutiny and good governance which support and reinforce these principles. These are:-
    - Accountability – where responsibility for services and decisions is clear and those holding responsibility can and are answerable for success and failure;
    - Transparency – publication of information relating to services and decisions to allow people to hold decision-makers to account;
    - Involvement – whereby a range of stakeholders can play an active role in holding to account and influencing policy.
  - 1.3 The relationship between Cabinet and Scrutiny is governed in part by law and in part by the Council’s Constitution. To assist Members of the Council’s Scrutiny Committees, all Members of the Cabinet and Senior Officers who attend before a Scrutiny Committee, a Protocol has been produced at Appendix A to this report. This Protocol provides guidance on the various ways in which Members and Senior Officers are required to interact with the Scrutiny Committees to enable the Authority to carry out an effective Scrutiny function. It also sets out the expectations of Members, Senior Officers and the Committee when carrying out those Scrutiny functions.
  - 1.4 Members are invited to consider and recommend any changes to the draft Protocol. Such changes to be taken into account, alongside any changes requested by the Overview Committee, Cabinet Members and taking into account any recommendations from the review by the Centre for Governance & Scrutiny in November 2023. A final draft of the Protocol to be presented to members early in 2024.
- 

### **Financial implications:**

There are no financial implications directly arising from this report

### **Legal implications:**

The requirement for local authorities in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011. The Government issued Statutory Guidance in relation to Overview and Scrutiny Committees in May 2019. In addition, the Centre for Governance & Scrutiny has issued guidance,

both of which have been taken into consideration in the developing of the attached Scrutiny Protocol.

# SCRUTINY PROTOCOL

## 1. Effective Scrutiny

- The Centre for Governance & Scrutiny has identified the following four principles which underpin effective scrutiny: -
  - Providing constructive “critical friend” challenge to the Cabinet as well as outside agencies.
  - Reflecting the voice and concerns of the public and its communities.
  - Being led by independent people who take responsibility for their role.
  - Delivering improvement in public services.
- There are three further components of good scrutiny and good governance which support and reinforce these principles. These are: -

**Accountability** – where responsibility for services and decisions is clear and decision-makers are answerable for success and failure;

**Transparency** – involving publication of information relating to services and decisions to allow people to hold decision-makers to account;

**Involvement** – whereby a range of stakeholders can play an active role in holding to account and influencing policy.

## 2. Objectives

2.1 The objectives of this Protocol are:

(i) to establish a positive framework and build upon the procedures laid out in the Council's Constitution, which exist to enable the Scrutiny Committees to work effectively;

(ii) to maximise the personal effectiveness of Scrutiny Members, Cabinet Members and officers by enabling them to fully understand their powers, roles and responsibilities in relation to the Scrutiny function;

(iii) to promote and maintain an ethos of mutual respect, trust and courtesy in the inter-relationships between Scrutiny Members, Cabinet Members and officers and a climate of openness that leads to constructive, yet challenging, debate;

(iv) to create a culture of holding the Cabinet to account on behalf of the electorate, by monitoring the effectiveness of the Council's policies and through the regular review of its performance in relation to service delivery, with a view to ensuring service improvements;

(v) to define and clarify the role of the Cabinet as an integral component of the Scrutiny process; and

(vi) to achieve an appropriate level of alignment between the work of Scrutiny and the policies and priorities of the Cabinet and also to the work of the Audit and Governance, Regulatory and Inspection bodies.

## 3. Constitution

3.1 More Information on the Scrutiny process can be found in the Council's Constitution. In summary, within their terms of reference, Scrutiny Committees may:

(i) review or scrutinise decisions made or other actions taken in connection with the discharge of any of the Council's functions (including the draft budget), but with exception of



any matter which is specifically identified in the terms of reference of any other Scrutiny Committee;

(ii) enable members to refer matters relevant to the functions of the Committee to it and should it decide not to exercise those functions further, to give reasons to the member(s) concerned;

(iii) make reports and / or recommendations to the full Council and / or the Cabinet in connection with the discharge of any functions;

(iv) assist the Council and the Cabinet in the development of the policy framework and budget;

(v) consider any matter affecting the area or its inhabitants; and

(vi) exercise the right to "Call-In" for consideration, decisions made but not yet implemented by the Cabinet.

