

Agenda for Council
Wednesday, 6th December, 2023, 6.00 pm

To: All elected Members of the Council; Honorary Aldermen

Venue: Council Chamber, Blackdown House, Honiton

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Dear Sir/Madam

Meeting of the Council of the District of East Devon on
Wednesday, 6th December, 2023 at 6.00 pm

You are called upon to attend the above meeting to be held in the Council Chamber, Blackdown House, Honiton. It is proposed that the matters set out on the agenda below will be considered at the meeting and resolution or resolutions passed as the Council considers expedient.

Yours faithfully

A handwritten signature in black ink that reads "Mjwellman".

Interim Chief Executives: Melanie Wellman, Simon Davey and Tracy Hendren

1 **Minutes of the previous meeting** (Pages 7 - 18)

2 **Apologies**

3 **Declarations of interest**

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

4 **Petition - The George Inn, Chardstock** (Pages 19 - 22)

5 **Public speaking**

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

6 **Matters of urgency**

Information on [matters of urgency](#) is available online

7 **Announcements from the Chair and Leader**

8 **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, but if confidential minutes from Cabinet and/or the Council's Committees are being discussed, Officers may recommend consideration in the private part of the meeting.

9 **To answer questions asked by Members of the Council pursuant to Procedure Rules No. 9.2 and 9.5** (Pages 23 - 24)

10 **Reports from the Cabinet and the Council's Committees and questions on those reports** (Pages 25 - 46)

- a) Minutes of Cabinet held on 29 November 2023. Minute numbers 72 - 100
(Pages 47 - 61)
- b) Minutes of Scrutiny Committee held on 5 October 2023. Minute numbers 19 - 28 (Pages 62 - 65)
- c) Minutes of Scrutiny Committee held on 16 November 2023. Minute numbers 29 - 39 (Pages 66 - 70)
- d) Minutes of Housing Review Board held on 9 November 2023. Minute numbers 21 - 36 (Pages 71 - 77)
- e) Minutes of Strategic Planning Committee held on 3 October 2023. Minute numbers 25 - 32 (Pages 78 - 83)
- f) Minutes of Strategic Planning Committee 31 October 2023. Minute numbers 33 - 40 (Pages 84 - 88)
- g) Minutes of Planning Committee held on 26 September 2023. Minute numbers 56 - 71 (Pages 89 - 95)
- h) Minutes of Planning Committee held on 24 October 2023. Minute numbers 72 - 87 (Pages 96 - 101)

- i) Minutes of Planning Committee held on 21 November 2023. Minute numbers 88 - 95 (Pages 102 - 105)
 - j) Minutes of Licensing & Enforcement Committee held on 15 November 2023. Minute numbers 8 - 14 (Pages 106 - 109)
 - k) Minutes of Licensing & Enforcement Sub Committee held on 25 October 2023. Minute numbers 23 - 28 (Pages 110 - 111)
 - l) Minutes of Standards Committee held on 14 November 2023. Minute numbers 10 - 17 (Pages 112 - 114)
 - m) Minutes of Personnel Committee held on 17 October 2023. Minute numbers 11 - 19 (Pages 115 - 118)
 - n) Minutes of Overview Committee held on 12 October 2023. Minute numbers 9 - 17 (Pages 119 - 124)
 - o) Minutes of Overview Committee held on 9 November 2023. Minute numbers 18 - 25 (Pages 125 - 129)
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- 11 **Report from the Independent Remuneration Panel** (Pages 130 - 151)
 - 12 **Allocation of Committee Places** (Pages 152 - 160)
 - 13 **Proposed Dissolution of the Heart of the South West Joint Committee** (Pages 161 - 164)
 - 14 **Colyford Parish Council** (Pages 165 - 172)
 - 15 **Motion on Notice - Motion 1: Coach Tourism in East Devon District** (Pages 173 - 176)

Motion Proposed: Cllr Derek Haggerty and seconded by Cllr John Heath

Motion signed: Cllrs Brian Bailey, Jenny Brown, John Heath, Bethany Collins and Ian Barlow

Increasing coach passenger visitors to East Devon including Exmouth, Budleigh, Sidmouth, Beer, Seaton, Honiton, Colyton, Axminster, Ottery St Mary plus, any other town or village who wishes to take part.

Many towns and city councils in the UK are turning away coach tourism, causing a loss of £millions of group tourism income, to attractions businesses and the local economy. Covid has only just allowed things to start returning to a more normal growth in coach tourism, possibly now, coaches are one of the greenest forms of transport.

2024 onwards this EDDC council could step up again as leading first choice coach tourist area, attracting more UK and incoming tourists from all over the world into the East Devon District, already 2024 is looking buoyant for coach tourism with a predicted 30% + more visitors to the UK. East Devon stepping forward now, would attract a lot more coach tourism.

What is required for this to happen in each destination?

1. Improved signage for attractions, coach & car parking, town centres toilets. TIC.
2. Free coach parking facilities in East Devon, (not bus parking)
3. Designated drop off and pick up points for coach passengers.
4. Coach driver facilities (driver break stop, where the driver can use toilet & get snacks)
5. Meet and greet service possibly linked with TIC, towns & attractions (this could be funded by the visitor).
6. this project means everyone working together as one East Devon Team improving the tourist footfall, aimed at working for our district as voted,

As councillors working together as one EDDC team, we can improve consistently for our towns, all businesses, attractions and hotels, and all future council administrations.

This ongoing incentive would bind together all high street businesses, attractions, all types of accommodations including holiday parks, taking groups of all sizes from around the world.

EDDC could have its own coach friendly programme, working free with CPT, confederation of passenger transport. This project would reach every visiting coach and holiday operator. competing with every other holiday destination around the country, but first we must agree to step forward accepting one of the greenest forms of transportation in today's tourism marketplace, this project will grow into a consistent source of revenue for tourism in our East Devon District.

I am more than happy to work with each town to help reach our ongoing goals.

16 Motion on Notice - Motion 2: Government Planning Policies

Motion Proposed: Cllr Jess Bailey and seconded Cllr Bethany Collins

Motion signed: Cllrs Peter Faithfull, Vicky Johns and Melanie Martin

Background

As a result of Conservative government planning policies, EDDC planning officers are under considerable pressure to recommend approval of totally inappropriate, highly unpopular, and very damaging planning applications such as that for land east of Sidmouth Road, Ottery St Mary and Land at Eastfield West Hill.

East Devon is being penalised by the government due to its lack of '5 year land supply' despite an excellent track record in recent years. 9,000 new homes have been delivered over the past decade in East Devon and more than 4,000 houses are set to be delivered in the next 5 years.

This Council is fully committed to ensuring homes are delivered for residents - particularly those who are younger and less well off. However, this Council believes that harm will be caused to the countryside and communities of East Devon under the government's approach.

That this Council therefore agrees to urgently instruct a senior planning barrister at KC level to review the position of EDDC and provide EDDC with advice (including by reference to case law) how best to robustly resist speculative development and uphold EDDC local plan and neighbourhood plan policies in order to protect the countryside and communities of East Devon.

17 Motion on Notice - Motion 3: Public Convenience provision

Motion Proposed: Cllr Ian Barlow and seconded Cllr Peter Faithfull

Motion signed: Cllrs Jenny Brown, Sarah Chamberlain, Ben Ingham and Daniel Wilson

With the state of our housing stock, with about 25% of our 4,177 Social houses failing to meet the decent homes standard, can we justify spending £5 million on upgrading our 15 toilet blocks across East Devon or £333,000 on a survey to look at how to decarbonise three swimming pools.

We would suggest that a working group urgently looks at the plans for our toilet provision and the estimated cost before this council's reputation is further damaged in the eyes of its residents, as we would be spending more on 15 toilets than the annual planned improvements to our 4,177 properties.

18 Report of the Monitoring Officer - Constitutional Working Group (Pages 177 - 178)

19 Report on appointments to Panels, Forums and Joint Bodies and Appointment of Representatives on outside bodies (Pages 179 - 182)

- 1 To consider a report on the makeup of the Seaton Beach Management Steering Group and to appoint a Chair to the Exmouth Beach Management Steering Group (report attached).
- 2 To seek nominations for the appointment of a representative to serve on the outside bodies listed:
 - SPACE – One councillor representative
 - East Devon Citizens Advice – One councillor representative
- 3 To seek nominations for the appointment a Councillor Safeguarding Champion.

Under the Openness of Local Government Bodies Regulations 2014, any members of the public are now allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). No prior notification is needed but it would be helpful if you could let the democratic services team know you plan to film or record so that any necessary arrangements can be made to provide reasonable facilities for you to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public. You should take all recording and photography equipment with you if a public meeting moves into a session which is not open to the public.

If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chairman has the power to control public recording and/or reporting so it does not disrupt the meeting.

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

[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Council held at Council Chamber, Blackdown House, Honiton on 18 October 2023

Attendance list at end of document

The meeting started at 6.00 pm and ended at 6.43 pm

29 Minutes of the meetings held on 11 July 2023 and 19 July 2023 and minutes of the Extraordinary meeting held on 4 October 2023

The minutes of the Extraordinary Council meeting held on 11 July 2023, the minutes of the Council meeting held on 19 July 2023 and the minutes of the Extraordinary Council meeting held on 4 October 2023 were agreed as true records of the meetings.

30 Declarations of interest

There were no declarations of interest.

31 Public speaking

There were four speakers registered.

The first speaker, Mr Jack Rowland referred to the decision in March 2017 by the NHS Clinical Commissioning Group to remove the community beds at Seaton Hospital. Since then, Mr Rowland had been concerned regarding the 40% empty space as he feared that the remaining services would be re-located and the site declared surplus to requirements before being sold on the open market. This situation had prompted Mr Rowland to seek election to both the Town Council and the District Council. With the assistance of various parties, a business plan had been produced in 2019 which had support from the Royal Devon and Exeter Hospital and NHS Property Services. The preferred option was to purchase the site from NHS Property Services and create a health and well-being hub with a lower rent charge for the NHS. To finance the purchase there would be support from the League of Friends cash reserves. A report was also presented to EDDC Cabinet in January 2020 proposing a loan from the Public Works Loan Board (PWLb). The two funding sources would have enabled the site to be purchased and ownership transferred to a local community interest company which would have had responsibility for repayment to EDDC of the monthly PWLB loan payments.

The 2019 business case still stands, and Mr Rowland was seeking support from EDDC to help secure the future of Seaton Hospital as a viable asset, save the NHS money in the longer term and provide a valuable integrated health care system to local residents and those in the wider Axe Valley area. Mr Rowland was raising this issue due to the news that the Devon integrated care body was considering demolishing part of the building and that this had caused considerable alarm in the local community.

In response, the Leader thanked former Councillor Rowland for attending and speaking. It had been a missed opportunity in early 2020 when EDDC had not pursued this matter. However, the previous work undertaken was still available and internal meetings were already taking place for EDDC to explore the possibilities as urgently as possible. The Council needed to show leadership in a situation which involved various other agencies, in order to do the best for the residents of Seaton and the surrounding area.

The second speaker, Cllr Paul Hayward, congratulated Cllr Colin Brown on his appointment as Leader of the Conservative Group and Cllr Ingham on his appointment as Deputy Leader of the Conservative Group, and thanked Cllr Hartnell on his previous work in this role. Through the Chair, Cllr Hayward asked Cllr Brown to urge the MP for East Devon to cease his public war of attrition against the Council and to work with EDDC for the greater good of the District. Cllr Hayward invited Cllr Brown in his new role to help facilitate a meeting with the three local MPs to discuss current challenges and to agree how best to work together in partnership for the benefit of residents.

The third speaker, Cllr Mike Goodman, referred to the peer review which had been agreed by Council on 19 July 2023 and requested an outline of the likely timescales and what and who would be involved.

In response, Cllr Hayward advised that a written reply would be appropriate and would be provided in due course, however, in the meantime, Cllr Hayward provided the following details:

- The S.151 Officer and the Monitoring Officer had been involved in meetings with Local Government Association (LGA) representatives the Peer Review would be held during the first week of February 2024.
- A Peer Review officer working group had been established and had established priorities for the lead up to the review, the first of which would be to prepare a position statement.
- The scrutiny review by the Centre for Governance and Scrutiny would be undertaken at the end of October and into the start of November, and would include a short survey and interviews with members and senior officers and attendance at the 9 November meeting of the Overview Committee.
- A skills audit of Cabinet members and key Councillors has been allocated to the new Democratic Services Manager and an update would form part of a report that would be prepared for the Cabinet meeting on 29 November.
- Work to bring together the Cabinet and the senior officer leadership team had started with a positive workshop held in September and was progressing well.
- The Corporate HR Manager had been liaising with the LGA and South West Councils to review the training and support needed for the senior leadership team and to develop a costed developmental plan, to include how the impact of development would be measured.
- A report on budget implications of the review had been presented to Cabinet on 6 September and an update with detailed costings would be presented to Cabinet on 29 November.

The fourth speaker, Cllr Dan Ledger, advised that Mr Rowland had covered the issue regarding Seaton Hospital which Cllr Ledger had been going to raise.

32 **Matters of urgency**

There were no matters of urgency.

33 **Announcements from the Chair and Leader**

The Chair reminded Members of the need to be cautious as covid was still prevalent.

The Leader notified Members of the appointment of Cllrs Todd Olive and Paula Fernley as Assistant Portfolio Holders to support Cllr Geoff Jung with the Coast, Country and Environment Portfolio. The Leader would advise the division of responsibilities for the Assistant Portfolio Holders in due course.

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

There were no confidential / exempt items.

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

No questions had been submitted within the requisite notice period.

36 **Reports from the Cabinet and the Council's Committees and questions on those reports**

The item was to receive and accept the minutes of Committees and to agree any recommendations contained therein.

The Chair invited the Leader and the Chairs of Committees to present their minutes.

37 **Minutes of Cabinet held on 6 September 2023. Minute numbers 31 - 51**

The Leader moved the above minutes and following a vote, the minutes were accepted. The Cabinet recommendations to Council contained in the minutes were agreed as follows:

Cabinet 6th September 2023

Minute 41 - Nature Recovery Declaration for East Devon

RESOLVED

1. To adopt the Nature Recovery Declaration for East Devon;
2. To support DCC as the 'Responsible Authority' in developing a Devon Local Nature Recovery Strategy in our role as a 'Supporting Authority' as defined by the Environment Act 2021;
3. To develop a Local Nature Recovery Plan and Local Habitat Map for East Devon as a 'Supporting Authority' as defined by the Environment Act 2021.

