



## Agenda for Scrutiny Committee Thursday, 7th March, 2024, 6.00 pm

### Members of Scrutiny Committee

Councillors: I Barlow, J Brown, M Chapman, B Collins, R Collins, M Goodman (Chair), A Hall, J Heath, V Johns, J Kemp (Vice-Chair), D Mackinder, S Smith, A Toye and J Whibley

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

**Contact:** Sarah Jenkins;

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(or group number 01395 517546)

Wednesday, 28 February 2024

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This meeting is being recorded for subsequent publication on the Council's website and will be streamed live to the [East Devon District Council Youtube Channel](#)

- 1 Minutes of the previous meetings held on 24 January 2024 and 15 February 2024 (Pages 3 - 10)
- 2 Apologies
- 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 the press) have been excluded. There are no items which officers recommend should be dealt with in this way.
- 7 Decisions made by Cabinet called in by Members for scrutiny in accordance with the Overview and Scrutiny Procedure Rules  
There are no items identified
- 8 Interim update on progress with S.106 and CIL resources and processes (Pages 11 - 14)

- 9 Report to Scrutiny on South West Water feedback on the minutes of the meeting held on 1 February 2024 (Pages 15 - 20)
- 10 Forward Plan (Pages 21 - 29)
  1. Cabinet Forward Plan of Key Decisions - For the 4-month period: 1 March 2024 to 30 June 2024 – to note the forward plan of key decisions and to agree any items for Scrutiny future work programming
  2. Scrutiny Committee Forward Plan – to agree any amendments

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[Decision making and equalities](#)

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**EAST DEVON DISTRICT COUNCIL****Minutes of the meeting of Scrutiny Committee held at Council Chamber, Blackdown House, Honiton on 24 January 2024****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 7.47 pm

**60 Minutes of the previous meeting**

The minutes of the previous meeting held on 16 November 2023 were agreed and signed as a true record.

**61 Declarations of interest**

Minute 66. Report on UK Shared Prosperity Fund Evaluation Plans.

Councillor Vicky Johns, Affects Non-registerable Interest, Member is employed by an arts charity.

Councillor Vicky Johns, Affects Non-registerable Interest, Member of Ottery St Mary Town Council which owns the Ottery St Mary station hub.

**62 Public speaking**

There were no members of the public registered to speak.

**63 Matters of urgency**

There were no matters of urgency.

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

There were no items which officers recommended were dealt with in this way.

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

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

**66 Report on UK Shared Prosperity Fund Evaluation Plans**

The UK Shared Prosperity Fund (UKSPF) is a significant source of devolved funding for the investing in local communities and supporting local businesses, with EDDC using its £2.6m allocation to fund 13 projects. The report provided an overview of the UKSPF funded activity for 2022-23 and the key findings of the evaluation work undertaken to date. It was intended that the report would be provided on an annual basis to update the Committee on how UKSPF funded activity was performing relative to the EDDC UKSPF Evaluation Strategy.

In presenting the report, the Economic Development Officer advised that the Government should be measuring the quality of the impact of the funding and not just the quantity.

Questions and discussion included the following points:

- Under the funding regulations, 4% of the budget was permitted for administration costs and this had enabled EDDC to focus on projects evaluation and hire the Economy Projects Assistant to undertake this work.
- The setting up and work of the Arts and Culture East Devon network (ACED) was proving to be very valuable, particularly the in-person meetings and more workshops would be welcome.
- As the Department of Levelling Up, Housing and Communities (DLUHC) released more data relating to the UKSPF, a greater understanding will be gained which will assist with understanding qualitative outputs.
- It was noted that originally there had been 14 projects, 2 of which had been amalgamated, and it was suggested that the website be updated to reflect this position.

The Committee thanked the Economic Development Officer and the Economy Projects Assistant for the report and for their work which benefits and promotes East Devon.

## **RESOLVED**

1. That the Scrutiny Committee note the UKSPF evaluation undertaken, along with the challenges identified and proposed recommendations.
2. That the Scrutiny Committee agreed to officers providing written feedback to DLUHC on the need for qualitative metrics to be made available to measure the success of projects where quantitative metrics alone are not appropriate.

## 67 **Report on consultancy and agency spend 2022**

The Committee considered the report which detailed capital and revenue spend on consultants and specialist advice and agency staff for 2022 – 23.

The Finance Manager advised that the Council used the services of consultants and specialist advice and agency staff when there was no in-house expertise or capacity or to cover staff shortages.

Questions, comments and discussion included the following points:

- Attention was drawn to the expenditure on Price Waterhouse Coopers LLP for the service reward review [report page 36, line 12]. It was noted that the staff reward review had been well received and was now resulting in positive outcomes regarding recruitment and retention of staff. This should also reduce the need for future use of consultancy and agency staff and result in savings.
- With regard to expenditure on Terraquest [report page 36, line 7], this work had now been brought back in house.
- It was noted that expenditure on Anthesis (UK) Ltd [report page 36, line 1] relates to the Interconnector project and not the day to day operation of the district heating networks.
- It was also noted that there was considerable expenditure due to the Local Plan work.
- It was worth highlighting those areas where it was difficult to recruit or retain staff in future reports.