#### **4. Role of the Scrutiny Committees**

4.1 One of the fundamental principles of Scrutiny is the ability to hold the Cabinet to account. The principle of the "Cabinet" style of local government is that, by having a small Cabinet responsible for decision-making, the decision-making process will be quicker and more efficient. However, local people need to be assured that this small group of Members are making decisions effectively and acting in the best interests of the local community they serve.

4.2 Holding the Cabinet to account can involve scrutinising Cabinet decisions at a number of different stages of the decision-making process:

- before decisions are made,
- before they are implemented and
- after they are implemented.

4.3 Holding the Cabinet to account shouldn't be about confrontation. It is more about non-Cabinet Members providing a "critical friend" challenge to the Cabinet and individual Cabinet Portfolio Holders.

4.4 It should be remembered that Scrutiny is not about challenging individuals or personalities but is about challenging decisions and securing improvement where possible. Neither should holding the Cabinet to account be about party-political loyalties.

4.5 There are a number of ways in which the Scrutiny process can operate:

- using the "Call-in Procedure", whereby any individual Member can, within 5 days of publication of a Cabinet decision, challenge or "call in" the decision. This usually leads to the relevant Scrutiny Committee meeting reviewing the decision and the Committee may make specific recommendations to the Cabinet.
- "Requests for Consideration" – any Member can request the inclusion of an item on any Scrutiny Committee. All Members routinely receive an electronic link to all Cabinet agendas.
- examining the Cabinet's Forward Work Programme, which will be published on a monthly basis. The Work Programme will (as far as is possible to do so) give advance notice of issues to be considered by the Cabinet and the date upon which this will take place. This provides an early opportunity for Scrutiny Members to

identify forthcoming issues and to review whether it is considered Scrutiny should play a part in the process. It is also essential that the Cabinet Work Programme is taken into account when Scrutiny committees are drawing up their own Work Programmes;

- calling the Cabinet Portfolio Holder to give account. This may be in relation to an item being considered by the full Scrutiny Committee or the work of a single-issue Task and Finish Group or an annual update on their work;
- specific meetings with Cabinet Portfolio Holders;
- receiving updates on Cabinet responses to Scrutiny Committee recommendations (known as “decision-tracking”).

## **5. Working relationship between Cabinet and Scrutiny**

5.1 The relationship between Cabinet and Scrutiny is governed in part by law and in part by the Council’s Constitution.

5.2 Cabinet and Scrutiny have very different functions and responsibilities. However, the aim of both is to secure the best outcomes for the people who live and work in the District of East Devon.

5.3 The following four principles set out how the working relationship between Cabinet and Scrutiny should operate:

1. Cabinet and Scrutiny recognise that they each have different functions and responsibilities and the contribution that both can make to securing the best outcomes for residents.
2. Cabinet and Scrutiny will work alongside each other in a positive manner. Cabinet recognises that scrutiny has a number of rights, such as “Call-In” and requiring Cabinet Members to attend its meetings and will respect those rights. Scrutiny Committees will exercise those rights responsibly.
3. All participants in the working relationship between Cabinet and Scrutiny will look to work within a spirit of mutual respect and constructive challenge.
4. The relationship will be open and transparent.

## **6. Scrutiny Work Programmes and Agendas**

6.1 Scrutiny is most effective when it is focused on a limited number of in-depth topics and priorities. When considering agenda items, Scrutiny Committees should have regard to the likely value and impact gained from any report or review. This will need to be carefully balanced against the time and resources required to undertake the activity. To be effective, Scrutiny Committees need to focus on strategic issues where it can make an impact. Cross-cutting issues which affect communities across the district rather than single ward issues should be the focus.

6.2 Forward Work Programmes will be prepared to list the subject matters of decisions that the Cabinet intend to take and what business the Scrutiny Committees will be considering and when those matters will be discussed. This does not prevent urgent or unforeseen matters being considered. Each of these bodies will be responsible for their own Work Programmes. Annual Forward Work Programmes will be prepared from the beginning of the Municipal Year.

6.3 Regard should be paid by Scrutiny Committees to the need to take into account alignment with the Work Programmes of Audit and other Committees.

6.4 The Cabinet may also request a Scrutiny Committee to assist in undertaking a review to help policy development.

6.5 The Cabinet Forward Programme will include details (as far as is known) of those areas which it is intended will be subject to "Pre-Cabinet Scrutiny" prior to a formal decision being made. This Work Programme should, in turn, form a key element, when the Work Programmes of the Scrutiny Committees are being drawn up.