REASON:

This would enable East Devon DC to fulfil its role as a Supporting Authority as defined in the Environment Act 2021 and support Devon CC in developing a Devon Local Nature Recovery Strategy (LNRS). It would also enable EDDC to prepare a Local Nature Recovery Plan and Local Habitats Map that would develop the district's Nature Recovery Network and improve those habitats and species most under threat.

Minute 42 – Application for Local Authority Housing Fund for Afghan Refugee Resettlement

RESOLVED	<ol style="list-style-type: none"> 1. The Approval of £750K from the Local Authority Housing Fund to enable the provision of temporary accommodation for Afghan Refugees and others in need of temporary accommodation; 2. The Approval of a Housing Revenue Account capital budget of £975,000 as match funding for the project if required. <p>REASON: The LAHF round 2 had been specifically designed to help those Afghani citizens who assisted us during the conflict in their country. All local authorities had been encouraged to participate in this national effort to ensure that accommodation and support to those individuals be provided.</p> <p>EDDC did not have sufficient appropriate accommodation for large families. Whilst this funding would initially only provide one property for general needs temporary accommodation, the properties originally allocated to assist with Afghan resettlement can revert to general needs housing once the need for refugee resettlement had been satisfied. This fund would therefore enable the council to either bring back into use or purchase family-sized accommodation that would assist local families in need both in the short and long term.</p>
Minute 44 – Proposals for a Place and Prosperity Framework for EDDC	
RESOLVED	<ol style="list-style-type: none"> 1. The adoption of the Place and Prosperity Framework as amended to include the Chair of Overview as an additional non-executive member at Stage 1 of the Framework process. 2. The borrowing of up to £20,000,000 as a first tranche from Public Works Loan Board to deliver investments in accordance with the adopted Framework. <p>REASON: To allow the Framework to move forward for consideration through the democratic process and, subject to agreement, onwards to the implementation phase.</p>
Minute 45 – Assistant Payroll Officer Funding Request	
RESOLVED	<ol style="list-style-type: none"> 1. That approval is given to increase the Human Resources Service team budget by £34,344 per annum to facilitate a new post of Assistant Payroll Officer to support the existing payroll resource provision. 2. That the HR Manager reviews the arrangements for the provision of payroll to external organisations to assess whether further costs can be recouped.

	REASON: To ensure there was sufficient resource to operate an effective payroll.
Minute 46 - Annual Treasury Management Review 2022/23 - 1 April 2022 to 31 March 2023	
RESOLVED	That the investment values and performance for the year to 31 March 2023 be noted. REASON: The Council was required by regulations issued under the Local Government Act 2003 and the Code of Practice on Treasury Management in Public Services published by the Chartered Institute of Public Finance & Accounting (CIPFA) to produce an annual review of its treasury management activities and performance.
Minute 48 – Corporate Peer Challenge	
RESOLVED	1. That a budget of £25k be met from the Transformation Reserve to meet actions already adopted by Council. REASON: To meet the adopted Motion of Council as outlined in the report. [Council minute 23 19 th July 2023]
Minute 51 – Seaton Jurassic	
RESOLVED	1. The capital receipt being ring fenced for delivery of those types of projects outlined in the report. REASON: To progress a way forward to ensure occupation of the site and its continued use as an Interpretation Centre linked to the broad requirements and expectations of the funding agreements and original intentions of the Centre.

38 **Minutes of Cabinet held on 10 October 2023. Minute numbers 52 - 71**

The Leader moved the above minutes and following a vote, the minutes were accepted. The Cabinet recommendations to Council contained in the minutes were agreed as follows:

Cabinet 10th October 2023

Minute 63 - Council Tax - Local Discount for Care Leavers**RESOLVED**

1. To agree to a Care Leavers discount scheme of up to 100% relief until their 25th birthday where Devon County Council has acted as their corporate parent. Scheme to apply from 1 October 2023 using our provision under S13A (1) (C) of the Local Government Finance Act 1992.

REASON:

Care leavers face the challenge of having to cope with the demands of living on their own at a young age. They must manage finances, maintain a home and manage their lives independently, without the support from their families. Whilst not mitigating the impact of all the disadvantages that care leavers have experienced, a council tax discount can provide a positive financial measure.

Minute 65 – Financial Plan 2023 - 2024**RESOLVED**

To consider and adopt the draft Financial Plan 2024 – 2034.

REASON:

It was essential the Council considered its financial resources in advance to allow time to make necessary amendments in its service provision to ensure balance budgets were maintained.

Minute 67 – Enterprise Zone**RESOLVED**

1. that up to £250k is borrowed against future ring-fenced business rate income to support the ongoing progression of the Interconnector Project.

REASON:

To ensure that Cabinet was aware of the progress to date with the Enterprise Zone designation. To provide context for further investment decisions that would be reported to Cabinet in the coming months. To support the ongoing development of the Interconnector Project.

Minute 69 - Recycling & Waste Contract extension**RESOLVED**

1. That an additional budget be allowed for 23/24 and future budget implications be modelled through annual budget setting or 24/25.
2. That a Portfolio Team be convened to take forward the preparation work for contract replacement from 2026, building on initial investigation work undertaken by the department, to commission the scope of future services required to meet legislative and budgetary changes. The team to be politically balanced and consist of no more than 7 Members plus Portfolio Holder.

REASON:

	Approval of the EDDC contract extension terms would allow the successful partnership to remain in place for the full available contract term of ten years, taking it up to June 2026. It would also provide continuity to allow the Recycling & Waste team to continue to appraise the forthcoming changes to the recycling and waste sector as DEFRA issue more information and thus prepare EDDC for implementation of the changes from 2025 onwards. Along with scoping and building a clearer specification for contract replacement in 2026.
Minute 70 – Review of Lifeguard provision 2023	
RESOLVED	<p>1. That a budget be approved for this service for Exmouth and Budleigh Salterton in 2024/25, to be confirmed through the budget setting process.</p> <p>REASON: As covered in the report lifeguarding provision was essential to meet the council's health and safety and water safety responsibilities.</p>
Minute 71 - Review of the Home Safeguard Service	
RESOLVED	<p>1. The authority to procure a new call handling system and agree the additional resources for IT improvements identified in the report to support the service.</p> <p>2. That the amendments to the permanent and new interim structure, at the recommended grades (subject to job evaluation), for an 18-month period to enable the service to carry out IT implementation and carry out the reviews outlined in this report, be agreed.</p> <p>REASON: Home Safeguard provided a 24/7 monitoring and support service to approximately 1400 tenants and 2000 private sector residents. It provided support and guidance at point of need at all hours of the day and night. It was a statutory requirement for the Authority to provide an Out of Hours service to deal with emergencies and Home Safeguard performed this role for EDDC and Teignbridge District Council.</p> <p>The service previously had not been running as a commercial entity and the review would investigate the options and opportunities this could present.</p>

The Chair of the Scrutiny Committee moved the minutes of the above meeting and, following a vote, the minutes were accepted.

40 **Minutes of Scrutiny Committee held on 7 September 2023. Minute numbers 9 - 18**

The Chair of the Scrutiny Committee moved the minutes of the above meeting and, following a vote, the minutes were accepted.

41 **Minutes of Housing Review Board held on 15 June 2023. Minute numbers 1 - 20**

Cllr Ledger presented the above minutes. Cllr Gazzard expressed his disappointment that a number of meetings had been cancelled. Cllr Gazzard also noted that he had not received a response to his questions raised at the meeting held on 15 June 2023, which he had not been able to attend. The questions were set out at minute 1, Public Speaking. In response Cllr Ledger advised that the questions had been answered at the meeting.

Following a vote, the minutes were accepted.

42 **Minutes of Strategic Planning Committee held on 9 June 2023. Minute numbers 1 - 7**

In the absence of the Chair and Vice-Chair of the Strategic Planning Committee, the Chair moved the above minutes and, following a vote, the minutes were accepted.

43 **Minutes of Strategic Planning Committee held on 21 July 2023. Minute numbers 8 - 13**

The Chair moved the above minutes and, following a vote, the minutes were accepted.

44 **Minutes of Strategic Planning Committee held on 5 September 2023. Minute numbers 14 - 24**

The Chair moved the above minutes and, following a vote, the minutes were accepted. The recommendation contained in the minutes was agreed as follows:

<u>Strategic Planning Committee 5th September 2023</u>	
Minute 24 – Section 106 and CIL Resources and Processes	
RESOLVED	<ol style="list-style-type: none"> 1. 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. 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 S106 Monitoring Fees and CIL admin funds be approved.
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45 **Minutes of Planning Committee held on 20 June 2023. Minute numbers 13 - 17**

The Chair of the Planning Committee moved the above minutes and, following a vote, the minutes were accepted.

46 **Minutes of Planning Committee held on 18 July 2023. Minute numbers 18 - 30**

The Chair of the Planning Committee moved the above minutes and, following a vote, the minutes were accepted.

47 **Minutes of Planning Committee held on 28 July 2023. Minute numbers 31 - 41**

The Chair of the Planning Committee moved the above minutes and, following a vote, the minutes were accepted.

48 **Minutes of Planning Committee held on 22 August 2023. Minute numbers 42 - 55**

The Chair of the Planning Committee moved the above minutes and, following a vote, the minutes were accepted.

49 **Minutes of Licensing and Enforcement Committee held on 19 July 2023. Minute numbers 1 - 7**

The Chair of the Licensing & Enforcement Committee moved the above minutes and, following a vote, the minutes were accepted.

The recommendation contained in the minutes was agreed as follows:

<u>Licensing and Enforcement Committee 19th July 2023</u>	
Minute 7 – Taxi and Private Hire Licensing Policy	
RESOLVED	<p>1. That the draft Hackney Carriage and Private Hire Policy, as amended, is adopted.</p> <p>REASON: The legislation does not require the Council to have a policy relating to the licensing of hackney carriages, private hire vehicles, their drivers and private hire operators, however it is regarded as good practice to have a policy to indicate the Authority's approach to taxi licensing within its area.</p>

50 **Minutes of Licensing & Enforcement Sub Committee held on 21 June 2023. Minute numbers 1 - 6**

The Chair of the Licensing & Enforcement Committee moved the above minutes and thanked the Vice-Chair of the Committee who had chaired several of the Sub Committee meetings. Following a vote, the minutes were accepted.

51 **Minutes of Licensing & Enforcement Sub Committee held on 12 July 2023. Minute numbers 7 - 12**

The Chair of the Licensing & Enforcement Committee moved the minutes of the above meeting and, following a vote, the minutes were accepted.

52 **Minutes of Licensing & Enforcement Sub Committee held on 19 July 2023. Minute numbers 13 - 17**

The Chair of the Licensing & Enforcement Committee moved the above minutes and, following a vote, the minutes were accepted.

53 **Minutes of Licensing & Enforcement Sub Committee held on 23 August 2023. Minute numbers 18 - 22**

The Chair of the Licensing & Enforcement Committee moved the above minutes and, following a vote, the minutes were accepted.

54 **Minutes of Audit & Governance Committee held on 27 July 2023. Minute numbers 1 - 13**

The Chair of the Audit & Governance Committee moved the minutes of the above meeting and, following a vote, the minutes were accepted.

55 **Minutes of Audit & Governance Committee held on 21 September 2023. Minute numbers 14 - 23**

The Chair of the Audit & Governance Committee moved the minutes of the above meeting and, following a vote, the minutes were accepted.

56 **Minutes of Overview Committee held on 20 July 2023. Minute numbers 1 - 8**

The Chair of the Overview Committee moved the minutes of the above meeting and, following a vote, the minutes were accepted.

57 **Appointments to the Housing Review Board**

It was noted that Cllr Ledger had stepped down as Chair of the Housing Review Board.

Cllr Arnott proposed that Cllr Sarah Chamberlain be appointed Chair of the Housing Review Board. This was seconded by Cllr Ledger and was **RESOLVED**.

Cllr Arnott proposed that Cllr Chris Burhop be appointed to the Housing Review Board to fill the Councillor vacancy. This was seconded by Cllr Ledger and was **RESOLVED**.

It was further **RESOLVED** to endorse the appointment of Pat Gore as the Tenant/Leaseholder Representative co-optee on the Housing Review Board.

58 **Appointment to the Planning Committee**

IT WAS RESOLVED to appoint Cllr Jenny Brown to the Planning Committee to replace Cllr Fred Caygill.

59 **Appointment of Leader of the Conservative Group**

Members noted the appointment of Cllr Colin Brown as Leader of the Conservative Group and therefore as Leader of the Opposition.

Members also thanked Cllr Marcus Hartnell for his work as the previous Leader of the Conservative Group.

Attendance List
Councillors present:

P Arnott	A Hall	T McCollum
I Barlow	M Hall	C Nicholas
K Blakey	S Hawkins (Vice-Chair)	T Olive
K Bloxham	P Hayward	H Parr
C Brown	N Hookway	H Riddell
J Brown	S Hughes	M Rixson
M Chapman	B Ingham	E Rylance (Chair)
B Collins	S Jackson	S Smith
R Collins	R Jefferies	A Toye
T Dumper	G Jung	J Whibley
P Faithfull	D Ledger	D Wilson
S Gazzard	Y Levine	E Wragg
M Goodman	J Loudoun	
D Haggerty	D Mackinder	

Officers in attendance:

Simon Davey, Director of Finance
Tracy Hendren, Director of Housing, Health and Environment
Andrew Hopkins, Communications, Digital Services and Engagement Manager
Sarah Jenkins, Democratic Services Officer
Andrew Melhuish, Democratic Services Manager
Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)

Councillor apologies:

B Bailey
J Bailey
V Bonetta

A Bruce
C Burhop
F Caygill
S Chamberlain
I Chubb
O Davey
P Fernley
C Fitzgerald
M Hartnell
J Heath
M Howe
V Johns
J Kemp
M Martin
S Richards
S Westerman

Chair

Date:

Report to: Council



Date of Meeting 6 December 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Petition – The George Inn, Chardstock

Report summary:

1. To inform Council that a petition has been received in accordance with the Council's Petition Scheme. The petition was submitted to the Council on 6 November 2023 from Cllr Mackinder. The petition is from The George Inn Continuity Group and the petition states:
Due to a lack of investment over many years we believe the condition of this 16th century grade 2 star listed building, located in a conservation area, has entered a downward spiral towards dereliction.
Section 48 of the Listed Buildings Act 1990 enables local authorities to serve a Repairs Notice(s) on the owner(s) of a listed building specifying those works it considers reasonably necessary for the proper preservations of the building.
We the undersigned petition East Devon District Council to gain access to The George Inn and to carry out a full independent inspection of the property in order to facilitate the following:
 - *Assess and report the extent of deterioration and damage*
 - *Assess and report the scope of works needed to remedy the deterioration and damage*
 - *Issue statutory notices, as required, to the property owners and oversee the satisfactory completion of the required repairs needed to safeguard this historic community asset*
2. The petition has 1,048 verified signatures

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

That Council note the petition submitted and request that it is sent to xx to respond.