The Committee thanked the Finance Manager for his report.

## **RESOLVED**

That the Committee note the details of expenditure on consultants and agency staff in 2022 – 23.

## 68 **Portfolio Holder report on Economy**

The Portfolio Holder for Economy, Cllr Matt Hall, presented his report which provided a summary of some of the main areas of progress made over the last six months. Following on from the previous report, the Portfolio Holder highlighted that the Economic Development were producing a new Economic Development Strategy (EDS) for East Devon without consultancy or agency support. The work highlights collaboration with other portfolios.

Discussion and responses to questions included the following points:

- It is difficult to provide commercial sites in East Devon and attract a variety of businesses who would employ a range of employees, including young people.
- The first draft of the Economic Development Strategy is with the Portfolio Holder for initial review, with a final draft to Cabinet currently planned for May.
- A district wide survey for the Economic Development Strategy is under development and will go live on 19<sup>th</sup> February.
- Business leaders had been invited to assist with developing the Economic Development Strategy and this had been well received. It is hoped to continue these meetings.
- There is a need to create more sustainable sites and communities to provide employment for everyone, and Members need to be mindful of this when considering the new Local Plan.
- There is also a balance to be struck between providing employment and protecting the landscape.
- The Climate Strategy is heavily referenced in the emerging Economic Development Strategy.
- It was noted that the Council owns employment land, and a lot of work is being undertaken by other teams to assess viability before sites are put forward for the Local Plan.
- The Housing and Economic Land Availability Assessment (HELAA) is the process by which viability of sites is considered.
- East Devon is well placed for provision of logistics, with good progress being made in the Enterprise Zone.

Correction: Members queried on pg.4 of the report a bullet point which reads “Three quarters of those aged 16+ in East Devon are economically inactive due to retirement”. This should have read “Three quarters of those aged 16+ in East Devon and economically inactive are economically inactive due to retirement”.

The Portfolio Holder was thanked for his report and the Economic Development Team were thanked for their work.

The Committee agreed to note the report.

## 69 **Quarterly performance report Q2 2023 - 24**

The Monitoring Officer presented the report and noted that the area showing cause for concern was corporate complaints and that this was currently being addressed.

It was noted that the performance framework is under review as is the performance management system and presentation of information. The new Council Plan will set out the measures to be taken although this will take time to filter through.

It was agreed that the definition of the indicators should be included in the quarterly performance reports going forward.

## **RESOLVED**

That the performance against delivery of key performance indicators for the 2<sup>nd</sup> quarter of 2023 – 24 was noted and that the progress of the performance framework review being developed was also noted.

## 70 **Forward Plan**

The Forward Plan was discussed and the following points noted and agreed:

- The interim update on progress with S.106 and CIL resources and processes would be added to the meeting of 7 March.
- Portfolio Holder report on Sustainable Homes and Communities would be received later in the year, with the scope to be agreed and to include matters not covered by the Housing Review Board and the Poverty Working Panel.
- Report on car parks review to be received later in the year, pending information on progress with the review.
- The scope of Portfolio Holder reports to be agreed with the Chair and Portfolio Holders in sufficient time prior to the relevant meeting.

With the above amendments, the Forward Plan was agreed.

### **Attendance List**

#### **Councillors present:**

B Collins  
R Collins  
M Goodman (Chair)  
A Hall  
V Johns  
D Mackinder  
J Whibley

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

P Faithfull  
M Hall  
R Jefferies  
G Jung  
D Ledger  
J Loudoun

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

Sarah Jenkins, Democratic Services Officer  
Robert Murray, Economic Development Manager  
John Symes, Finance Manager  
Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)  
Anita Williams, Principal Solicitor (Deputy Monitoring Officer)  
Tom Winters, Economic Development Officer  
Andrew Wood, Assistant Director Growth Development and Prosperity  
Zoe Smith, Economy Projects Assistant

#### **Councillor apologies:**

I Barlow  
J Heath  
S Smith

A Toye

Chair .....

Date: .....

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the Extraordinary meeting of Scrutiny Committee held at Council Chamber, Blackdown House, Honiton on 15 February 2024**

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

The meeting started at 7.02 pm and ended at 7.26 pm

#### **77 Declarations of interest**

Minute 80. To agree the minutes of the virtual consultative meeting held on 1 February 2024 and to ratify the recommendations contained therein.

Councillor Ian Barlow, Affects Non-registerable Interest, Member of Sidmouth Town Council which is in negotiations with South West Water.

Minute 80. To agree the minutes of the virtual consultative meeting held on 1 February 2024 and to ratify the recommendations contained therein.