6.6 Consideration of what items are intended to be subject to "Pre-Cabinet Scrutiny" should be carefully undertaken by the Leader and Cabinet Members. A consistent approach should be adopted when deciding on such items.

6.7 Usually at the first meeting in the Municipal Year, each Scrutiny Committee will consider and determine its priorities for the coming year, which are to be included in the Work Programmes. Again, it is essential that the Cabinet Work Programme is taken into account when Scrutiny committees are drawing up their own Work Programmes.

6.8 The appropriate Cabinet Member(s) may be invited to attend to comment on the Committee's proposed priorities within the Work Programme. This will inform the selection process and the Cabinet Member(s) may be invited to assist the Committee by providing advice on potential conflict between proposed Scrutiny topics and areas of planned policy development.

6.9 Scrutiny Committees' Work Programmes will be monitored on a regular basis, with advice provided by officers as to when reports will be presented. This will also allow the Members of the Committees to regularly review and update their work programmes.

6.10 The work programmes of Audit and Regulatory Committees should be closely aligned to the Scrutiny Committees' work programmes, with relevant reports presented to Members in a timely and consistent manner.

6.11 Scrutiny Committee agendas will, at regular intervals, include any relevant performance management information available. The purpose of this item will be to assist Members with monitoring the performance of services against key targets and to make recommendations.

## **7. Agenda setting meetings**

7.1 Agenda planning for individual meetings of Scrutiny Committees will revolve around a system of "agenda setting" meetings. These are recognised as an invaluable mechanism in the Scrutiny process. In attendance will be the Chair and the Vice-Chair and the relevant senior officers.

## **8. Scrutiny Reports**

8.1 Reports may be submitted to a Scrutiny Committee by one of the following routes:

- (i) Report referred to a Scrutiny Committee by Cabinet for consideration;
- (ii) Report submitted directly to a Scrutiny Committee as part of its Work Programme;
- (iii) As a result of the "Call-In" procedure;
- (iv) As a result of a "Request for Consideration" item submitted by a Member;

(v) in the form of a reference from another Scrutiny Committee or other Committee (e.g. Audit and Governance Committee).

8.2 Reports which are “for information” should be disseminated to Members outside of the formal Cabinet and Scrutiny Committee agenda arrangements via the Democratic Services Team.

## **9. Conduct of Meetings**

9.1 Scrutiny Committees should seek to promote an atmosphere of openness and should strive to ensure that questioning and debate takes place within a climate of mutual respect and trust between Scrutiny Committee Members, the Cabinet Member(s), Officers and other participants.

9.2 Scrutiny Committee Members should normally be prepared to ask searching and challenging questions of Cabinet Members and Officers, who, in turn, should be willing to respond to any question put. However, Scrutiny Committee Members should be aware of, and show an understanding, of the fact that Cabinet Members and Officers may not always be in a position to answer every question immediately or in detail.

9.3 Cabinet Members should, in so far as possible, anticipate and be prepared to answer questions on decisions taken, or proposed to be taken, which fall within their remit. Cabinet Members should also value the contribution of Scrutiny Committee Members who raise questions and should respond in an appropriate and professional manner.

9.4 The Chair of the meeting shall at all times ensure that the conduct of the meeting shall be fair and that all participants are treated courteously.

9.5 Officers will be asked questions by Committee Members in a dignified and respectful manner. Responses should be clear and concise with Officers mindful that members of the public, who may be present, may not have a full in-depth knowledge of the topic being discussed.

9.6 The Chair, supported by the Officers, should provide leadership and guidance to the Committee on all Scrutiny matters and should promote the Committee’s role to improve services and monitor the effectiveness of Council policies.

9.7 Meetings of Cabinet and Scrutiny Committees are subject to the relevant provisions in the Council’s Constitution, including that they must normally be held in public, unless factors allowed for by law and the Council’s Constitution are judged to require consideration of a matter with the public and press excluded.

9.8 Meetings should be carried out in a business-like, non-aggressive and non-confrontational manner, with courtesy extended to all participants.

9.9 Members should have regard to the Members’ Code of Conduct and the Protocol on Member/Officer Relations as set out in The Council’s Constitution.

9.10 Scrutiny Committee meetings should be held using a room layout appropriate for the business to be conducted.

9.11 Scrutiny Committees and Scrutiny work should be conducted in a non-party political manner.

## **10. Attendance by Cabinet Members**

10.1 Each Scrutiny Committee Chair will have discretion when deciding upon whether a Cabinet Member is required to attend a Committee meeting. It will be common for Cabinet Members to be invited to attend a Scrutiny Committee meeting for the purpose of being held to account in relation to decisions taken.