Reason for recommendation:

To respond to the petition in accordance with the Council's Petition Scheme. As the petition contains 1,048 signatures it is a requirement that the petition is submitted to the relevant decision maker to respond to the petition.

Officer: Andrew Melhuish, Democratic Services Manager (andrew.melhuish@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

Petition submitted in accordance with the Council's Constitution.

Climate change Low Impact

Risk: Low Risk; Click here to enter text on risk considerations relating to your report.

Links to background information Click here to enter links to background information; appendices online; and previous reports. These must link to an electronic document. Do not include any confidential or exempt 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. To inform Council that a petition has been received in accordance with the Council's Petition Scheme. The petition was submitted to the Council on 6 November 2023 from Cllr Mackinder. The petition is from The George Inn Continuity Group and the petition states:
Due to a lack of investment over many years we believe the condition of this 16th century grade 2 star listed building, located in a conservation area, has entered a downward spiral towards dereliction.
Section 48 of the Listed Buildings Act 1990 enables local authorities to serve a Repairs Notice(s) on the owner(s) of a listed building specifying those works it considers reasonably necessary for the proper preservations of the building.
We the undersigned petition East Devon District Council to gain access to The George Inn and to carry out a full independent inspection of the property in order to facilitate the following:
 - *Assess and report the extent of deterioration and damage*
 - *Assess and report the scope of works needed to remedy the deterioration and damage*
 - *Issue statutory notices, as required, to the property owners and oversee the satisfactory completion of the required repairs needed to safeguard this historic community asset*
2. The petition has 1,048 verified signatures

Recommendation:

To note the petition submitted and request that it is sent to the Assistant Director – Planning Strategy to respond.

Reason for recommendation:

To respond to the petition in accordance with the Council's Petition Scheme. As the petition contains 1,048 signatures it is a requirement that the petition is submitted to the relevant decision maker to respond to the petition.

Purpose of Report

To consider a petition from The George Inn Continuity Group.

Council Constitution Petition Scheme

In line with the Council's Constitution this is an Ordinary Petition and the process is set out below.

Council's petition scheme Part 5.5

Part 5.5 – 3. What are the different types of petition? An ordinary petition: Petitions containing at least 25 signatures. The petition organiser can present their petition to a meeting of the Council who will, without discussion, refer the petition to the relevant decision maker (this could be an officer of the Council or one of the Council's committees) OR the petition organiser (with two other people who signed the petition) can meet with the relevant decision maker direct to present their petition.

Part 5.5 – 4 Who can organise and sign a petition? Anyone who, lives works or studies in East Devon, including under 18's, can sign or organise a petition.

Part 5 What must a petition include?

Petitions must include all of the following:

- at least 25 signatories
- a clear and concise statement covering the subject of the petition and which petition type it is. It should state what action the petitioners wish the Council to take
- where it is a physical petition the subject matter of the petition on each page
- Sufficient information to be able to identify that the organiser and/or any signatories live, work or study in East Devon
- Physical or verified virtual signature of any person supporting the petition and contact details, including a phone number and address for the petition organiser – this will be the person who we will contact to explain how we will respond to the petition

Part 8 What will the Council do when it receives my petition?

All petitions sent or presented to the Council will receive an acknowledgement within 10 working days of receipt. The acknowledgement will be sent to the petition organiser and will explain what we plan to do with the petition and when you can expect to hear from us again. Details of your petition will be provided to the Chair of the Council, the political party group leaders, the Monitoring Office and the Chief Executive so they are informed of the details of the petition.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signature to trigger a Council meeting debate, or a Senior Officer giving evidence, then the acknowledgement will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If you submit an 'ordinary' petition the Democratic Services Manager will contact the petition organiser and inform them which body/decision maker will respond to the petition and invite them to choose whether they wish to make a presentation at a Council meeting or for the petition to be referred direct to the body/decision maker concerned. However, if the subject of the petition is due to be considered by the decision maker before the next meeting of the Council it will be referred to the decision maker and you will not, therefore, have the opportunity to present your petition at a Council meeting. If you choose to submit your petition directly to the decision maker you will be informed who makes the decision and who will be contacting you to make arrangements for you to meet with the decision maker.

Financial implications:

None arising from the submission of the petition.

Legal implications:

Legal implications set out in the body of the report.

East Devon District Council

Meeting on 6 December 2023

Agenda Item No 9

Question Procedure Rule 9.2 to the Leader of Council (Councillor Paul Arnott) from Councillor Jess Bailey

Question 1

1. On the 19th July 2023 I asked the Leader to provide details of officer meetings (including times dates and attendees) which had resulted in the proposed enlargement of West Hill's settlement boundary. This enlargement represents a radical change in West Hill's boundary and has the effect of potentially significantly opening up greenfield development around the perimeter of West Hill. I was advised that a response would be given 'in due course' but five months later an explanation has not been provided.

Please can you explain how it came about that the officers redrew West Hill's boundary (it cannot be due to the 'principles' approved by the strategic planning committee because those very same principles resulted in an entirely different boundary as part of the villages plan in 2017).

Please include details of internal email exchanges, meetings, and details of internal discussions.

2. On 9th October this council wrote to its three MPs calling on them to press the government to find a more positive approach to solving the housing crisis and to move away from algorithms that pay no regard to the consequences of new housing numbers on the environment and the communities affected by growth. Please publish the responses received.

Answer:

1. At Strategic Planning Committee on the 8th February 2022 Members considered a working draft of the New Local Plan and endorsed an approach to the drawing of settlement boundaries. The approach sought to draw them more 'loosely' to provide development opportunities for smaller sites to come forward around the settlements – see resolution under Strategic Policy 7 at [Agenda item - Working draft of the proposed East Devon Local Plan 2020 to 2040 - East Devon](#). Following this a report was brought to Strategic Planning Committee on the 5th April 2022 seeking Members agreement to a methodology for defining settlement boundaries that would achieve this. The methodology was agreed by the committee.

The new methodology is markedly different from that used to define the boundaries in the villages plan. Three additional criteria were inserted into the methodology in order to address Members resolution of the 8th February 2022. These criteria state that the following land areas would now be included within settlement boundaries:

- Areas of land that are largely contained between site allocations proposed in the draft local plan and the main built up area of the related settlement.
- Parcels of land smaller than 0.15 of a hectare that may provide opportunities for no more than 4 homes to be built where generally compatible with the general layout and landscape setting of the settlement.
- Parcels of land larger than 0.15 of a hectare that may not have been considered suitable for allocation, but nevertheless may provide suitable development opportunities if applicants demonstrate through the development management process that individual proposals would be acceptable.

On the basis of the methodology including these new criteria the settlement boundaries were reviewed including that of West Hill and reported to Strategic Planning Committee on the 1st November 2022 where it was agreed to consult on the draft Local Plan including the settlement boundaries for West Hill and other settlements.

There will have been various meetings and discussions between officers in production of the methodology and its use in production of the settlement boundaries, however these are not expressly recorded other than key action points in team meetings. The key decisions relevant to this matter were however all made by Members of Strategic Planning Committee and are recorded in the minutes of the relevant meetings referred to above.

2. The only response to the letter received so far was from Simon Jupp MP and this has already been circulated to all Members by Maria Pearce via e-mail on 7th November at 8.52am.

Question Procedure Rule 9.2 to the Leader of Council (Councillor Paul Arnott) from Councillor Ian Barlow

Question 2

Why is it if this council is supposed to be modern do we still have cabinet meetings that start at 6pm when like it or not people are not at their best mentally, officers have to wait around unproductively late into the evening and some decisions may appear rushed. Other committees where members don't receive extra money have their meetings in the day planning for instance.

Answer:

The 6pm start of certain committee meetings, Cabinet and Full Council is to allow elected members who have full time employment fulfil their duties for attending meetings without impacting their employment and allows members of the public to attend evening meetings.

If members wish to review the timings of meetings it would be sensible to undertake a consultation exercise with councillors and the public to find out if there is an appetite for making changes to the timings of meetings.

**Summary of recommendations being presented to Council
6 December 2023**

(Minutes in full have been circulated and are available online)

<u>Cabinet 29th November 2023</u>	
Minute 82	
Minutes of Arts and Culture Forum held on 8 November 2023	
RECOMMENDED Arts and Culture Forum	<p>RECOMMENDED to Council: To approve the terms of reference of the Arts and Culture Forum.</p> <p>Reason: These changes will update the Forum's constitution to reflect since it was last reviewed in 2013 the adoption of East Devon's Culture Strategy 2022-31 and the creation of the ACED Network which now represents the activities and networking of the district's cultural and creative arts communities.</p> <p>Arts and Culture Forum constitution amends report 081123.pdf (eastdevon.gov.uk)</p>
Minute 83	
Minutes of Housing Review Board held on 9 November 2023	
RECOMMENDED Future of Warm Hubs	<p>RECOMMENDED to Council: To approve a budget of £50,000 to allocate towards delivering and designating the Warm Hubs project.</p> <p>Reason: The Warm Hub project was introduced and agreed by the Board in response to the cost of living crisis. The project has been successful in tackling social isolation, food poverty, housing warmth, personal development, community cohesion and in relaunching tenant involvement and engagement. It has clearly made a difference to tenant's lives and there is overwhelming demand for the service to continue.</p>
Minute 90 Exmouth Sea Wall Emergency Repairs Budget	
RECOMMENDED	<p>RECOMMENDED to Council: That the sum of up to £1.1m is allocated to the project to carry out emergency works to Exmouth Seafront; such works may also act as the permanent solution. It is noted that external contributions may be received which may reduce the spend.</p> <p>REASON: Given the location of the failed and failing wall, it was not an option to do nothing and allow the sea to erode the seafront further. Therefore,</p>

	the most cost-effective option (option C) had been selected to proceed as it would restore the sea defence and reduce impact on public and businesses and allow options going forward for aesthetic improvements if required by planning conditions.
Minute 94 Treasury Management Performance 2023/24 - 1 April to 30 September 2023	
RECOMMENDED	<p>RECOMMENDED to Council:</p> <p>That the report, the treasury activity and recommend approval of any changes to the prudential indicators, be noted.</p> <p>REASON:</p> <p>The Council was required by regulations issued under the Local Government Act 2003 and the Code of Practice on Treasury Management published by the Chartered Institute of Public Finance & Accounting (CIPFA) to produce a half-yearly review of its treasury management activities and performance.</p>
Minute 100 Site Acquisition Opportunity	
RECOMMENDED	<p>RECOMMENDED to Council:</p> <p>That a budget of up to £40,000 be allocated for due diligence work to be undertaken to inform the council's decision on acquiring this site and for future feasibility studies.</p> <p>REASON:</p> <p>To enable the council to consider the acquisition of this important vacant site in Axminster, using the Place & Prosperity Investment Framework.</p>
<u>Standards Committee 14th November 2023</u>	
Minute 15 – Revised Code of Conduct complaints procedure	
RECOMMENDED	<p>RECOMMENDED to Council:</p> <p>That the reviewed Member Code of Conduct Complaints Procedures be approved, subject to the amendments discussed by the Standards Committee.</p> <p>REASON:</p> <p>To ensure that the Code of Conduct complaints procedures are reviewed, up-to-date and in accordance with best practice.</p>



INFORMATION AND GUIDANCE FOR POTENTIAL COMPLAINANTS

How to make a complaint about the conduct of a District or Town/Parish Councillor in East Devon

CONTENTS OF THIS DOCUMENT:

1. Introduction to Code of Conduct complaints
2. Making a complaint
3. Stage 1 Assessment (Basic Criteria)
4. Stage 2 Assessment
5. Process at Stage 2
6. Outcomes
7. Result of Formal Investigation
8. Other Important Information

Appendix A:	Summary of East Devon Code of Conduct
Appendix B:	List of Towns and Parishes in East Devon
Appendix C:	Flow Chart of Process
Appendix D:	Complainant Confidentiality
Appendix E:	Sanctions

1. Introduction to Code of Conduct complaints

- 1.1 Section 27 of the Localism Act 2011 (the “Act”) requires a local authority to adopt a Code of Conduct to govern the conduct that is expected of its members (and co-opted members), when acting in their official capacity.
- 1.2 East Devon District Council (“the Council”) has adopted a Code of Conduct for councillors which is available using the following link: [Code of conduct - East Devon](#) or upon request from the Council’s Monitoring Officer. The behaviour covered by the Council’s Code is summarised in Appendix A.
- 1.3 The Council is responsible under the Act for dealing with complaints that district councillors in East Devon have breached the Code of Conduct.
- 1.4 The Council is also responsible for dealing with complaints that Town/Parish councillors in East Devon have breached their Code of Conduct. A full list of the Towns and Parishes in East Devon is set out at Appendix B. Town and Parish Councils can adopt the East Devon Code of Conduct or another code of their choosing. A copy is generally available upon the Town or Parish Council’s website or can be obtained from the Town or Parish Clerk.
- 1.5 This guidance sets out how you may make a complaint that an East Devon District councillor, or a Parish/Town Councillor has failed to comply with the relevant Council’s Code of Conduct. A flow chart of the process is contained at Appendix C. You are encouraged to read this guidance in its entirety before submitting your complaint.
- 1.6 The Monitoring Officer is a senior officer of the Council who has statutory responsibility for maintaining the register of councillor’ interests and who is responsible for administering the process in respect of complaints of alleged councillor misconduct on behalf of the Committee. Reference to “Monitoring Officer” shall include their nominated Deputy. The Monitoring Officer carries out the first and second stage of the assessment of a complaint.
- 1.7 The oversight of complaints against elected or co-opted councillors of East Devon District Council and the Town and Parish Councils within our area sits with East Devon District Council’s Standards Committee (the “Committee”). This Committee is a group of councillors appointed by East Devon District Council to help maintain and promote high ethical standards. In addition to councillors from East Devon District Council, parish council representatives and independent representatives are also co-opted onto this Committee. The Council also appoints independent persons to advise the Committee.
- 1.8 A sub-committee of the Standards Committee known as the Standards Assessment Sub-Committee (‘SASC’) has been set up to assist the Monitoring Officer in the assessment of the complaints, if necessary, in accordance with clause 5.4.