Councillor Maddy Chapman, Affects Non-registerable Interest, Member of Exmouth Town Council which holds regular meetings with South West Water.

Minute 80. To agree the minutes of the virtual consultative meeting held on 1 February 2024 and to ratify the recommendations contained therein.

Councillor Mike Goodman, Affects Non-registerable Interest, Member of Sidmouth Town Council.

It was noted that no one Member was more significantly impacted than any other East Devon resident with regard to issues relating to South West Water.

#### **78 Public speaking**

There were no members of the public registered to speak.

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

There were no confidential / exempt items.

#### **80 To agree the minutes of the virtual consultative meeting held on 1 February 2024 and to ratify the recommendations contained therein**

The minutes of the virtual consultative meeting held on 1 February 2024 were agreed as a correct record.

Discussion on the proposed recommendations included the following points:

- It was noted that the MPs are already lobbying central Government with regard to South West Water and an additional recommendation could be included to ask the MPs to continue to engage with South West Water to resolve water and sewerage issues.
- Future meetings with South West Water should include the relevant technical staff from the company to answer questions at the meeting, rather than having to revert to EDDC following meetings.
- The Corporate Lead, Communications, Digital Services and Engagement is working to develop a single point of contact with South West Water to assist Members in their communication with the company and to ensure a co-ordinated approach.



- Specific issues relating to planning development should be sent to the Assistant Director, Planning Strategy and Development Management for inclusion in discussions with South West Water going forward.

Recommendations were agreed as follows:

**RECOMMENDED TO CABINET THAT**

1. A meeting be arranged between South West Water and EDDC Environmental Health Officers.
  2. A meeting be arranged between the relevant officers from South West Water and EDDC Planning Officers, to possibly include the Chair of the Planning Committee, the Chair of the Strategic Planning Committee, the Leader of the Council and Cllr Mike Howe, to discuss planning matters.
  3. A Task and Finish Forum be scoped to consider sewerage issues.
  4. The Corporate Lead for Communications, Digital Services and Engagement works with South West Water to put in place a communications process to enable EDDC Members to be fully informed and obtain information relating to their wards.
  5. South West Water be invited back to a Scrutiny Committee meeting in six months' time, with the relevant technical staff attending who are able to answer the type of questions raised previously and any outstanding questions from the meeting held on 1 February.
  6. The Leader of the Council lobbies central Government with regard to sewerage issues.
1. MPs be asked to continue to engage with South West Water to resolve water and sewerage issues.

**Attendance List**

**Councillors present:**

I Barlow  
J Brown  
M Chapman  
B Collins  
R Collins  
M Goodman (Chair)  
A Hall  
J Heath  
V Johns  
D Mackinder

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

P Arnott  
C Brown  
D Ledger  
C Nicholas  
M Rixson  
D Wilson

**Officers in attendance:**

Matthew Blythe, Assistant Director Environmental Health

Tracy Hendren, Director of Housing, Health and Environment  
Andrew Hopkins, Corporate Lead - Communications, Digital Services and Engagement  
Sarah Jenkins, Democratic Services Officer  
Andrew Melhuish, Democratic Services Manager  
Anita Williams, Principal Solicitor (Deputy Monitoring Officer)

**Councillor apologies:**

A Toye  
J Whibley

Chair .....

Date: .....



Report to: Scrutiny Committee

Date of Meeting 7<sup>th</sup> March 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## S106 and CIL Resourcing Update

### Report summary:

This is a brief report to update Members on progress with addressing resourcing issues involved in Section 106 obligations and CIL administration. This is further to a report to the Committee's meeting on the 7<sup>th</sup> September 2023 and subsequent resolutions from Cabinet on resourcing these key areas of work.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

That Members note the progress that has been made on addressing the resourcing of CIL and Section 106 work and note that a further update report will be brought to the committee in late summer 2024.

### Reason for recommendation:

To ensure that Members are advised of progress in addressing the issue of resourcing Section 106 and CIL work as highlighted at previous meetings of the committee.

Officer: Ed Freeman – Assistant Director Planning Strategy and Development Management  
(efreeman@eastdevon.gov.uk; Tel 10395 517519)

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** Previous Scrutiny Report - [070923 S106 CIL Resources and Processes 2023 Scrutiny.pdf \(eastdevon.gov.uk\)](#)

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

Priorities (check which apply)

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

This report seeks to update Members on progress in increasing staff resources associated with CIL and Section 106 work further to Members previous consideration of these issues at their meeting of the 7<sup>th</sup> September 2023. At that meeting Members made a series of recommendations as follows:

### **“RECOMMENDATIONS TO CABINET:**

1. Recommend that Cabinet support the proposed revised S.106 Monitoring Fees charging schedule appended to the report [Report on Section 106 and CIL Resources and Processes] and recommend to Council that these charges be applied with effect to Section 106 agreements associated with planning applications received once the new charges have been published on the Council's website.
2. Recommend to Cabinet and to Council that the proposed Planning Obligations Team incorporating the existing CIL and Section 106 Officer posts and the proposed new Planning Obligations Manager and Planning Obligations Support Officer posts be created with the new posts to be funded from S.106 Monitoring Fees and CIL admin funds.
3. Recommend to Cabinet that the current spend process for S.106 receipts for spend in the community on play areas, open space and other community spaces be amended as per option 2 as detailed in the report and delegated authority be given to the Assistant Director – Planning Strategy and Development Management to issue best practice guidance on the Council's website on how Town and Parish Councils should engage their communities on spend decisions.
4. Recommend to Cabinet that an interim solution be found to put resources in place as soon as possible in respect of dealing with the approximately 150 outstanding cases where a notice of payment has been issued and monies remain outstanding.

The following was then agreed:

### **RESOLVED:**

1. That the Scrutiny Committee receive an update report in late Summer 2024 to advise of progress in forming the new planning Obligations Team and their progress in addressing the issues highlighted in the report, and
2. That the Scrutiny Committee receive an interim update on progress in February 2024 as a matter of urgency.”

This report responds to resolution 2 above.

## **Current position**

Further to the above resolutions the revised monitoring fees schedule has now been adopted and published on the Council's website and these charges are now being sought on new Section 106 agreements coming forward in the district.

In terms of staff resources, two additional temporary members of staff have been appointed in addition to the agency Section 106 Monitoring Officer who has been in post since early last year. This additional resource constitutes a full time CIL Officer and a part time Section 106 Officer who is working 20 hours a week. These additional resources have only been in place for a couple of weeks at the time of writing and were identified following an extensive recruitment process, however it is hoped that they will help in the short term to reduce the backlog of work in this area. Priorities for this extra resource are to help to recover outstanding S106 monies, assist in S106 monitoring tasks, assist with the issuing of CIL liability notices and checking of exemption applications. The agency support is also helping with answering incoming queries from town and parish councils.

In terms of the permanent roles referred to in the previous report a lot of work has gone into completing job descriptions and person specifications for these roles and then having these posts reviewed for job evaluation processes to determine an appropriate pay scale for each of them. Unfortunately following this work, it was too late to advertise the posts at the end of last year but they were advertised early this year. Advice from human resources was also to wait until the new year given how many people are often looking to change roles as part of the plans at the start of a new year. The adverts for the posts recently closed and we have a small number of applicants for each post with the exception of the support officer role where we had a large number of applicants. Officers have now shortlisted the candidates for these posts and are due to interview candidates before the end of February.

Members will be provided with a verbal update on the recruitment process at their meeting, but it is hoped that by the time of the committee meeting that the posts will have been offered to the successful candidates and we will be able to start to make plans for when the new officers arrive.

Recommendation 3 relates to revisions to the best practice guidance on the Council's website covering engagement with town and parish councils on the spend of Section 106 monies. It has not been possible to formally review the guidance and engage with town and parish councils on this work due to the limited staff resources available. It is intended to formally review and update this guidance once the permanent posts have been filled. In the meantime, town and parish councils are being advised that we will apply the principles of the new approach given the resourcing issues. This generally means that town and parish councils are encouraged to briefly set out how they intend to engage with their community so that we can review the approach and ensure that it meets the principles set out in the report to committee on the 7<sup>th</sup> September 2023. This approach seems to be working well as a short-term arrangement to minimise delays, but it is acknowledged that reviewing this guidance and resourcing spend work needs to be a priority for the new team once in place.

With the recruitment process well advanced attention is now moving to developing a work programme for the team for their first 6 months in post. This will include the review of the guidance referred to above, but also supporting the work of the proposed TAFF. At the time of writing, it is not known when the new recruits will be able to start work, but the intention is to bring a further update to members in the summer setting out the position at that time and a work programme for

the team. We look forward to working with Members through that forum to resolve the issues raised with the Section 106 and CIL service and develop a team with systems and processes in place that are fit for purpose and can meet the expectations of Members and our communities.

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**Financial implications:**

There are no direct financial implications arising from this report.

**Legal implications:**

There are no legal implications arising from this update report



Report to: Scrutiny Committee

Date of Meeting 7 March 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Feedback from South West Water following the meeting of Scrutiny Committee held on 1<sup>st</sup> February 2024

### Report summary:

Following the virtual consultative meeting of the Scrutiny Committee with South West Water held on 1 February 2024, South West Water provided feedback on the draft minutes and issues raised during the meeting. The feedback is set out below.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

That the Scrutiny Committee notes the feedback from South West Water following the virtual consultative meeting held on 1 February 2024.

### Reason for recommendation:

To bring the feedback from South West Water to the attention of the Scrutiny Committee so that any further actions or recommendations may be agreed.