10.2 Cabinet Members are also encouraged to attend meetings to listen and gauge the views of Scrutiny Members on any issues falling within their remit.

10.3 An open discussion and exchange of views will be of importance to the Cabinet Member(s) and Scrutiny Members, particularly where consideration is being given to the development of the Council's budget or policy framework.

10.4 Depending on the nature of the agenda item, either the Cabinet Member or Senior Officer will be asked to present the item. Members of the Committee should be aware that although officers can reply to specific questions regarding the operational performance of a service, the reasoning behind why a decision was made should be directed to the Cabinet Member(s).

10.5 If a Cabinet Member is required to attend a Scrutiny Committee for a specific reason, then they should receive sufficient notification of why they are being invited to the meeting. This should be, if possible, notified to them in writing, and copied to the Committee Members so everyone understands the basis on which they are attending. The Overview and Scrutiny Procedure Rules in the Constitution set out the procedure that needs to be followed for requiring a Cabinet Member to attend.

## **11. Annual Portfolio Holder Reports**

11.1 Each Cabinet Member will be invited to present an annual report once during the Council year. The report should summarise the work undertaken since the last report.

11.2 Members of the Committee may submit questions on the portfolio to the Democratic Services Officer at least one month before the report is due.

11.3 The Cabinet Member will present the report at the meeting, after which the Committee will have the opportunity to ask any further questions, to clarify points and to scrutinise the report and the work of the portfolio in more depth. The Cabinet Member will have up to 10 minutes to present the report and it will be assumed that the Committee will have read the report in advance. A total of 35 minutes will be allowed for questions. The range of responses available to the Cabinet Member are set out in paragraph 13.

## **12. Attendance by Senior Officers**

12.1 Meetings of Scrutiny Committees will normally be attended by Senior Officers with responsibility for any agenda item under discussion. Senior Officers include the Chief Executive, Directors, Assistant Directors or Service Managers. The role of the Senior Officer will be to assist the Committee through the provision of professional advice and to ensure access to relevant information and personnel. However, where the agenda item relates to a "Call-In", the relevant Cabinet Member will respond in the first instance.

12.2 The Overview and Scrutiny Procedure Rules in the Constitution set out the procedure that needs to be followed for requiring a senior officer to attend and is via a request from the Chair to the Chief Executive.

12.3 Senior Officers will be expected to proactively contribute to a debate on an agenda item. Senior Officers can be required to attend a Scrutiny Committee to present an agenda item report and to answer questions or provide advice regarding operational aspects of a

particular service. This will allow Members to question Officers on the likely impact of any decisions made by the Cabinet and for Members to gather a greater appreciation of reasons why a course of action was agreed upon.

12.4 Members of a Scrutiny Committee will also regularly question Officers about issues affecting the performance of a specific service and to ask for more detail around the level resources available within a service area.

12.5 Officers in attendance at Scrutiny Committee meetings should also be prepared to assist the Cabinet Member in the provision of information to the Committee in response to any question raised.

12.6 A Senior officer in receipt of a request to attend a Scrutiny Committee meeting should make reasonable efforts to do so. Where they are unable to attend on a particular date, they should notify the Chair (or relevant Officer within Democratic Services) as soon as possible, in order to agree the most appropriate course of action, which may include the attendance of an alternative representative.

12.7 Relevant Senior Officers will normally be expected to attend any meeting of a Scrutiny Committee at which it is intended to consider a 'Call-In' request in relation to their service.

### **13. Cabinet Member responses**

13.1 Following a question raised during a Scrutiny Committee meeting, the Cabinet Member may respond in the following ways: -

(i) by way of a direct oral answer;

(ii) where the desired information is in a publication of the Council or other published work, by reference to that publication;

(iii) where an Officer is in attendance at the meeting, who can reasonably be expected to be in a position to give a reply, by referring the matter to the officer concerned;

(iv) where the reply cannot conveniently be given orally, by way of a written answer circulated to all Members of the Committee within five working days; and

(v) where the reply cannot be given within the above timescale, a brief explanation for the delay and the likely timescale for response should be provided to all Members of the Committee.

### **14. Call-in**

14.1 When a decision is made by the Cabinet, the decision shall be published by the Democratic Services team, normally within two working days of the date when the decision was made. The relevant "Call-In" period will expire three clear working days after the publication of the decision.