- 1.9 This guidance sets out how the Council will deal with your complaint once received.
- 1.10 Please note that trivial, frivolous, vexatious and politically motivated tit-for-tat complaints are likely to be rejected.
- 1.11 The procedure the Council has adopted is designed to be proportionate, timely and fair to both sides. Its overriding objective is to seek to provide pragmatic local solutions to local problems wherever possible and to avoid costly and time-consuming formal investigations/hearings.

2. Making a complaint

- 2.1 If you wish to make a complaint, we would first encourage you to discuss the matter with the Monitoring Officer. This initial discussion will enable us to understand the basis of your complaint and advise you of the process involved and what we will need from you to be able to proceed with your complaint. The Monitoring Officer can be contacted at

Email: monitoringofficer@eastdevon.gov.uk

Telephone: 01395 571688

Address: Monitoring Officer
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ

- 2.2 If following an initial discussion with the Monitoring Officer or a member of their staff, you still wish to proceed with making a formal complaint, your complaint must be made to us in writing (as opposed to verbally). The Council has an online complaint form that should be completed to ensure that we have all of the information that we need to progress your complaint. Further details and the online form can be found on our [How to Complain about a Councillor](#) pages of our website or if you are unable to complete the online form, you can request a hard copy of the form and the relevant guidance and this will be provided to you.
- 2.3 The Monitoring Officer can provide assistance to help you make your complaint if English is not your first language or if you need help because of a disability.
- 2.4 It is very important that anyone making a complaint gives as much detail as possible as insufficient information may result in the complaint not progressing. The name of the councillor (the 'Subject Councillor') and the relevant paragraphs of the Code of Conduct that it is felt they

have breached, should be included, together with a description of the event/actions that led to the alleged breach. Relevant evidence (such as email exchanges, witness accounts or recordings) to support the alleged breach should be referenced / provided.

- 2.5 Potential complainants are encouraged to explore whether the matter can be resolved without the need to submit a formal complaint under this process. Please do speak to the Monitoring Officer who will be happy to advise you on the options available to you.
- 2.6 Complainants are also encouraged to think about the outcomes and / or remedies they are seeking.
- 2.7 We recommend that you use our online complaint form or provide a covering note summarising what you are complaining about, especially if your complaint includes a lot of supporting documentation. In the summary you should tell us exactly what each person you are complaining about said or did that has caused you to complain. If you are sending supporting documentation, please cross-reference it against the summary of your complaint.
- 2.8 You should be as detailed as possible and substantiate your complaint where you can. Although you are not required to prove your complaint at this stage of the process, you do have to demonstrate that you have reasonable grounds for believing that the councillor(s) complained about have breached the Code of Conduct.
- 2.9 Under the Council's Constitution, East Devon District Councillors should consult with the Monitoring Officer before making any complaint against another District or Town / Parish Councillor.
- 2.10 When you submit your complaint we will write to you to let you know we have received it, within three working days. The complaint process is set out in a flow diagram at Appendix C.
- 2.11 The assessment of a complaint will follow a two-stage process.

3. First Stage Assessment

- 3.1 The first stage is to establish whether or not we can deal with your complaint.
- 3.2 Once your complaint has been acknowledged, the Monitoring Officer will then consider whether the complaint meets the jurisdictional tests at the First Stage Assessment. The matters that will be considered at this stage of the process are:-
 - Your complaint must be about one or more named councillors of the authorities listed on the attached Appendix B.
 - Your complaint must be about conduct that occurred while the Subject Councillor(s) complained about were in office. Conduct of an individual before they were elected, co-opted or appointed to the

authority, or after they have resigned or otherwise ceased to be a councillor, cannot be considered.

- The Subject Councillor you are complaining about must be in office at the time of your complaint.
- Your complaint must relate to matters where the Subject Councillor was acting or could be perceived to be acting as a councillor or representative of their council and therefore is not a private matter.
- The complaint relates to councillor conduct (rather than, for example, the lawful actions of a parish council or the District Council's service provision) such that, if proven, it would be capable of amounting to a breach of the Code of Conduct.

3.3 The Monitoring Officer will advise you within five working days as to whether your complaint meets the First Stage Assessment and if so, the complaint will progress to the Second Stage Assessment.

3.4 When there is insufficient information to make a determination as to whether the conduct complained of may demonstrate a potential breach of the Code of Conduct, the Monitoring Officer may offer you a further ten working days to provide further information to support the complaint. If further information is not provided within ten working days of being requested or the further information is not sufficient to make a determination, the complaint will be rejected.

3.5 Complaints against a council as a whole will be rejected and need to be referred directly to the council in question for consideration. We can tell you who to contact. These complaints should be pursued through the relevant council's own internal complaints procedure. For example, if a complaint relates to a councillor's behaviour in relation to the determination of a planning application, this procedure will relate only to the councillor's conduct and will not comment on the decision relating to the planning application, save to the extent necessary to explain the decision in relation to the code of conduct complaint.

3.6 Complaints about the actions of people employed by the relevant council e.g. the clerk of a town or parish council, will also be rejected. Again, these complaints should be pursued through the relevant council's own internal complaints procedure.

3.7 This First Stage Assessment will be completed within five working days.

3.8 If your complaint meets all of the First Stage Assessment criteria, it will proceed to the Second Stage Assessment.

4. Second Stage Assessment

4.1 Complaints that progress to the Second Stage will be assessed against criteria to determine whether there is some evidence which would suggest that there may have been a material breach of the Code of Conduct.

4.2 The criteria to be used in reaching a decision are set out below. Your complaint will usually be rejected at this stage if, in the opinion of the Monitoring Officer, any of the following criteria applies:

- It appears the complaint relates to the Subject Councillor acting in their private capacity.
- The complaint is the same or substantially the same (and involves the same event or set of circumstances) as a complaint previously dealt with whether submitted by you or some other person.
- It is over 6 months since the alleged behaviour occurred (or since the complainant became aware of the alleged behaviour) and it would be unfair, unreasonable or otherwise not in the public interest to pursue unless there are, in the Monitoring Officer's opinion, exceptional circumstances, such as there has been a failure to declare a disclosable pecuniary interest which would warrant the complaint being progressed.
- The allegation is anonymous and there are no exceptional compelling reasons to progress the complaint.
- The allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and:
 - the resources needed to investigate and determine the complaint are wholly disproportionate to the allegations; and/or
 - whether, in all the circumstances, there is no overriding public benefit in carrying out a formal investigation.
- The complaint appears on an objective basis to be malicious, vexatious, politically motivated or tit-for-tat or is part of a series of complaints from the complainant and it is not in the public interest to pursue it.
- The Subject Councillor has remedied or made reasonable endeavours to remedy the issues to which the complaint relates, and the complaint does not disclose sufficiently serious potential breaches of the Code of Conduct to merit further consideration.
- The complaint is about a person who is no longer a councillor of a relevant council and there are no overriding public interest reasons to merit further consideration.
- The complaint is from a councillor about another councillor of their council and the Monitoring Officer considers the allegations to be such that the issues between the councillors ought to be capable of resolution between them, whether with or without the assistance of their Clerk or some other person.
- That a simple apology, training or conciliation would be the appropriate response.

- That a reasonable offer of local resolution is offered by the Subject Councillor but is rejected by you.
- It would otherwise be inappropriate to expend the Council's resources on determining the complaint having regard to the circumstances of the complaint, any previous related complaints, and the public interest.

5. Process at the Second Stage

- 5.1 We will notify the Subject Councillor to whom the complaint relates, provide details of the complaint, and invite them to make representations. These must usually be received by the Monitoring Officer within ten working days of the Subject Councillor receiving the notification.
- 5.2 The Monitoring Officer may also contact the clerk of the Town or Parish council, where appropriate and such other persons as the Monitoring Officer feels appropriate, to provide additional information.
- 5.3 The Monitoring Officer will assess the complaint, any representations by the Subject Councillor and any additional information requested. However, the purpose of this stage is not to conduct a formal investigation and only preliminary enquiries will be made, such as to establish whether the Subject Councillor was in fact present at the meeting to which the complaint relates.
- 5.4 If the Monitoring Officer considers it appropriate or necessary, the complaint may be referred to the SASC for them to carry out the Second Stage Assessment.
- 5.5 On the completion of this initial assessment the Monitoring Officer will contact you to advise you whether your complaint relates to a potential breach of the code of conduct and what action is proposed, if any. The Subject Councillor will be similarly informed. This will happen within twenty working days of the date we receive your complaint or additional information (where requested).
- 5.6 The decisions that can be reached at this Stage are;
 - No further action should be taken in relation to the complaint.
 - The complaint should be dealt with through a process of informal resolution in the first instance. or
 - The matter should be referred for formal investigation.
- 5.7 In reaching a decision at the Second Stage, no finding of fact will be made.
- 5.8 The Second Stage will happen within twenty working days of receipt of your original complaint or of receipt of any further information requested by the Monitoring Officer to enable them to progress your complaint.

- 5.9 It is important to note that not every complaint will be referred for formal investigation. The Monitoring Officer or the SASC (as appropriate) must decide whether this is appropriate. The Monitoring Officer will endeavour to resolve complaints without the need for a formal investigation wherever possible.
- 5.10 There may be rare occasions upon which a Subject Councillor will not be notified that a complaint has been made against them. In deciding not to notify the Subject Councillor, we will weigh up different factors and the Monitoring Officer will consult with the Independent Person when reaching this conclusion. For example, would telling the Subject Councillor risk the complainant being intimidated or evidence destroyed, or if the complaint seems to fall outside of the jurisdiction of the Code of Conduct is there any need to hear from the Subject Councillor? If the decision is made not to notify the Subject Councillor about the complaint but the Subject Councillor becomes aware of the complaint and wishes to know what has been alleged and the identity of the complainant, then this information will be provided to them (unless the complainant has requested confidentiality and the Monitoring Officer has agreed to this request).
- 5.11 Before making any decision at the Second Stage, the Monitoring Officer will discuss your complaint with an independent person. This is a person who has been appointed by the Council to assist in dealing with Code of Conduct complaints and who is independent of the District or Town/Parish Councils in East Devon. The Council has appointed two Independent Persons to assist with complaints. Subject Councillors have the right to consult an Independent Person as part of the complaints process. They will be notified of this as part of the correspondence. Where possible, the Independent Person giving their views to the Monitoring Officer will be different from the one giving views to the Subject Councillor, although it is acknowledged that this may not always be possible.

6. Outcomes

6.1 Informal Resolution (other action)

An informal resolution is a more proportionate way of dealing with relatively minor allegations, one-off incidents or underlying disagreements between individuals. It is important to note that dealing with a matter by informal resolution at the Stage 2 Assessment stage is making no finding of fact as there has been no formal investigation.

Matters which the Monitoring Officer might consider appropriate for informal resolution may include:

- The same particular breach of the Code by many councillors, indicating poor understanding of the Code and the authority's procedures.
- Less serious complaints where the Subject Councillor wishes to put their actions right or where it would be beneficial to remind a

Subject Councillor of the requirements of the Code of Conduct, matters that should be included on their Register of Interests or declarations of interest at meetings.

- Complaints where the public interest in conducting a formal investigation does not justify the costs of such an investigation.
- A general breakdown of relationships where other action such as mediation might help, including those between councillors and officers, as evidenced by a pattern of allegations of minor disrespect, harassment or bullying to such an extent that it becomes difficult to conduct the business of the relevant council.
- Misunderstanding of procedures or protocols.
- Misleading, unclear or misunderstood advice from officers.
- Where the issue appears to be in the political arena and therefore appropriate for referral to a leader(s) of a political group to deal with or the town/parish council.
- Lack of experience or training.
- Interpersonal conflict.
- Allegations and retaliatory allegations from the same councillors.
- Allegations about how formal meetings are conducted.
- Allegations that may be symptomatic of governance problems within the council, which are more significant than the allegations in themselves.

Informal resolution could either be directed at the Subject Councillor who is the subject of the complaint, the Subject Councillor and yourself as complainant, or at the council more generally.

Informal resolution can include such things as training, providing an apology, referral to a political group, withdrawing a remark, mentoring, conflict resolution, mediation.

Both yourself and the Subject Councillor will be consulted before a decision is made to proceed with informal resolution.

6.2 Referral for Formal Investigation

If the Monitoring Officer (in consultation with the Independent Person), or SASC considers that the complaint is both very serious in terms of the potential breach of the code and that a formal investigation is warranted in the public interest to establish the facts, then the Monitoring Officer or someone acting on their behalf will undertake this. Only very exceptionally will a complaint result in a formal investigation.

The Monitoring Officer will let all those involved know that this is the case and the process that will be followed.

At the end of a formal investigation, the investigator will issue a draft report and invite comments from the complainant and the Subject Councillor. The Monitoring Officer will then issue a final report ("the Investigation Outcome report") which they send to the complainant, the Subject Councillor complained about, the Independent Person and the Clerk to the Town/Parish Council (where relevant).

7. Result of Formal Investigation

The outcome of the formal investigation will form the basis of an Investigation Outcome Report which will be published and issued to all parties and will include the findings of the investigator.