Officer: Sarah Jenkins, Democratic Services Officer ([sjenkins@eastdevon.gov.uk](mailto:sjenkins@eastdevon.gov.uk)) 01395 517406

### 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** [Scrutiny Committee Thursday, 1st February, 2024 agenda, minutes and recording](#) : [Extraordinary Scrutiny Committee Thursday, 15th February, 2024 agenda, minutes and recording](#)

**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. Following the virtual consultative meeting of the Scrutiny Committee with South West Water (SWW) held on 1 February 2024, a courtesy copy of the draft minutes was sent to SWW to check for factual inaccuracies. SWW subsequently provided feedback on the minutes of the relevant agenda item at minute 76 and on issues raised during the meeting. The minutes were approved at the Extraordinary Scrutiny Committee meeting held on 15 February 2024 and are reproduced below. The feedback from SWW is also set out below, clearly identifiable in red italics and underlined, in order to bring this to the Committee's attention.

For ease of reference, the questions to which the responses in the minutes relate are also reproduced below in square brackets.

## 2. Minute 76 Report from South West Water on current issues affecting the District

The Chair welcomed representatives of South West Water to the meeting; Alan Burrows, Director of External Liaison, Mark Worsfold, Director of Asset Management, Hazel Tranchant, Senior Asset Manager and Sarah Sharpe, Community Engagement Officer.

Twelve questions had been sent in advance to South West Water (SWW). Responses to those questions had been published with the agenda. The Chair invited Mr Burrows to speak to the responses and to update the Committee on the current situation with regard to improvements.

Questions were taken in order with the following points highlighted and discussed:

[Question 1

Q: In 2023 there were ten non-permitted spills from SWW assets that affected East Devon Bathing Waters. Communication from SWW is highly inconsistent, with an apparent reliance on the Environment Agency (EA) to notify Environmental Health Colleagues due to shellfish beds. The notifications to the EA are often hours after the original incident and do not take into account the Council's beach management function. Why is communication from SWW so inconsistent and how can you ensure you alert our beach safety officer immediately when there is a non-permitted spill affecting one of our bathing waters, rivers, or beaches?]

- Pollution Incident Reports are issued by the Environment Agency (EA), in response to notification by SWW. Information regarding Pollution Incident Reports is held on the EA website.



- SWW is legally required under some of its permits to report shellfish reportable incidents. It was noted that on two occasions reportable incidents had not been reported. SWW proposed to meet with EDDC officers to discuss this matter.
- The offer of a meeting was welcomed by the Assistant Director, Environmental Health, to ensure that EDDC Environmental Health (EH) received the correct notification in a timely way and appropriate format. EDDC has a number of responsibilities, and it would greatly assist to have earlier notification of pollution incidents directly from SWW, rather than wait for the legal notification from the EA.
- It was suggested that the meeting between SWW and EDDC EH should also include a representative from the EA to ensure clarity on the duties and roles of the various agencies involved.
- Councillors would welcome earlier notification over and above the legal requirements.
- SWW advised that alerts are issued via the WaterFit Live system on the SWW website and that these are above the minimum legal requirement for notification of pollution incidents. EDDC officers also receive WaterFit Live alerts direct from SWW.

[Question 2

Q: It was particularly disappointing to read in the media in reference to the spill on the 5<sup>th</sup> and 6<sup>th</sup> of January 2024 at Exmouth, that SWW were saying that advising the public of spills was the responsibility of beach managers. SWW had not notified EDDC that a second pipe burst had taken place or to work together to manage this issue. Why were we not informed of this occurrence? ]

- With regard to the pollution spill at Exmouth on 5 and 6 January 2024, a WaterFit Live alert had been in place since 30 December 2023 and covered the period to 8 January. SWW is confident that it had done as much as possible to work with the community and Town Council in Exmouth to provide information regarding the spill. Further meetings are planned shortly in Exmouth regarding this issue.
- Councillors suggested that a further alert would be helpful where an incident is on-going or a new incident has occurred during a period already covered by an existing alert. This is also a matter of how such a situation is managed within EDDC.

It was agreed that there is a need to learn from mistakes these events and to find ways to improve working together going forward.

[Question 3

Q: When there was a manhole 'blow off' and discharge at the Hamm, Sidmouth on 4/12/23, it was reported to the EA as being 'minor with no significant release of effluent'. However the entire river walk some 100m long was full to knee deep with discharge? Please can you clarify SWW definitions of the levels of discharge.]

- Reports of incidents to SWW often do not contain sufficient information from customers such as a photograph which would assist SWW to respond.

[Question 4

Q: Have the uprated pumps installed in Exmouth resulted in more breaches/bursts (due to increased flow rates)? Is this an issue you recognise and is it related to aging infrastructure? If so what specifically are you doing about it?]

- Pumps at Exmouth had been updated in September 2022 as part of SWW's strategy to improve spill performance in the Exmouth area. The risk of a burst had not increased by the updating and the burst had occurred due to a defect in the pipe which was not pressure related.