14.2 If the "Call-In" is accepted by the Chief Executive, the relevant Scrutiny Committee will have the opportunity to discuss and evaluate the merits of the decision. This shall take place within one calendar month of receipt of the "Call-In" request.

14.3 Unless there are extenuating circumstances, the relevant Cabinet Member would be expected to attend a Scrutiny Committee meeting when a "Call-In" is being considered. It is accepted, however, that officers are often better placed to present greater detailed information that led up to the decision and this is deemed to be acceptable, although it should always be the decision-maker that is held to account.

14.4 The following procedure will be followed when a “Call-In” is being considered:

- (i) The Chair outlines the nature of the request;
- (ii) The Member who “called-in” the decision will be invited to explain the reasons for the request;
- (iii) The Chair will then invite the Cabinet Member to respond;
- (iv) The Committee can then ask questions of the Cabinet Member, who may ask a relevant officer to supply further information if necessary;
- (v) The Committee debates the issue and may form recommendations for consideration by the Cabinet or to Full Council, who may, in turn, refer the matter back to Cabinet for further consideration.

14.5 In the event where the relevant Cabinet Member cannot attend a meeting when a “Call-In” is being considered, another Cabinet Member will seek to attend and be accountable for the decision.

## **15. Minutes of meetings**

15.1 The minutes of each Scrutiny Committee will include any recommendations made during a Committee meeting and the reasons for those recommendations. On a quarterly basis, Scrutiny Committees will monitor progress of each recommendation, with updates provided by the relevant Officers.

15.2 Recommendations from the Scrutiny Committees will be referred to Cabinet at the earliest possible opportunity.

15.3 Where Cabinet has decided not to implement a specific recommendation made by a Scrutiny Committee, the reason for not doing so should be minuted. This will be reported back to the Committee on a quarterly basis when the Committee considers its’ “decision tracking”.

## **16. Meetings between Scrutiny Committee Chairs and Cabinet Members**

16.1 Whilst the Scrutiny process is essentially a public one, it is recognised that the development of an informal dialogue between the Scrutiny Committee Chair and the relevant Cabinet Member(s) will enhance the interaction between the two functions. Informal dialogue will be encouraged in order to allow the Cabinet Member(s) to understand the Scrutiny Committee Chairmen’s viewpoints and vice versa.

16.2 Such dialogue will also allow the relevant Scrutiny Committee Chair and the Cabinet Member(s) to discuss major policies and key decisions that are likely to be progressed over the forthcoming months and provide an opportunity for further input into the strategic elements of the work programme.

16.3 Such dialogue could also allow consideration of Audit, Regulatory and Inspection work programmes to take place to ensure that reporting arrangements are well-planned and fully “joined up” (particularly within the context of Forward Work Programming for both Cabinet and Scrutiny).

## **17. Public Speaking at Scrutiny Committee Meetings**

16.1 The Council has published a Guide to Public Speaking at Scrutiny Committee Meetings, intended to enhance the ability of members of the public to speak at meetings of the Council's Scrutiny Committees. A copy of the Guide is attached at Appendix A.



## WHAT TO EXPECT WHEN ATTENDING A SCRUTINY MEETING

This guide provides information on what to expect when attending a Scrutiny meeting. It is split into guidance for observers, guidance on public speaking and guidance for external witnesses.

This guide has been approved and adopted by the Overview and Scrutiny Committees.

### 1. GUIDANCE FOR OBSERVERS:

#### Where and when are the meetings held?

Meetings usually take place in the Council Chamber at Blackdown House, Honiton, East Devon.

Occasionally, alternative times and venues may be used, for an up-to-date schedule of meetings please visit our website or contact us (details are at the end of this guide).

Who will be there?

Membership of the Scrutiny Committees is made up of elected Councillors from all political parties on the Council on a proportionate basis. The Council has an Overview Committee and a Scrutiny Committee. The Council also has a Housing Review Board which is a Scrutiny Committee but due to the different make-up of that Committee, this guidance does not apply.

A member of the Democratic Services Team will be present to provide advice to the Committee and a Democratic Services officer will take minutes at the meeting. A representative of the legal section will also be present to provide legal advice. Other officers with an interest in one or more of the topics on the agenda may also be present.

As Scrutiny meetings are open to the community (unless otherwise stated – i.e., confidential matters are being discussed), members of the community are welcome to attend and the press and media may also be present.