7.1 On the basis of the report, the Monitoring Officer will decide whether:

- There has been no breach and therefore no further action will be taken.
- There have been one or more breaches, but no further action is needed.
- There have been one or more breaches, but the matters should be resolved in a way other than by a hearing such as local resolution; or
- That the matters be referred to a hearing.

7.2 Oral Hearing

In the event of an oral hearing, this hearing will generally be held in public and although it will be conducted on a relatively informal basis, both the investigator and the Subject Councillor complained about will be able to make representations and call witnesses. At the end of the hearing the Hearing Sub-Committee, after consulting with the Independent Person will decide whether, on the balance of probabilities, there has been a failure to comply with the Code of Conduct and what "sanction" or "sanctions" (if any) should be imposed.

If an oral hearing is required and reaches a finding that there has been a failure to comply with the Code, then there is a range of sanctions available as set out at Appendix E to this guidance. **It should be noted that under the Localism Act 2011, there is no ability to suspend or disqualify a councillor.**

8. Other Important Information

8.1 Ability to Appeal

Although there is no right of appeal against the decisions of the Monitoring Officer, SASC or Hearing Sub-Committee, if you are unhappy with the procedures followed (as opposed to the outcome) then you are still entitled to complain to the Local Government

Ombudsman or challenge a decision through the Courts by way of Judicial Review.

8.2 Withdrawing Complaints

A complainant may ask to withdraw their complaint before it has been assessed or decided. In deciding whether to agree to the request the Monitoring Officer will consider:

- The complainant's reasons for withdrawal (e.g. whether there has been undue pressure or an apology given).
- Whether the public interest in taking some action on the complaint outweighs the complainant's wish to withdraw it.
- Whether action, such as a formal investigation, may be taken without the complainant's participation.

8.3 Complaints about a matter that has already been assessed

There are occasions when a complaint is received on a matter that is the same or similar to one that has already been assessed. If this is the case, the complaint will be rejected. In these circumstances you will be sent a copy of the decision notice that has previously been issued. The name of the original complainant(s) will be redacted from the decision notice.

8.4 Multiple complaints about a councillor

There may be instances when a number of complaints are received about the same Subject Councillor from different complainants that relate to the same incident. When a complaint is substantially the same, it will be processed as a single complaint taking into consideration all the complaints received up to the time the complaint is processed. A single decision notice will be issued and will reflect the fact there has been more than one complainant associated with the matter, though all may not be named. If further complaints relating to the same matter are received after the complaint is being processed these will not be added to the complaint but the complainants will be advised that a complaint about this matter is already being considered.

If a formal investigation is deemed to be appropriate the Monitoring Officer may determine that, in the interests of efficiency, only one complaint should go forward for formal investigation, with the other complainants being treated as potential witnesses in that investigation.

8.5 Behaviour that constitutes a criminal offence

Where a complaint is received which discloses behaviour that may constitute a criminal offence, the Monitoring Officer will determine whether to refer such allegations to the police or other appropriate body. If the conduct relates to the failure to declare a disclosable pecuniary interest, this will be done by initially undertaking the assessment of the complaint in the manner set out at the First Stage

prior to referral, in order to determine if a potential failure to declare a disclosable pecuniary interest has occurred.

Where a complaint is referred to the police or some other body the Council will not take any action on the complaint, other than the referral, until the body to whom the complaint has been referred to, decide to take no action or any action they take, has been finally determined.

The Council will take such action as is necessary to ensure that it does not compromise the integrity of any investigation or proceedings undertaken by another body in relation to the allegations.

If the police or other body decide to progress the complaint, then no further action will be taken on the complaint by this Council. If they decide not to progress the complaint, the Council will proceed to consider the complaint at the Second Stage of the process (see paragraph 5 above).

Please note, that complainants may refer criminal allegations directly to the Police if they so wish.

8.6 Complainant Confidentiality and Anonymous Complaints

The Council will not normally allow anonymous complaints as that would be against the principles of transparency and fairness and make matters more difficult to investigate. However, there may be exceptional compelling reasons as to why a complainant's identity may be kept confidential provided certain criteria are met. Full details are set out at Appendix D.

8.7 Confidentiality of the Complaint

All information regarding the complaint will remain confidential to the parties involved except in certain circumstances where it proceeds to a formal investigation, or where the matter is referred to another body such as the police. The complainant and Subject Councillor are expected not to disclose information about the complaint to anyone else unless such publication is in accordance with this guidance or any associated document. Failure to comply with the confidentiality requirements could result in a breach of the Data Protection Act 2018 or a breach of the Code of Conduct. It could also lead to legal action being taken against you by the other party to the complaint or indeed by third parties if referred to in your complaint. You are therefore advised to take independent legal advice before considering releasing any information regarding this complaint.

8.8 Use of an alternative Monitoring Officer

The Monitoring Officer may, following consultation with the Chair of Standards and an Independent Person, refer any complaint to a Monitoring Officer of another authority where it is necessary or expedient to do so. Such examples may include complaints against senior councillors.

8.9 Extension to deadlines

The Monitoring Officer may, in certain circumstances extend any timeframe or deadline in this procedure where it is considered necessary and appropriate. If the Monitoring Officer is minded to extend a particular deadline, they will firstly write to all parties to inform them of the new deadline and the reasons for the extension.

Appendix A

Behaviour covered by the East Devon District Council Code of Conduct

You can complain about a councillor breaking any part of their council's Code of Conduct. As each council can adopt their own code there is no longer a standard code of conduct that applies to all local authorities. This means you need to have seen the relevant code of conduct relating to the Subject Councillor about whom you wish to complain and confirm that the behaviour you wish to complain about is covered by the code. The Council cannot consider any complaints that fall outside of the relevant code of conduct.

The code that relates to councillors of East Devon District Council covers the following areas:-

- Treating others with courtesy and respect.
- Not bullying any person.
- Not harassing any person.
- Promoting equalities and not discriminating unlawfully against any person.
- Not compromising or attempting to compromise, the impartiality of anyone who works for or on behalf of the Council.
- Not intimidating any person likely to be involved in any investigation or proceedings about someone's misconduct.
- Not disclosing confidential information given in confidence or acquired or improperly using information gained as a result of their role for the advancement of those connected with them or preventing anyone from getting information they are entitled to by law.
- Not bringing their role or the Council into disrepute.
- Not using their position improperly, to their own or someone else's advantage or disadvantage.
- Not misusing the Council's resources.
- When using resources or authorising their use, acting in accordance with the Council's requirements and not used for political purposes.
- Undertaking Code of Conduct training and co-operating with any Code of Conduct investigation and/or determination.
- Not making trivial or malicious complaints against other councillors.

- Complying with any sanction imposed where they have been found to have breached the Code of Conduct.
- Failing to register or disclose their interests.
- Taking part in the discussion or making a decision where they have a “disclosable pecuniary interest”.
- Failing to register any gifts or hospitality (including its source) that they have received in their role or refused as a councillor worth over £50.

Any breaches in relation to requirements around “disclosable pecuniary interests” are matters for the Police as a criminal offence may have been committed. We suggest you speak to the Council’s Monitoring Officer first as they should be able to advise you whether or not it is a matter for the Police.

Although we have encouraged the Town & Parish Councils to adopt similar provisions they are not required to do so. Accordingly, their code may look quite different, so you do need to see a copy. The Clerk to the relevant Town or Parish Council should be able to provide you with a copy. Alternatively, once provided, we hold copies of all Town and Parish Council Codes on our website. The Code adopted by this Council is also available on our website at [Code of conduct - East Devon](#).

Appendix B

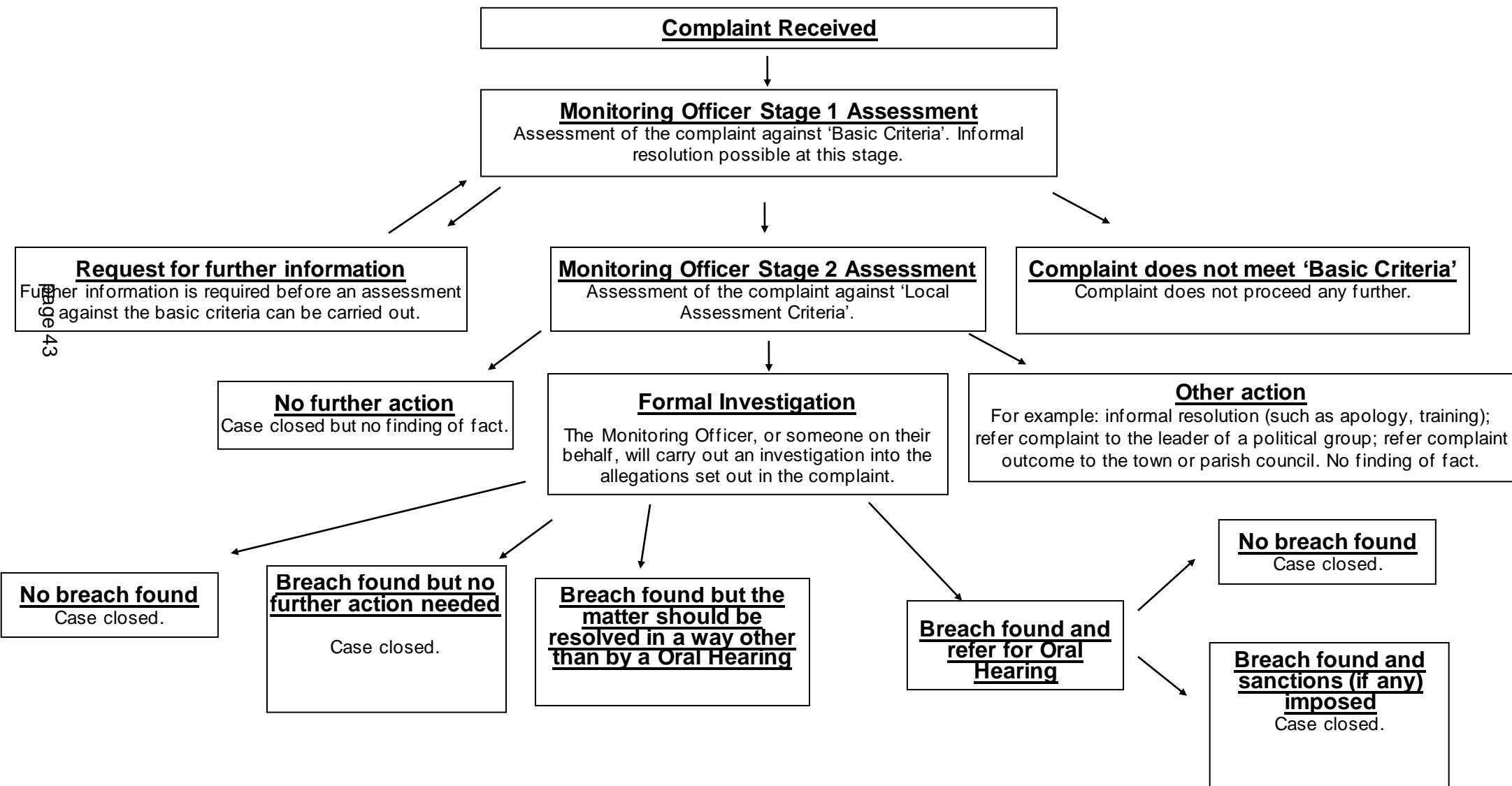
Towns and Parishes in East Devon

All Saints Parish Council
Awliscombe Parish Council
Axminster Town Council
Axmouth Parish Council
Aylesbeare Parish Council
Beer Parish Council
Bishops Clyst Parish Council
Bramford Speke Parish Council
Branscombe Parish Council
Broadclyst Parish Council
Broadhembury Parish Council
Buckerell Parish Council
Budleigh Salterton Town Council
Chardstock Parish Council
Clyst Honiton Parish Council
Clyst Hydon Parish Council
Clyst St George Parish Council
Colaton Raleigh Parish Council
Colyford Parish Council
Colyton Parish Council
Compyne Rousdon Parish Council
Cotleigh Parish Council
Cranbrook Town Council
Dalwood Parish Council
Dunkeswell Parish Council
East Budleigh with Bicton Parish Council
Exmouth Town Council
Farringdon Parish Council
Farway Parish Council
Feniton Parish Council
Gittisham Parish Council

Hawkchurch Parish Council
Honiton Town Council
Kilmington Parish Council
Luppitt Parish Council
Lypstone Parish Council
Membury Parish Council
Monkton Parish Council
Musbury Parish Council
Newton Poppleford and Harpford Parish Council
Northleigh Parish Council
Offwell Parish Council
Otterton Parish Council
Ottery St Mary Town Council
Payhembury Parish Council
Plymtree Parish Council
Poltimore Parish Council
Rewe Parish Council
Rockbeare Parish Council
Seaton Town Council
Shute Parish Council
Sidmouth Town Council
Southleigh Parish Council
Stockland Parish Council
Stoke Canon Parish Council
Talatton Parish Council
Uplyme Parish Council
Upottery Parish Council
Upton Pyne Parish Council
Whimble Parish Council
Widworthy Parish Council
Woodbury Parish Council
Yarcombe Parish Council
West Hill Parish Council

Appendix C

Code of Conduct Complaint process Flow Chart



Appendix D

Complainant Confidentiality

1. If you ask for your identity to be withheld, this request will be considered by the Monitoring Officer at the First Stage Assessment.
2. As a matter of fairness and natural justice, the Subject Councillor you complained about should usually be told who has complained about them and receive details of the complaint. However, in **very** exceptional circumstances, the Monitoring Officer may withhold your identity. Each case will be considered on its merits and the following will be taken into consideration:-
 - Whether on request from you, or otherwise, the Monitoring Officer is satisfied that:-
 - You have reasonable grounds for believing that you or somebody closely connected to you, will be at risk of physical harm if your or their identity is disclosed, or
 - You are reasonably concerned about the consequences to your employment or that of somebody closely connected to you, if your or their identity is disclosed, or
 - That you or someone closely connected to you suffers from a medical condition and there is evidence of medical risks associated with your or their identity being disclosed or confirmation from an appropriate medical professional that this is the case, or
 - Whether the specifics of the complaint will disclose who has made the complaint even without confirming your identity; and
 - In some circumstances, the public interest in proceeding with the complaint may outweigh your wish to have your identity withheld. This would generally only apply where very serious allegations are being made.
3. If the Monitoring Officer decides to refuse your request for confidentiality, they will offer you the option to withdraw the complaint, rather than proceed with your identity being disclosed. The Monitoring Officer will balance whether the public interest in taking action on a complaint will outweigh your wish to have your identity withheld.