[Question 5

Is the combined system at its capacity? If not, why are we seeing more spills (consented and unconsented) and what are you doing about this specifically?]

- SWW plans to double capacity at the Maer Lane treatment works to deal with storm events. Work is on-going through schemes to remove the non-foul flows from the combined sewer.
- Concern was expressed regarding capacity and spills occurring during good weather, rather than storm events, in the Clyst St Mary area.
- Concern was also expressed regarding the length of time taken to report some incidents.
- SWW advised that they are held to account by the EA regarding reporting times.

[Questions 6 – 10

In the Water fit document you say that you are working towards no more than 20 permitted discharges per bathing water per year. In 2022 you claimed that good progress had been made in this regard. Why in 2023 was this progress lost? For example, Exmouth had 40 discharges in 2023 vs 19 in 2022. Was this related to 2023 being a 'wetter' year and if so are you reviewing your conclusion that progress is 'being made' as it seems reliant on the weather?

Why have all EDDC bathing waters exceeded the 'no more than 20 permitted discharges' target in 2023 (Sandy Bay 21, Exmouth 40, Budleigh 44, Sidmouth 28, Beer 32, Seaton 31). What specifically are you doing to reduce discharges at our beaches going forward? Will SWW be subject to any punitive measures for breaching this target?

In regard of the updates issued by Beach Live/Water Fit what does it actually mean when an Event Duration Monitoring sensor is put in maintenance status? Given that many of these occur during the hours of darkness and high tide making it clear no actual maintenance is occurring?

SWW state that the discharges from combined sewer outfalls are not sewage but 'storm water'. Given that the any discharge from a sewer is by definition 'sewage' how do you justify this? Whilst the overflow may be due to storm water, it is mixed with sewage and will pick up contaminants from this.

Can you explain why there have been spikes in E. Coli and Enterococci bacterial load at Exmouth following these 'discharges of storm water' ? data here [Open WIMS data](#) ]

- SWW is committed to its WaterFit programme. The strategy involves removing surface water from the sewer system which will enable SWW to better manage the system.
- Event Duration Monitors (EDM) have to be maintained and the EA requires SWW to have the EDMs operable for 90% of the time, although SWW aims at 98% operability. OfWat is looking to introduce penalties where EDMs are inoperable.
- Under SWW's permits, storm overflows are required to have screens to remove solid matter.

- It was noted that there may be times when it is unsafe for the EA to collect water samples, particularly during winter months.
- E.Coli and Enterococci bacteria may have come from sources other than human waste.
- Regarding separation of surface water from the combined sewer system, various options are considered for different areas in order to install surface water separation schemes.

[Question 11

We are concerned that SWW do not raise concerns with planning applications which will clearly add to wastewater flows within a network which clearly cannot cope. In relation to this:

- a. From previous Scrutiny meetings we understand that there are 12 SWW officers commenting on planning applications that affect SWW assets. What is the process for deciding which applications to comment on?
- b. How does SWW consider the cumulative effect of separate applications on the sewerage system?
- c. How does SWW take this information and plan for infrastructure improvements and capacity building?
- d. What are your plans to stop spills and ensure there is capacity in the network for future property growth?

Please note: Our Planning Committee have previously asked for information from SWW on connections capacity and network upgrades with no response.]

- SWW has identified a future capacity issue at the Countess Wear treatment plant as part of its Drainage and Waste Management Plans which are now becoming a legal requirement. A new treatment plant, east of the Exe, will be required to deal with future development, with the exact location yet to be determined and completion likely to be 5 to 10 years away.
- Concern was raised with regard to waiting times for issues to be resolved such as the recent spill in the Cranbrook Country Park and what measures are being taken to prevent a similar occurrence. SWW would provide a response to this issue. Many of the sewers on the Cranbrook estate have yet to be adopted, as such, the records for these sewers have yet to be made available to SWW, with the maintenance and operation of the sewers remaining the responsibility of the developer until formal adoption has occurred. The sewers within the development and country park are separate sewers. We are concerned if the foul only sewer has seen a stormwater response as this should only contain foul flows. We would like to further investigate the specifics of this event to work with the developers and council to ensure that the development has been correctly constructed and that the sewers can be effectively adopted.
- SWW wants to work with EDDC regarding future housing development needs and to take these into account.
- There needs to be clarity with regard to the use of the term 'capacity' as SWW is not exceeding its dry weather flow on any development sites. Some of the developing issues on the sites may be due to the late adoption of the sewers by the developers and as such may contain latent defects which may lead to the flooding and capacity issues observed. Regarding the 2010 water study, all options were considered for east of East Devon prior to the development of Cranbrook. Flow and load surveys determined that there was headroom at the Countess Wear plant at that time. It is noted that further capacity to the east of Exeter will be required in the future.
- Within the Drainage and Wastewater Management Plan SWW have identified that new treatment work capacity will be required from 2035 onwards. Hence the development of new capacity requirements by 2035. A new treatment facility will take 5-10 years to deliver.