Meetings may involve contributions from a wide range of sources, including members, officers, officers from other public bodies, local businesses, voluntary groups, specialists and other members of the community.

#### What happens when I arrive to attend a meeting?

If you are attending the meeting as an observer, you will be greeted by one of the Democratic Services Officers who will show you to the public seating area and provide you with a copy of the agenda (if available).

#### How will the meeting room be set out?

A typical room layout is shown towards the end of this guide.

#### Will a written record of the meeting be produced?

Minutes of the meeting will be taken and the meeting will be aired via YouTube. The minutes will include a summary of the matters discussed and any recommendations made. They will be submitted to the following meeting for approval by the Committee.

## **2. GUIDANCE FOR PUBLIC SPEAKERS**

### **Who Can Speak?**

Anyone who lives or works in the East Devon District Council administrative area, including Town / Parish Councillors and County Councillors, is entitled to speak at a meeting of one of the Council's Scrutiny Committees provided that they have registered to speak.

### **Where do I sit?**

When it is your turn to speak, the Chair will call you forward to the registered speaker's podium. Once you have spoken, you will be asked to return to the public gallery. The typical room layout is shown towards the end of this guide.

### **How Long Do I Have To Speak?**

Each speaker will have three minutes speaking time.

### **What Can I Speak On At The Meeting?**

A member of the community speaking on an agenda item must address their speech to the item they have registered to speak upon on the agenda and cannot address other agenda items or unrelated business. The right of the community to speak, or indeed to attend, does not apply to business on the agenda in respect of which a resolution to exclude the press and public for the consideration of confidential or exempt business has been carried.

### **What can I not Speak on At The Meeting?**

The right to speak does not apply to the following agenda items: Apologies; Minutes; the Forward Plan, the Scrutiny Work Programme, any agenda item that is not accompanied by a written report or any agenda item for which the Chair has exercised her or his discretion to withdraw the right of public speaking.

The Chair of the committee will have the discretion to stop a speaker before their allotted time has concluded if, in the Chair's view, the speaker is making any comments that are, or appear to be, defamatory, vexatious, discriminatory, contain offensive language, are unrelated to the agenda item under consideration, or behaviour otherwise not appropriate for a Scrutiny Committee meeting.

The right to speak does not include the right to ask any questions of any District Councillor, Officer of the Council, invited attendee, or any other public speaker.

### **How Do I Register to Speak?**

The agendas for Scrutiny Committee meetings are published on the Council's website five working days before the date of the meeting. Members of the community who wish to register to speak at meetings of the Council's Scrutiny Committees should register to speak by no later than 12.00 noon two working days before the meeting by contacting Democratic Services (see the contact details at the end of this guide). Any requests received after this time will automatically be rejected. In addition, no request to speak will be accepted prior to the publication of the Scrutiny Committee agenda. To assist the Committee, Democratic Services will ask you to provide an outline of the issues you wish to raise at least 24 hours prior to the meeting.

### **3. GUIDANCE FOR EXTERNAL WITNESSES:**

If a Scrutiny Committee decides that they would like to invite you to come along to one of their meetings as a witness, the Democratic Services Officer will contact you informally about the process. There is no obligation for people from outside the Council to attend (except where legislation provides otherwise), but by attending you will be making a valuable contribution in helping the members of the Committee to gain an accurate view of the issue/s being discussed. You can nominate another person to come on your behalf if they are fully briefed on the issue. Occasionally, organisations, rather than an individual, are invited to give evidence. In this case, it is up to you to decide who would be most appropriate to attend.

#### **Where and when are the meetings held?**

The Democratic Services Officer will contact you beforehand and provide details of the date, time and location of the meeting. If you agree to come along you will be sent a formal invitation confirming these details.

Meetings usually take place at xpm in the Council Chamber, Blackdown House, Honiton. Occasionally, alternative times and venues may be used, but you will be informed accordingly beforehand.

#### **How can I prepare for the meeting?**

The formal invitation will contain details of the relevant inquiry (including any notes of previous evidence sessions) and the way Scrutiny works at the Council. You will also be provided with an outline of the likely questions to be asked of you or issues to be discussed.

If you have been asked to give a presentation, the Democratic Services Officer will discuss with you beforehand the style and length of your presentation and ask you to provide a copy of any PowerPoint presentation before the start of the meeting. If you haven't been asked to give a presentation but feel that it would be beneficial, please contact the Democratic Services Officer to discuss.