APPENDIX E

Sanctions

The sanctions available to the Council are as set out below. In relation to the Town & Parish Councils in our area, we can only **recommend** a particular sanction to them but we do not have the power to enforce compliance.

We do not have the power to suspend or disqualify a councillor. The sanctions available are:-

- Report its findings to Council or Town/Parish Council for information.
- Issue (or recommend to Town/Parish to issue) a formal censure.
- Recommending to the councillor's Group Leader (or in the case of ungrouped councillors, recommend to council) that he/she be removed from any or all Committees or Sub-Committees of the Council (or recommend such action to the Town/Parish Council).
- Recommending to the Leader of the Council that the Subject Councillor be removed from the Cabinet or removed from particular Portfolio responsibilities.
- Instructing the Monitoring Officer to (or recommend to the Town/Parish) to arrange training for the Subject Councillor.
- Removing from all outside appointments to which he/she has been appointed or nominated by the authority (or recommend to the Town/Parish Council).
- Withdrawing facilities (or recommend to the Town/Parish Council) provided to the Subject Councillor by the Council, such as a computer, website and/or email and internet access.
- Restricting contact (or recommend to the Town/Parish Council) to named officers or requiring contact be through named officers.
- Excluding the Subject Councillor from the Council's offices or other premises (or recommend to the Town/Parish Council), with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- If relevant, recommend to council that the Subject Councillor be removed from their role as leader of the Council.
- If relevant, recommend to the secretary or appropriate official of a political group that the Subject Councillor be removed as group leader or other position of responsibility.

Neither the Hearings Sub-Committee nor the Monitoring Officer have the power to enforce compliance. If a Subject Councillor fails to

comply with any sanction, this may constitute a further breach of the Code of Conduct.

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 29 November 2023

Attendance list at end of document

The meeting started at Time Not Specified and ended at Time Not Specified

72 Minutes of the previous meeting

The minutes of the previous meeting of Cabinet held on 10 October 2023 were agreed.

The Monitoring Officer confirmed that the Judicial Review by Colyford Parish Council had been unsuccessful and a further update would be provided in due course.

73 Declarations of interest

The following declarations of interest were made:

Agenda Item 1 Minutes:

Cllr Paul Arnott declared a non registrable interest.

Agenda Item 23 Mill Street Car Park:

Cllr Paul Hayward declared a non registrable interest.

Agenda Item 15 Review of bin collection service:

Cllrs Olly Davey, Nick Hookway, Sarah Jackson, Kevin Blakey and Kim Bloxham.

Agenda Item 20 Exmouth Sea Wall:

Cllrs Olly Davey and Steve Gazzard declared a non registrable interest.

Agenda Item 29 Part B

Cllr Matt Hall declared a disclosable registerable interest and left the meeting during consideration of the item.

74 Public speaking

Two members of the public had registered to speak.

Seaton Community Hospital – Application to register an Asset of Community Value:

Jack Rowland, spoke in respect of Seaton Community Hospital and called on the Council to list the building as an Asset of Community Value. He requested that the application should be considered in a public forum and not through an officer delegated decision.

The Leader thanked him for his comments and officers of the council confirmed that the process for dealing with applications was delegated to officers and followed government legislation and guidance. It was further confirmed that the application had been submitted and the council would determine the application in line with the legislation and guidance.

Agenda Item 15 Mill Street reserved parking spaces:

A statement on behalf of Sweetcombe Cottage Holidays who represented fifteen Mill Street carpark space lease holders was read out and the comments were considered during the agenda item.

1. During the peak summer months a minimum of June, July, August and September and other school holidays, in our 35 years of experience the Mill Street car park reserved permit holder spaces are fully occupied with some being occupied 24hrs per day , the profile of occupancy will look different if looked at over a 12 month period.
2. If there are shared spaces in the carpark there are many opportunistic parkers who will use these to the detriment of the permit holders who may begin to wonder what they have paid for if they or there guests cannot use a permit holder space , the fees permit holders pay produce more revenue than the pay as you go spaces
3. We fully support Sidmouth residents being offered subsidised permit spaces in the Mill Street car park , a bigger subsidy would be available from the permit holders paying a commercial rate rather than the pay as you go short term spaces.
4. We would support permit holder only spaces at Mill street as there is demand to cover all spaces and a greater subsidy could be provided for local residents
5. If Mill street was turned into a short term car park only , this would be at great detriment to Sidmouth as the cottages let with car parking spaces , which is a key factor for guests booking ,bring in greatly increased footfall and income for the town centre , its shops and restaurants which carry the town throughout the year benefitting all. There is little alternative unrestricted roadside parking in Sidmouth and the Manor Road long stay carpark is an uphill walk for potential guests many requiring town centre accommodation and a level walk.

75 **Matters of urgency**

There were no matters of urgency.

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

There were two items which officers recommend should be dealt with in this way recorded at Minutes 99 and 100.

77 **Minutes of Scrutiny Committee held on 5 October 2023**

Members agreed to note the Minutes of Scrutiny Committee held on 5 October 2023.

78 **Minutes of Strata Joint Executive Committee held on 5 October 2023**

Members agreed to note the Minutes of Strata Joint Executive Committee held on 5 October 2023.

79 **Minutes of Placemaking in Exmouth Town and Seafront Group held on 7 November 2023**

Members noted the Minutes and recommendations of Placemaking in Exmouth Town and Seafront Group held on 7 November 2023.

Members discussed the need for an informal group to support the Placemaking in Exmouth Town and Seafront Group and agreed that a sub group should be set up consisting of representatives from Exmouth Town Council, East Devon District Council, Devon County Council and other stakeholders to fulfil this role.

The Cabinet unanimously supported the recommendations.

Minute 17 The Draft Placemaking Strategy

1. That the draft Exmouth Placemaking Plan be fully supported.
2. That a sub group be formed consisting of Exmouth Town Council, East Devon District Council, Devon County Council and other stakeholders.
3. That a Park and Ride facility be considered on the outskirts of Exmouth which provides necessary space for motorhomes, coaches and lorries.

80 **Minutes of Overview Committee held on 12 October 2023**

Members agreed to note the Minutes of Minutes of Overview Committee held on 12 October 2023.

81 **Minutes of Recycling and Waste Partnership Board held on 25 October 2023**

The Cabinet agreed to note the Minutes and recommendations of Recycling and Waste Partnership Board held on 25 October 2023 and requested that the recommendation was amended to approve the budget provision for a trial collection of absorbent hygiene products.

Minute 19 Absorbent hygiene products collection service - initial proposal

1. that Cabinet approve the initial budget provision of £20,000 in 2024/25 to run a trial for the collection of absorbent hygiene products.
2. that East Devon District Council approach Devon County Council to share the research to date and seek support from them as the waste disposal authority.

Minute 23 Any other business - DEFRA residual waste proposals

that Cabinet approve that East Devon District Council respond opposing the DEFRA residual waste disposal proposals, both individually, collectively with other Devon authorities and lobby the local MP's.

82 **Minutes of Arts and Culture Forum held on 8 November 2023**

The Cabinet agreed to note the Minutes and recommendations of Arts and Culture Forum held on 8 November 2023.

Minute 7 Arts and Culture Forum constitution update

that Cabinet recommend to Council the proposed changes to the terms of reference of the Arts and Culture Forum.

83 **Minutes of Housing Review Board held on 9 November 2023**

The Cabinet agreed to note the Minutes and recommendations of Housing Review Board held on 9 November 2023.

Minute 28 Future of Warm Hubs

that Cabinet recommend to Council the approval of £50,000 to allocate towards delivering and designating the Warm Hubs project.

Minute 29 Review of housing compliance policies

that Cabinet approve the proposed amendments to the electrical safety policy, legionella plan and policy and asbestos management plan and policy for housing.

Minute 31 Finance report

that Cabinet note the Housing Revenue Account update.

Minute 32 Electrical compliance update

1. that Cabinet note the revision of the Electrical Safety Policy.
2. that Cabinet agree that the Housing Review Board have oversight of the Housing Service's Compliance and Electrical Safety Policy.

84 Minutes of Overview Committee held on 9 November 2023

The Cabinet discussed whether the proposed closing date of 31 March 2025 for Category B and C sites should be brought forward to 2024 due to the level of financial costs to the Council and the likely impact on a forthcoming motion on notice at Full Council on 6 December 2023.

The Monitoring Officer confirmed that the recommendations could be supported and a motion to rescind a previous decision could be used subject to it being signed by 15 councillors. In the circumstances the Cabinet supported the recommendations from the Overview Committee on 9 November 2023.

Minute 23 Public Toilets Update Report

1. To extend the closing date and any necessary revenue budgets for Category B and C sites until 31st March 2025 to allow a further 12 months to enable an urgent revisiting of negotiations with town and parish councils to look at freehold disposals and other changes to the offer according to a specified timetable and including a renewed effort through Ward Members to engage town and parish councils, with the reality of reduced or removed public toilet provision at the sites should agreement not be reached.
2. For this Council to write to the Secretary of State to push for public toilets to become a statutory service, and to invite other councils in Devon and Cornwall to also do so.

85 Review of bin collection service and town and parishes' service charges

The Cabinet considered a report highlighting details of a review of the StreetScene bin collection service which had examined the council's litter, recycling and dog collection service charges and operational model.

Members recognised the need to continue with the current litter and dog bin collection service, noting that further strategic options were being considered.

In respect of Town and Parish service charges increasing to £4.00 per litter bin collection which would be spread over two years to reduce the impact on customers the Cabinet noted that these charges would be spread out during the two year period.

The Cabinet also considered whether charges for dog bin collections should be increased in line with the charge for litter bin collection and in noting the

recommendations from Overview Committee the Cabinet supported that a charge of £4.00 per dog bin collection should be introduced

Members also received details of a number of other options that would be introduced, including:

- introduction of QR codes on all litter, dog and recycling bins to improve quality management
- further work to be undertaken to explore alternative models and working relationships between StreetScene Operations and Recycling and Waste as part of the SUEZ contract replacement work.
- StreetScene Operations to develop a strategic plan to manage the anticipated population growth in Cranbrook
- Strata project to provide StreetScene Operations with an appropriate software package to manage its operations efficiently

The Cabinet unanimously supported the additional options and agreed the recommendations.

RESOLVED:

1. That the continuation of the current litter and dog bin collection service whilst further strategic options are considered, be endorsed.
2. To increase all town and parish service charges to £4.00 per litter bin collection which will be spread over two years to reduce the impact on customers, be agreed.
3. That increasing charges for dog bins in line with litter bins following a recommendation made by Overview, be considered.
4. That QR codes to be introduced on all litter, dog and recycling bins to improve quality management.
5. That further work will be undertaken to explore alternative models and working relationships between StreetScene Operations and Recycling and Waste, as part of the SUEZ contract replacement work which is currently underway.
6. That StreetScene Operations develop a strategic plan to manage the anticipated population growth in Cranbrook, the proposed new town and the wider district.
7. That the Strata project to provide StreetScene Operations with an appropriate software package to manage its operations efficiently is prioritised.

REASON:

StreetScene Service Plan Objective 5 - Review of the collection model for street litter bins and dog waste bins and the charges:

- Bring about a more equitable scheme of charges for such services, which cover delivery costs.
- Appraise the various models of collection and charges a clearer and more equitable charging schedule across the district where we provide such services.

86 **Housing Benefit Modified Scheme Policy**

The Cabinet received a report setting out details of the Modified Scheme for disregarding income from war pensions for the purposes of administering Housing Benefit.

Members unanimously supported the Housing Benefit Modified Scheme policy continuing to disregard war pensions from the calculation of Housing Benefit to ensure that financial compensation received during service could be used for the purposes it was intended for. Members also requested that the District Council write to the Veterans Minister, Hon. Johnny Mercer MP, to ask that the government amend The War Pensions Disregards Regulations 2007 to ensure that 100% of War Pension income paid to veterans is disregarded from the means test for housing benefit rather than the £10 disregarded at present to recognise the sacrifice and service that veterans have provided to their King and Country.

The Cabinet unanimously supported the policy and the request to write to the Veterans Minister.

RESOLVED:

1. That the Housing Benefit Modified Scheme policy continues to disregard war pensions from the calculation of Housing Benefit, be agreed.
2. That the District Council write to the Veterans Minister, Hon. Johnny Mercer MP, to ask that the government amend The War Pensions Disregards Regulations 2007 to ensure that 100% of War Pension income paid to veterans is disregarded from the means test for housing benefit rather than the £10 disregarded at present to recognise the sacrifice and service that veterans have provided to their King and Country.

REASON:

EDDC were signed up members of the armed forces covenant and as part of this were committed to supporting veterans and their families. However, due to changes in senior management the existing covenant has been unable to be located. A new signed covenant was currently being developed by the Corporate HR Manager and it was intended that the modified scheme policy would be reflected within it. However, in the interim EDDC needed to put in place a local Modified Scheme Policy to continue to fully disregard income from war pensions.

87 **Safeguarding update following recommendations from Council 11 July 2023**

The Monitoring Officer updated members following the Extraordinary Council meeting held on 11th July 2023, where Council considered a report from Verita into the actions of the Council following allegations and then criminal charges against former Cllr John Humphries.

Members noted that an Action Plan had been developed to address a number of matters arising from the Veritas report, including:

- Updating the Council's safeguarding procedure to reflect the need for anyone from EDDC invited to a LADO meeting not to go unaccompanied and that they should consult the Safeguarding Lead.
- A report to review and reform the appointment of honorary Aldermen/Alderwomen to be presented to the Overview Committee in 2024.
- Implementation of a development programme for members to incorporate regular 1-2-1's, ongoing training needs assessments, surveys and exit interviews for councillors to be considered by the Member Development Working Group
- Specific procedural guidance added to the safeguarding policy to help users understand how risk should be assessed and managed
- nominating a councillor to be the Safeguarding Champion for members
- Attending mandatory safeguarding training for all officers and councillors
- concerns had been raised with Devon County Council and Devon and Cornwall Police and a copy of their responses was submitted
- Reviewing record keeping had been subject to an Information Governance Audit and the results of the audit would be presented to the Audit and Governance Committee.