SWW consulted on the DWMP plans in the Summer/Autumn of 2022 before the final DWMP plan was published in June 2023. As part of the consultation process SWW engaged through a number of workshops and through feedback to the company website. No response was received from EDDC over the consultation period.

- The community at Clyst St Mary is seeing increased sewage spills and it is of real concern that planning applications are being approved for development under the new Local Plan. This situation results in Councillors questioning SWW's information regarding capacity.
- SWW advised that there is an issue with surface water between Clyst Honiton and Clyst St Mary and further work is needed to address this issue which contributes to the problem at Clyst St Mary.
- SWW has offered to meet with EDDC regarding future housing development. EDDC has acknowledged the offer of a meeting and is currently awaiting the water cycle report which is due imminently and will help to inform the discussion on future development capacity issues.
- Regarding a question on capacity at the Fluxton treatment plant, SWW would respond to EDDC in due course as the relevant information was not available at the meeting.
- Regarding a question on capacity to the east of Exeter and how this will be impacted by the proposed new town, SWW advised that it would be more appropriate to discuss this at the planning meeting with EDDC when data specific to this issue would be available.
- Councillors would welcome having a specific contact at SWW when issues arise in their wards. SWW would advise the most appropriate contact following the meeting.
- In response to a question regarding the fact that a potential sewage treatment plant at Cranbrook had not been built, SWW advised that issues in other parts of East Devon, such as those at Clyst St Mary and Exmouth, were not linked to the process of treating sewage from Cranbrook at the Countess Wear treatment plan.
- Responses to questions raised during the meeting would be circulated to all Councillors.
- Concern was expressed regarding pressure on drinking water due to climate change and further housing development.
- SWW is currently updating its Water Resources Management Plan and looking at options such as moving water more easily around the southwest area.
- In response to a question regarding flushing, SWW advised that the water supply would not normally be interrupted during flushing as the purpose is to remove deposit build up in pipes. Residents would normally be advised if their water supply is to be interrupted.

The Chair thanked Alan Burrows, Mark Worsfold, Hazel Tranchant and Sarah Sharpe for attending the meeting and for their contributions.

[End of minute 76]

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### **Financial implications:**

There are no direct financial implications identified from the report.

### **Legal implications:**

There are no substantive legal issues to be added to this report.

<b>Scrutiny Committee Forward Plan 2023/24</b>
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**Work for scoping and/or allocation to the Forward Plan**

<b>Proposed date</b>	<b>Topic</b>
4 April 2024	Report on future direction regarding grass cutting and re-naturing (Portfolio Holder Coast, Country and Environment) (agreed at October 2023 meeting)
4 April 2024	Portfolio Holder report on Strategic Planning
June 2024	Portfolio Holder report on Coast Country and Environment
June 2024	Portfolio Holder report on Council and Corporate Co-ordination
June 2024	Portfolio Holder report on Climate Action and Emergency Response
July 2024	Portfolio Holder report on Finance and Assets
July 2024	Portfolio Holder report on Culture Leisure Sport & Tourism
Late summer 2024	Report on progress with S.106 and CIL Resources and Processes
Late summer 2024	Follow up meeting with Southwest Water (date TBC)
TBC	Portfolio Holder report on Sustainable Homes & Communities (report to exclude work covered by the Housing Review Board and the Poverty Working Panel)
TBC	Referral from Cabinet of Minute 120, Serious Violence Duty: That this and other wider tasks and duties being given to EDDC from central government be referred to the Scrutiny Committee for further discussion and debate (awaiting advice from senior officers on how to proceed)
	Scoping of Sewerage Task and Finish Forum
TBC	Report on car parks review (following consideration by Cabinet)
TBC	Proposal from Mid Devon DC Scrutiny Committee regarding a joint review into the planning controls and regulatory requirements associated with the bio-energy industry within Devon, in particular anaerobic digesters. Note: no response was received from MDDC with regard to their proposal; this to be followed up again if the Committee so decides and detailed scoping required

TBC	Review of effectiveness of Blackdown House in terms of fit for purpose for both employees and Members – proposal form from Councillors and scoping required
TBC	Devon County Council's flood event report
Correspondence regarding Scrutiny Committee topics	
Date received	Details

## EAST DEVON DISTRICT COUNCIL

### Forward Plan of Key Decisions - For the 4-month period: 1 March 2024 to 30 June 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>
Future delivery of the Housing Task Force	Assistant Director Housing					Part A
Sidmouth and East Beach BMP – Approval to enter design and construction contracts	Assistant Director StreetScene					Part A
Recycling and Waste: MRF/Baling Plant refurbishment/Site Compliance Vehicle refurbishment programme	Assistant Director StreetScene				TBC	
Purchase of 1 Cawley Avenue, Axminster	Director of Housing, Health & Environment					Request for Officer Executive Decision
Colyton Land disposal	Housing Enabling Officer					Part A
Devon Place Board Next Steps	Project Manager Place, Assets & Commercialisation					Part A
Feniton Flood Alleviation Scheme, Phase 4 contract award	Assistant Director Streetscene					Part A