You will be informed of any documents that the councillors wish to have produced for them. Councillors will usually find it helpful if you can prepare a brief paper setting out some of the key facts and issues. Please consult with the Democratic Services Officer co-ordinating the meeting about arrangements for copying and distribution. If you have any further information that you think will aid the inquiry then please send it to the Democratic Services Officer (contact details at the end of this guide) who will make sure that it is put on the agenda or circulated to councillors prior to the meeting. If you have any special requirements, please contact the Democratic Services Officer.

#### **Who will be there?**

Membership of the Scrutiny Committees is made up of elected councillors from all political parties on the Council. A Democratic Services Officer will also be present to provide advice and to take minutes at the meeting. A representative of the legal section will also be present to provide legal advice. Other officers with an interest in one or more of the topics on the agenda may also be present.

As Scrutiny meetings are an important means of democratic accountability and are open to the public (unless otherwise stated – i.e. confidential matters are being discussed), members of the community are welcome to attend and the press and media may also be present.

Meetings may involve contributions from a wide range of sources, including members, officers, County Council employees, NHS employees, education representatives, local businesses, voluntary groups, specialists and other members of the community.

### **What happens when I arrive to attend a meeting?**

One of the Democratic Services Officers will show you to your seat.

### **How will the meeting room be set out?**

Please see the diagram of the typical room layout towards the end of this guide. **To be produced**

### **What happens at the meetings?**

At the beginning of the meeting there will be a number of procedural items of business that the Chair will address, such as approving the minutes of the last meeting and taking apologies from absent members etc. Whilst these are formal meetings of the Council, the structure tends to be much more informal, with free and open discussion.

If there is any information that you do not wish to give in public, you should make this clear to the Chair prior to the meeting. The Council is able to conduct some of its business in private provided that the information in question falls within a number of set criteria such as personal information or financial or business details. These categories are set out by statute – further details are available on request. If a meeting (or part of a meeting) is to be conducted in private, the public and press will be asked to leave and, whilst minutes will be produced, they will only be made available on a restricted basis.

### **What happens when I give evidence?**

We will ensure that all witnesses are treated with courtesy and respect and that all questions to witnesses are made in an orderly manner as directed by the Chair of the meeting.

When it is your turn to speak on your agenda item, the Chair will ask you to introduce yourself and to make your presentation. Once you have finished your presentation Members of the Committee will be invited to ask you any questions.

You should try to be honest and open in your responses and to volunteer relevant information and views, even if not specifically asked by the Committee. If there is factual information available to back up any views which you may have, it will be helpful to refer to this, either directly or by stating the source of the information. You should try to be as precise as possible in your responses. If you do not know the answer to a question, simply say so and if appropriate send us the information after the meeting. Also, if you are only able to give an estimate, for example of costs involved in a project or about timescales, explain that it is only an estimate and not a definitive amount. Explain if there are factors or assumptions which may have a significant impact on any figures or estimates given.

If you are attending on behalf of an organisation, you should make it clear whether any views expressed are personal views or those of the organisation.

### **Will a written record of the meeting be produced?**

Minutes of the meeting will be taken and the meeting will be live-streamed to YouTube. The minutes will include a summary of the matters discussed and any recommendations made. They will be submitted to the following meeting for approval by the Committee and will be published on the Council website.

### **What happens next?**

Following the proceedings, you will be written to (where appropriate) and informed of the outcome.

Once the Committee has finished the review, a report will usually be written to present a full picture of the inquiry and recommendations will be made. If the recommendations are accepted, Scrutiny members will monitor progress on changed policies, procedures etc.

## **4. GENERAL DISTURBANCE**

It is recognised that some matters being scrutinised may be controversial. However, to ensure that business is conducted in an orderly fashion, it is essential that the procedures outlined in this guide are followed. In the event of any disorderly conduct, the following rules will apply:-

- If anyone interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.
- If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as he/think thinks necessary.

Contact details for Democratic Services:-

**To be inserted**

<b>Overview Committee Work Programme 2023 - 2024</b>
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<b>Proposed date</b>	<b>Topic</b>
TBC – keep under review	Overview Proposal Form and Scoping Template
January 2024	Beach Amenity Management Plan
March 2024	Digital Petition Platform: report from the Communications, Digital Services and Engagement Manager
March 2024	Devon Tree Strategy and scope for an EDDC Tree Policy
March 2024	Car Parking Strategy
TBC	Grass cutting in urban areas with the management of re-wilding areas

## EAST DEVON DISTRICT COUNCIL

### Forward Plan of Key Decisions - For the 4-month period: 1 November 2023 to 29 February 2024

This plan contains all the Key Decisions that the Council's Cabinet expects to make during the 4-month period referred to above. The plan is rolled forward every month.