Members raised concerns that the response from Devon County Council and Devon and Cornwall Police. Members felt that not all issues raised had been fully addressed and requested that a meeting between Devon County Council, Devon and Cornwall Police, Leader of Council, Monitoring Officer, Safeguarding Lead and Portfolio Holder for

Communications and Democracy and Cllr Jess Bailey should be arranged to bring this matter to a satisfactory conclusion.

RESOLVED:

That the update be noted.

REASON:

The Council made several important resolutions regarding the Council's safeguarding procedures, and it was important that those resolutions were implemented.

88 Safeguarding Policy update report

The Cabinet received a report setting out details of the East Devon District Safeguarding Policy for all staff, members, other workers and volunteers of East Devon District Council.

The Cabinet noted that districts across Devon had produced and adopted a joint safeguarding policy designed to protect children and vulnerable adults. In raising safeguarding standards, EDDC had taken the Devon Districts Safeguarding Policy as an overarching framework and included some additional requirements to the original policy specific to the Council.

Members discussed a number of issues and requested that consideration should be given to incorporating them into the policy and to bring the policy back to Cabinet in January 2024, including:

- How councillors might make referrals needed to be clarified;
- Review the referral process;
- Constitution to be updated to reflect the safeguarding policy;
- Submission of an annual report to Full Council on safeguarding

RESOLVED:

To amend the Safeguarding Policy to take into account the comments raised during consideration of this item, as set out above and request that the policy is reported back to Cabinet reflecting the issues raised.

REASON:

To ensure that there was a 'fit for purpose' safeguarding policy in place for the organisation.

89 Homelessness Service update

The Cabinet received a report setting out an update and review of the homelessness service and resource levels for the Housing Options team, including details of challenges ahead and progress on the composition of the new Homelessness and Rough Sleeper Strategy.

Members acknowledged that whilst staffing levels were considered adequate at this moment in time there were a number of challenges and risks ahead that could result in the need for additional resources in the future.

The Cabinet noted the report and the challenges that were faced and requested that a further report is provided in six month's time confirming progress and impact.

RESOLVED:

That the report and the potential impact of the challenges ahead, and a further report is provided in six months' time confirming progress and impact, be noted.

REASON:

To ensure the homelessness service was sufficiently set up and equipped to deal with the level of pressure and homelessness demand, and to keep Cabinet informed and updated in respect of the potential consequences of the challenges ahead.

90

Exmouth Sea Wall Emergency Repairs Budget

The Cabinet received an outline to the emergency repairs to Exmouth Seawall, highlighting ongoing risks and to seek authority for the Council to spend up to £1.1m to carry out an emergency repair works.

Members noted that following the recent storms emergency repairs had been carried out with further works identified to carry out repairs to around 255 metres of the sea wall.

The Cabinet unanimously supported the proposals set out in the report and noted that whilst this was a significant spend for the Council it was anticipated the contributions from other parties would reduce the overall costs to the authority.

RESOLVED:

1. That the carrying out of emergency (and potentially permanent) repairs to Exmouth seafront and delegated authority be given to the Director of Housing Health and Environment in respect of the project, in consultation with the Director of Finance and the Director of Governance and Licensing, be approved.
2. Given the emergency nature of the works, the exemption to contract standing orders in respect of the consultancy spend for the sum of £60,000 has been approved by S151 Officer and Monitoring Officer as provided for in the Constitution, be noted.
3. That the exemption to contract standing orders in the sum of £1.1m in respect of the awarding of the contract in respect of the construction works for repairs to the sea wall, be approved.

RECOMMENDED to Council:

4. That the sum of up to £1.1m is allocated to the project to carry out emergency works to Exmouth Seafront; such works may also act as the permanent solution. It is noted that external contributions may be received which may reduce the spend.

REASON:

Given the location of the failed and failing wall, it was not an option to do nothing and allow the sea to erode the seafront further. Therefore, the most cost-effective option (option C) had been selected to proceed as it would restore the sea defence and reduce impact on public and businesses and allow options going forward for aesthetic improvements if required by planning conditions.

Meeting adjourned at 8.05pm for a 10 minute comfort break.

The meeting recommenced at 8.15pm

91

Peer challenge update report

The Cabinet received an update from the Monitoring Officer on the progress towards the Corporate Peer Challenge (CPC) and other items following the Council motion passed on the 19 July 2023.

Members noted the following:

- Position Statement currently being prepared.
- Membership of Peer Team
- Interviews with members and officers to be supported with a briefing beforehand.
- Peer Team on site at Blackdown House from 6 – 8 February 2024
- Feedback and a full report at the end of the Peer Team visit to identify what is working well and areas for improvement.

The Cabinet noted that following the report the Council would be invited to prepare an Action Plan within 3 months on the recommendations from the CPC.

Members queried the membership of the Peer Team and whether an Independent Councillor should have been included. The Interim Chief Executive confirmed that the Local Government Association has a rationale for selection of the Peer Team and that this would be raised with them.

The Cabinet supported the approach set out in the report and noted the report.

RESOLVED:

That the update and the positive direction of travel, be noted.

REASON:

To ensure that Cabinet was up to date in relation to progress towards implementation of the Council motion of 19 July 2023.

92 **Car Park Summer Income report**

The Cabinet considered a report which reviewed the car parking tariff increases that was introduced across the district in April 2022.

Members noted that car parking revenue for Summer 2023 was almost identical to that achieved in 2022, despite a reported decline in visitor numbers to the region due to poor weather.

The Cabinet noted that the Car Parking Strategy for East Devon would be produced in 2024 which would set out how car parks would be used and managed in future years, including reviewing car park pricing, offers and individual car park reviews.

RESOLVED:

1. That the car parking comparisons for the most recent summer periods, be noted.
2. That the impending EDDC Car Parking Strategy and commitment to ensuring that any future tariff changes were carried out in accordance with the strategy principles once agreed, be noted.

REASON:

Car Parking Tariffs are an important mechanism for managing car parking demand, as well as attracting and facilitating visits to East Devon. Tariffs are able to influence traffic movement through our towns and are also intrinsically linked to economic activity in the locations that are served by the car parks. Although the current tariffs were considered a dramatic increase on those that were in place before, the tariffs had not been reviewed

for 10 years previously. With the East Devon Car Parking Strategy being produced next year, it is important to ensure that any future changes are made in accordance with the agreed principles of the strategy, to ensure that the future competing demands for car park use are effectively prioritised. As is demonstrated in the report, other car park schemes such as the permit offer are directly affected by tariff changes, and therefore a holistic approach should be taken when considering future changes to the tariffs and price modelling for our car parks.

93 **Mill Street Reserved Permits & Devon County LEVI (EV) Funding Bid**

The Cabinet received a report setting out details of the review of the reserved parking arrangements at Mill Street Car Park, Sidmouth, and detailed the Devon County LEVI funding bid for Electric Vehicles. The Cabinet noted that this would see up to 78 “slower” EV charging units for residential use provided within EDDC car parks.

The Cabinet noted the comments raised by a public speaker in respect of the reserved parking spaces and discussed the proposed options set out in the report.

Member recognised that further investigation of the options was required before the Cabinet could make a recommendation in respect the redesignation of the Mill Street Car Park and whether a resident concessionary scheme was appropriate. Members requested that a further report to be presented to Cabinet on 3 January 2024 to allow further information and engagement to be undertaken.

Members also considered details of current engagement between the Council and Devon County Council LEVI EV funding and noted that the fund included a grant pot for trailing EV charging gullies and it was proposed that the trials would focus on Exmouth and Sidmouth. A list of car parks where the installation of charging points could be installed was also submitted.

The Cabinet supported the proposals to continue with the engagement with the Devon County LEVI EV funding.

RESOLVED:

1. To defer the redesign of Mill Street Car Park, including the creation of a dedicated “Reserved” Parking area, where permit holders are able to use any available bay, as opposed to having their own dedicated space, and to present a report to Cabinet on 3 January 2024 with the conclusion of further investigation into the proposals.
2. That the current EDDC engagement with the Devon County LEVI EV funding bid and approval of the list of car parks put forward for the project, be noted.

REASON:

Mill Street – To carry out further investigation/engagement on the proposals for the creation of a dedicated reserved parking area at Mill Street Car Park and to bring a report back to Cabinet on 3 January 2024 with the conclusion of that work.

LEVI bid – Working with Devon County Council on the LEVI bid would provide access to an important funding stream, as well as the associated project management to ensure the successful delivery of much needed slower EV chargers for residents within EDDC’s car parks. This approach would also provide a level of consistency and cohesion across the County and help encourage the transition to EV vehicles ahead of the proposed national ban on petrol and diesel vehicle sales in 2035. EDDC would not have any

Capital cost for the delivery of this project, but would benefit from a percentage of the income of all future charging sessions that took place through the chargers.

94 **Treasury Management Performance 2023/24 - 1 April to 30 September 2023**

The Cabinet received a report setting out a half-year review of the Council's treasury management activities and performance from 1 April 2023 to 30 September 2023.

Members noted the six month position in respect of treasury activity including Prudential Indicators and an overview of how capital expenditure, capital financing and how it contributed to the provision of services.

The Cabinet unanimously supported the recommendations.

RECOMMENDED to Council:

That the report, the treasury activity and recommend approval of any changes to the prudential indicators, be noted.

REASON:

The Council was required by regulations issued under the Local Government Act 2003 and the Code of Practice on Treasury Management published by the Chartered Institute of Public Finance & Accounting (CIPFA) to produce a half-yearly review of its treasury management activities and performance.

95 **Financial Monitoring Report 2023/24 - Month 6 September 2023**

The Cabinet received a report setting out a summary of the Council's overall financial position for 2023/24 at the end of month six (30 September 2023).

Current monitoring indicated that:

- The General Fund Balance is being maintained within the adopted levels.
- The Housing Revenue Account Balance is being maintained at or above the adopted level.

The Cabinet noted the summary of the financial position for the General Fund Balance and Housing Revenue Account.

RESOLVED:

That the variances identified as part of the Revenue and Capital Monitoring process up to Month 6 be acknowledged.

REASON:

The report updated Members on the overall financial position of the Authority at set periods and included recommendations where corrective action was required for the remainder of the financial year.

96 **Application to designate West Hill Neighbourhood Area**

The Cabinet received a report setting out a request from West Hill Parish Council for the designation of their whole Parish as a Neighbourhood Area for neighbourhood planning purposes.

Members noted that West Hill Parish currently falls within the already designated Ottery St Mary and West Hill Neighbourhood Area and was covered by the joint Ottery St Mary and West Hill Neighbourhood Plan, 'made' in July 2018. When this area was designated, West Hill Parish Council was not in existence and the area covered was served by Ottery St Mary Town Council only. West Hill Parish Council was formed when preparation of the neighbourhood plan was well advanced, and it was agreed at that time to continue progressing the plan jointly.

The Cabinet were advised that following a review of the current arrangement, West Hill Parish Council resolved to apply for the creation of a new Neighbourhood Area for the West Hill parish only, with the intent to prepare a new neighbourhood plan for this area.

The Cabinet welcomed the new Neighbourhood Area for West Hill Parish for neighbourhood planning purposes and unanimously supported the recommendations.

RESOLVED:

1. That Cabinet approve the designation of the whole of the parish of West Hill as its own Neighbourhood Area for neighbourhood planning purposes, and;
2. That Cabinet agree to amend the existing joint Ottery St Mary and West Hill Neighbourhood Area to remove the whole of the parish of West Hill and rename it accordingly as the Ottery St Mary Neighbourhood Area;
3. That Cabinet note the effect of (1) and (2) to be the subdivision of the existing joint Ottery St Mary and West Hill Neighbourhood Area into two separate Neighbourhood Areas ('West Hill' and 'Ottery St Mary'), each covering the whole of their individual administrative parish area.

REASON:

To enable West Hill Parish Council (and Ottery St Mary Town Council should they wish to do so) to prepare a new neighbourhood plan for their parish under the auspices of the Localism Act 2011 and the Neighbourhood Planning Regulations 2012 (as amended).

Also, to comply with these Regulations and the Town and Country Planning Act (1990) (as amended) which do not permit designated Neighbourhood Areas to overlap and provide for a pre-existing Neighbourhood Area to be amended as part of a decision to designate a new one, including by separation into two or more Neighbourhood Areas.

97 **Consultation on draft Cemetery Regulations**

The Cabinet considered a report seeking approval to undertake a consultation process introducing combined Regulations for the Management and Control of East Devon District Council Cemeteries.

Members noted that the Council currently managed Seaton, Sidmouth and Sidbury cemeteries and controlled all matters relating to notice of burials, selection of grave space, interment fees, rights of burial exhumations, cemeteries' registers, permissions for monuments and inscriptions and security and maintenance.

Members supported the consultation process noting that the consultation would run for an 8 week period.

RESOLVED:

That a consultation on the introduction of Regulations for the Management and Control of East Devon District Council Cemeteries, be agreed.

REASON:

To meet the requirements to carry out a consultation before introducing the new regulations.

98 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

Resolved:

That under Section 100(A) (4) of the Local Government Act 1972 and in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public (including the press) be excluded from the meeting as exempt and private information (as set out against each Part B agenda item), is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

99 **Discretionary Rate Relief (Broadclyst Ward)**

Cllr Matt Hall left the room during consideration of this item.

The Cabinet received a request for discretionary rate relief as set out in the Part B report. Members noted that this highlighted wider challenges around the financial sustainability of the company in a post-pandemic environment. This had prompted a commission to a strategic review of the purpose and future development of the site.

The Cabinet unanimously supported the recommendations.

RESOLVED:

1. Approve discretionary rate relief for a period of up to 12 months subject to;
 - a. A start date of September 2023
 - b. A review to be undertaken at the end of the current financial year
 - c. A maximum value of £159k
 - d. Confirmation of the Subsidy Control position
2. Receives a further report on the future development of the site when the strategic review had been completed.