Key Decision	Portfolio (Lead Officer)	Documents to be considered before Cabinet take decision	Whether other documents will be considered before decision taken [Y/N]	Other meetings where matter is to be debated / considered	Date of Cabinet meeting	Part A = Public meeting  Part B = private meeting [with reasons]
Procurement of Enforcement Agents Services	Assistant Director – Revs, Bens & CSC					Officer Decision (Key decision)
Approval of Homelessness and Rough Sleeper Strategy 2024-2028	Assistant Director Housing					Part A
page 25 15 Salters Meadow, Sidmouth: Structural repairs and refurbishment: Full internal and external refurbishment, structural and drainage repairs	Assistant Director Housing					Officer Decision (Key decision)
1 Hillside, Salcombe Regis: external and internal repairs and refurbishment: structural works and possible roof replacement	Assistant Director Housing					Officer Decision (Key decision)

<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>
Colyford Road and Fosse Way Viability Assessment	Assistant Director Place Assets & Commercialisation	Colyford Road and Fosse Way Viability Assessment	No	Asset Management Forum	27 March 2024	Part A *possibly some Part B including the SOBC as they are commercially sensitive confidential
Cloakham Lawns Employment Site Viability Assessment	Assistant Director Place Assets & Commercialisation	Cloakham Lawns Viability Assessment	No	Asset Management Forum	27 March 2024	Part A *possibly some Part B including the SOBC as commercially sensitive confidential
Exmouth Town and Seafront Placemaking Plan Adoption	Assistant Director Place Assets & Commercialisation	Hayne Lane Masterplan	Yes some Strategic Outline Business Cases (SOBC)	Placemaking in Exmouth Town and Seafront Group	27 March 2024	Part A *possibly some Part B including the SOBC as commercially sensitive confidential
Place and Prosperity Fund acquisition	Assistant Director Place Assets & Commercialisation	None	Business case/Appraisal of proposal	Place and Prosperity Investment Board	27 March 2024	Part B under Section 100(A) (4) of the Local Government Act 1972

<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>
Site Acquisition	Project Manager Place, Assets & Commercialisation				27 March 2024	Part B
Formation of an Exmouth Town and Seafront Subgroup	Assistant Director Place Assets & Commercialisation			Placemaking in Exmouth Town and Seafront Group	27 March 2024	Part A
Council Depots Review	Project Manager Place, Assets & Commercialisation				27 March 2024	Part A
Fraud & Compliance Strategy	Assistant Director Revs, Bens, CSC, Fraud & compliance			Audit and Governance Committee 21 March 2024	27 March 2024	Part A
Hayne Lane Masterplan	Assistant Director Place Assets & Commercialisation	Hayne Lane Masterplan	No	Asset Management Forum	27 March 2024	Part A *possibly some Part B including the SOBC as commercially sensitive confidential

<p>Exmouth Emergency Seawall Repairs: Consultant fees forecast to go above £100k</p> <p>Exmouth BMP: Consultant fees forecast to go above £100k</p> <p>Feniton Flood Alleviation Scheme: Consultant fees forecast to go above £100k</p>	<p>Engineering Projects Manager</p>				<p>27 March 2024</p>	<p>Part A</p>
<p>1 School Lane, Newton Poppleford, EX10 0EJ - external and internal repairs and refurbishment:, structural works and possible roof replacement</p>	<p>Assistant Director Housing</p>				<p>To be confirmed</p>	
<p>An Economic Development Strategy for East Devon</p>	<p>Assistant Director, Growth, Development &amp; Prosperity</p>	<p>Final draft of the ED Strategy</p>	<p>No</p>		<p>1 May 2024</p>	<p>Part A</p>
<p>Towards Zero Carbon Development in the West End: Interconnector Project Final Investment Decision</p>	<p>Assistant Director Growth, Development &amp; Prosperity</p>				<p>1 May 2024</p>	<p>Part B</p>

Plot 337 Clover Way Cranbrook	Director of Housing, Health & Environment					Request for Officer Executive Decision
Plot 340 Clover Way Cranbrook						
Plot 341 Clover Way Cranbrook						
Plot 378 Clover Way Cranbrook						
Plot 529 Clover Way Cranbrook						
Plot 533 Clover Way Cranbrook						
Plot 100 Plumb Park Exmouth						
Plot 101 Plumb Park Exmouth						
Plot 102 Plumb Park Exmouth						
Plot 103 Plumb Park Exmouth						
Plot 104 Plumb Park Exmouth						
31 Moorfield Close Exmouth						

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).

February 2024