Key Decisions are defined by law as “an executive decision which is likely: –

- (a) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Council's area.”

In accordance with section 9Q of the Local Government Act 2000, in determining the meaning of “significant” in (a) and (b) above regard shall be had to any guidance for the time being issued by the Secretary of State.

**A public notice period of 28 clear days is required when a Key Decision is to be taken by the Council's Cabinet even if the meeting is wholly or partly to be in private.**

The Cabinet may only take Key Decisions in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of the Constitution and the Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012. A minute of each Key Decision is published within 2 days of it having been made. This is available for public inspection on the Council's website <http://www.eastdevon.gov.uk>, and at the Council Offices, Blackdown House, Border Road, Heathpark Industrial Estate, Honiton. The law and the Council's constitution permit urgent Key Decisions to be made without 28 clear days' notice of the proposed decisions having been published provided certain procedures are followed. A decision notice will be published for these in exactly the same way.

This plan also identifies Key Decisions which are to be considered in the private part of the meeting (Part B) and the reason why. Any written representations that a particular decision should be moved to the public part of the meeting (Part A) should be sent to the Democratic Services Team (address as above) as soon as possible. **Members of the public have the opportunity to speak on the relevant decision at the meeting in accordance with the Council's public speaking rules.**

#### **Obtaining documents**

Committee reports in respect of Key Decisions include links to the relevant background documents. If a printed copy of all or part of any report or background document is required, please contact Democratic Services (address as above) or by calling 01395 517546.

<b>Key Decision</b>	<b>Portfolio (Lead Officer)</b>	<b>Documents to be considered before Cabinet take decision</b>	<b>Whether other documents will be considered before decision taken [Y/N]</b>	<b>Other meetings where matter is to be debated / considered</b>	<b>Date of Cabinet meeting</b>	<b>Part A = Public meeting Part B = private meeting [with reasons]</b>
StreetScene Public Bin Review	Assistant Director StreetScene			Overview Committee 12 October 2023	1 November 2023	Part A
Housing Benefit – Modified Scheme	Assistant Director Revenues, Benefits and CSC		N		1 November 2023	Part A
Safeguarding recommendations update	Director Governance and Licensing				1 November 2023	Part A
Science Park Rate – Discretionary rate relief	Director Finance		N		1 November 2023	Part B
Feniton Flood Alleviation Scheme, Project Board Set up	Assistant Director StreetScene				1 November 2023	Part A
Shared Service agreement with BCP Council	Assistant Director StreetScene				1 November 2023	Part A
Place & Prosperity investment proposal	Project Manager Place and Prosperity (Exmouth)	Place & Prosperity Framework			Decision to be taken by Place & Prosperity Investment Board – 27 November 2023	Part B (By virtue of Paragraph 3 of Schedule 12A of the LGA 1972 – Financial and business affairs)



<b>Key Decision</b>	<b>Portfolio (Lead Officer)</b>	<b>Documents to be considered before Cabinet take decision</b>	<b>Whether other documents will be considered before decision taken [Y/N]</b>	<b>Other meetings where matter is to be debated / considered</b>	<b>Date of Cabinet meeting</b>	<b>Part A = Public meeting Part B = private meeting [with reasons]</b>
Council Tax Reduction Scheme 2024/25	Asst Director – Revs, Bens, CSC				29 November 2023	Part A
Annual Homelessness Update	Assistant Director Housing				29 November 2023	Part A
Beach Amenity Management Plan	Assistant Director StreetScene				3 January 2024	Part A
Towards Zero Carbon Development in the West End: Interconnector Project Final Investment Decision	Assistant Director Growth, Development and Prosperity				3 January 2024	Part B
Future delivery of the Housing Task Force	Assistant Director Housing				3 January 2024	Part A
Council Tax Base 2024/25	Asst Director – Revs, Bens, CSC				3 January 2024	Part A
Approval of Homelessness and Rough and Sleeper Strategy 2024-2028	Assistant Director Housing				28 February 2024	Part A

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Members of the public who wish to make any representations or comments concerning any of the Key Decisions referred to in this

Forward Plan may do so by writing to the Leader of the Council c/o Democratic Services (as above).

October 2023