REASON:

To ensure that Exeter Science Park Ltd remains a going concern and to establish a clear foundation for future decision making.

100 **Site Acquisition Opportunity**

The Cabinet received a report setting out details of an opportunity to acquire a key placemaking site of in Axminster town centre, which would include a small retail investment with an annual income of approximately £80,000 on part of the site.

Members unanimously supported that the Council investigates the opportunity to acquire the site in accordance with the Place and Prosperity Investment Framework and if this was unsuitable that another funding source be investigated to acquire the site.

RESOLVED:

That the council should investigate the opportunity to acquire this site using the Place & Prosperity Investment Framework or if this is unsuitable, that another means of funding and acquiring the site is investigated.

RECOMMENDED to Council:

That a budget of up to £40,000 be allocated for due diligence work to be undertaken to inform the council's decision on acquiring this site and for future feasibility studies.

REASON:

To enable the council to consider the acquisition of this important vacant site in Axminster town centre, using the Place & Prosperity Investment Framework.

Attendance List

Present:

Portfolio Holders

M Rixson	Portfolio Holder Climate Action & Emergency Response
G Jung	Portfolio Holder Coast, Country and Environment
M Hall	Portfolio Holder Economy
O Davey	Portfolio Holder Strategic Planning
S Jackson	Portfolio Holder Communications and Democracy
J Loudoun	Portfolio Holder Council and Corporate Co-ordination
N Hookway	Portfolio Holder Culture, Leisure, Sport and Tourism
P Arnott	Leader of the Council
P Hayward	Deputy Leader and Portfolio Holder Finance (Assets)

Cabinet apologies:

D Ledger	Portfolio Holder Sustainable Homes & Communities
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Also present (for some or all the meeting)

Councillor Brian Bailey
Councillor Jessica Bailey
Councillor Ian Barlow
Councillor Kevin Blakey
Councillor Kim Bloxham
Councillor Colin Brown
Councillor Jenny Brown
Councillor Roy Collins
Councillor Steve Gazzard
Councillor Mike Goodman
Councillor Richard Jefferies
Councillor Tony McCollum
Councillor Todd Olive

Also present:

Officers:

Tom Buxton-Smith, Engineering Projects Manager
Richard Easthope, Parking Services Manager
Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)
Andrew Melhuish, Democratic Services Manager
Matthew Blythe, Assistant Director Environmental Health
Tim Child, Assistant Director Place, Assets & Commercialisation
Sharon Church, Benefits Manager
Simon Davey, Director of Finance

Andrew Hancock, Assistant Director StreetScene
Alison Hayward, Project Manager Place & Prosperity
Tracy Hendren, Director of Housing, Health and Environment
Phillippa Norsworthy, Licensing Officer
John Symes, Finance Manager

Chair

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Scrutiny Committee held at Council Chamber, Blackdown House, Honiton on 5 October 2023

Attendance list at end of document

The meeting started at 6.00 pm and ended at 7.26 pm

19 Minutes of the previous meeting

The minutes of the previous meeting held on 7 September 2023 were agreed as a true record.

20 Declarations of interest

There were none.

21 Public speaking

No members of the public had registered to speak at the meeting.

22 Matters of urgency

There were no matters of urgency.

23 Confidential/exempt item(s)

There were no confidential or exempt items.

24 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.

25 Update on draft Scrutiny Protocol

The Deputy Monitoring Officer informed the Committee that the draft Scrutiny Protocol is delayed and an update will be provided from the Monitoring Officer in due course.

26 Correspondence from Simon Jupp MP regarding South West Water

The Chair introduced this item, explaining that South West Water (SWW) had attended a Scrutiny Committee meeting in November 2022. The Committee subsequently requested that Richard Foord MP and Simon Jupp MP attend this evening's meeting or, in the alternative, provide reports on actions they have taken to require improvements from SWW, primarily regarding sewage discharge into the district's rivers and coastline.

A response dated 29 September 2023 had been received from Simon Jupp MP, for the Committee's consideration.

The Chair invited comment.

The Portfolio Holder Coast, Country and Environment made a number of comments in relation to the response from Simon Jupp MP, including the following:

- It is valuable to have the MP's report, but it is disappointing the Portfolio Holder Coast, Country and Environment was not asked what he and EDDC Officers had been doing with regards to SWW.
- Why are MPs having a crackdown on water companies, when this is the job of Ofwat? Perhaps this is because the regulator has not performed.
- Why is surface water allowed to enter the foul sewerage system, when it is known that this causes problems? The present regulations require that surface water goes to a soakaway, filtration system, watercourse or sewer. Is it the fault of the government, water companies or Ofwat that action has not been taken to reduce surface water in the foul sewerage networks?
- The planned investment to tackle sewage discharges is coming from bill-payers at a cost of £150 per year, because the government and Ofwat have not been ensuring that the water companies have been doing their job previously.
- The government's new targets to generate £56 billion of capital investment will also be funded by the general public.
- Millions was pulled from the Environmental Agency annual budget in 2014, specifically covering river surveys; it is not possible for the Environment Agency to clamp down, if there are not the staff to do this.
- The government has passed new laws to allow regulators to impose unlimited civil penalties; but is removing the threat of criminal conviction the best approach?

Discussion included the following points:

- Some members commented positively on the efforts of Simon Jupp MP in requiring improvements from SWW, recognising that there is no easy solution.
- Other members were of the view that the measures set out in the MP's report fail to address fundamental, systemic issues with the water industry, and there needs to be wholesale revision and funding of the regulators.
- Sewage discharges have been going on for years; water companies are making massive profits and taking too long to fix the problems.
- There have been continual issues with discharges from the new treatment works at Fluxton, which should have been built with capacity for the number of buildings it needed to accommodate; the issue is not simply about a Victorian infrastructure.
- Where there are developments of multiple houses, water companies are taking more money from more homes, but need to be making relevant changes to the water system, to do something with the sewage.
- SWW's meters measure sewage discharge output by hours and not by volume, and so the amount that is being leaked is not known. Different sorts of measurements are needed, in order that SWW can be held to account.
- The water industry should not have been privatised and needs to come back into public ownership. It was recognised that this is a national matter outside of the Council's control.
- Water quality results for East Devon's beaches were received this week, and all beaches will qualify for the Blue Flag award next year. Members commented that it would be helpful to know if the water quality has had a direct effect on marine life.
- It would be useful to know how many free water butts SWW have delivered, and the impact of this.
- It was suggested that a reminder is sent to Richard Foord MP inviting him again to provide a response for this Committee.
- Water companies published their 5-year plan earlier this week, with action plans setting out what they are intending to do.
- The Scrutiny Committee could consider the following actions:
 - Explore the extent to which regulators in East Devon have been defunded, the resource they have to carry out investigations and how this has changed, and whether this Council can be pressing for more resource locally.

- The Council could help the Citizen Science projects get off the ground.
- The Communications Manager could be asked to consider the ways in which this Council can promote water butts, to tie in with messaging from SWW.
- It would be appropriate to invite SWW CEO, Susan Davy, to attend a future meeting of Scrutiny Committee, to answer questions; this can be added to the Forward Plan. It was suggested that SWW be asked to provide a report in advance of the meeting detailing where there are issues, when these were first identified, what is being done about them, and how quickly.

27 **Update on scoping for grass cutting and re-naturing report**

The Chair invited the Portfolio Holder Coast, Country and Environment to update the Committee on this item.

The Portfolio Holder Coast, Country and Environment advised that the Council is working with Devon County Council on a Nature Recovery Policy, which will identify where the nature is and which areas of grass need to be cut or not cut. It is appropriate for this piece of work to be completed first, which will in turn inform the scoping exercise for the grass cutting and re-naturing report. He added that there have been some delays due to staff shortages throughout the summer, and some staff changes.

Discussion included the following points:

- People are strongly divided on the issue of grass cutting and re-wilding, with some very supportive of biodiversity and not cutting grass, and others preferring to see areas neat and tidy.
- Sites designated as Wildlife Improvement Areas are listed on the Council's website.
- There have been operational issues during Covid and around staffing which have meant that there have been some delays with grass cutting.
- There is no strategic map for the district which sets out which agency is responsible for which areas; mapping is problematic and will take some time to do. It was noted that this Council is not responsible for all areas for which complaints are received, and some areas are the responsibility of Devon County Council.
- It would be appropriate for Scrutiny Committee to ask for data along multiple aspects, e.g. the extent to which rewilding enhances diversity and species numbers, and whether people are happy or unhappy with their local area. It is important to communicate to people what the Council is doing, and get consensus from the population that the Council is doing the right thing.
- Members recognised that Officers do not currently have the capacity to gather the data, and there is currently no strategy in place.
- It was suggested that Officers could start by gathering data for a small area, e.g. Sidmouth, and build on that.
- The Portfolio Holder Coast, Country and Environment will arrange for a report to come to the Committee in March 2024 which sets out what the Council intends to do during the year. Work on the strategy can then be progressed during 2024.
- The Chair suggested that the aforementioned report includes a data analysis of Sidmouth.

28 **Forward Plan**

The Committee agreed the Forward Plan.

Attendance List

Councillors present:

J Bailey
I Barlow
B Collins
R Collins
M Goodman (Chair)
D Mackinder
S Smith

Councillors also present (for some or all the meeting)

P Arnott
P Faithfull
G Jung
T Olive
M Rixson

Officers in attendance:

Sarah James, Democratic Services Officer
Anita Williams, Principal Solicitor (Deputy Monitoring Officer)

Councillor apologies:

A Bruce
M Chapman
A Hall
J Heath
A Toye
J Whibley

Chair:

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Scrutiny Committee held at Council Chamber, Blackdown House, Honiton on 16 November 2023

Attendance list at end of document

The meeting started at 6.06 pm and ended at 7.32 pm

29 Minutes of the previous meeting

The Chair opened the meeting by noting that Cllr Jess Bailey had stepped down as a member of the Committee. The Committee wished to formally record its thanks to Cllr Bailey for her work and contribution to the Committee.

The minutes of the previous meeting held on 5 October 2023 were agreed as a true record.

30 Declarations of interest

Minute 38. Update on S.106 and CIL Resources and Processes Task and Finish Forum. Councillor Mike Goodman, Personal, Councillor is a Member of Sidmouth Town Council which is in receipt of S.106 monies.

Minute 38. Update on S.106 and CIL Resources and Processes Task and Finish Forum. Councillor Paul Hayward, Affects Non-registerable Interest, Councillor is an employee of Axminster Town Council which is in receipt of S.106 monies.

Minute 38. Update on S.106 and CIL Resources and Processes Task and Finish Forum. Councillor Vicky Johns, Personal, Councillor is a Member of Ottery St Mary Town Council which is in receipt of S.106 monies.

31 Public speaking

There were no public speakers.

32 Matters of urgency

There were no matters of urgency.

33 Confidential/exempt item(s)

There were no confidential / exempt items.

34 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.

35 Update on climate change action plan progress

The Portfolio Holder for Climate Action and Emergency Response introduced this item and advised that the review of the Climate Change Action Plan sets out the significant

work undertaken during the previous four years and the reasons why the review had been brought forward from 2025 to the present time. The review also illustrated the challenges and the priority areas needing to be addressed.

The Council had taken out full membership of the South West Energy and Environment Group (SWEEG) and had established a Green Team which had started to allocate funding in principle to various climate change initiatives. The Portfolio Holder highlighted the Climate Change section of the EDDC website.

Since its publication in 2020, much of the focus of the Climate Change Strategy and Action Plan had been on the Council's own carbon emissions reduction. The Portfolio Holder referred to the chart on page 13 of the Climate Change Strategy, which showed the various producers of greenhouse gas emissions across the district, the largest of these being on-road transportation, residential buildings and agriculture, forestry and land use, noting that with the exception of council owned or tenanted properties, the other issues are also national issues beyond EDDC's control. The Council was currently retro-fitting its housing stock, however this depended on funding being available. The upgrading of EDDC owned commercial property was also dependent on funding being made available.

Work was also underway to influence behavioural change with the Countryside team having produced educational leaflets for use at outdoor events, and the climate action pages on the EDDC being re-worked to include additional and seasonal information.

The Climate Change Officer presented the report and highlighted the fact that the adoption of the Climate Change Strategy was a new approach for the Council, with the strategy embedded across all Council services. The presentation highlighted the key current climate action work streams and the in-year specific services actions set out in the report, which were in addition to the Action Plan.

Responses to questions from Members and discussion included the following points:

- The Climate Change Officer agreed to meet with representatives from Ottery St Mary, Feniton and Sidmouth to try to progress an Otter Valley cycle trail which had been in discussion for many years following a feasibility study in 2014.
- As a member of SWEEG the Council was able to access high level research, information and knowledge sharing.
- Councillor induction training was planned for January / February 2024.
- Devon County Council had been allocated funding for a gully trial to develop on-road EV charging points for residents which would look at charging cables across residential pavements.
- The Climate Change Officer would circulate usage data for EV charging in EDDC car parks.
- It was important to ensure that the correct type of EV charging points were installed as this was an ever evolving market.
- The provision of EV charging points for Council owned properties would be part of a separate project. A system was up and running in Bath which could provide helpful information.

It was noted that the Climate Change Strategy had not been debated by full Council prior to its adoption. It was considered vital that the Action Plan be reviewed and discussed by the Council on an annual basis.

Education and raising awareness was key to changing residents' behaviour. The Climate Change Officer advised that training was being rolled out through community

networks such as that of the Thelma Hulbert Gallery. Working at grass-roots level with town and parish councils was also vital to engaging residents.

The Scrutiny Committee agreed to note the progress made with the Climate Change Strategy and Action Plan and work carried out since the Portfolio Holder update in February 2023. The Scrutiny Committee further noted that a comprehensive review of the Strategy and Action Plan had been brought forward from 2025 and was currently being undertaken and would be reported on in due course.

36 **Draft Scrutiny protocol**

The Democratic Services Manager presented the report and the draft Scrutiny Protocol. It was noted that the Overview Committee had considered the draft Protocol at its meeting on 9 November and the Committee's comments had been circulated to Members of the Scrutiny Committee prior to this meeting.

It was further noted that the findings of the Centre for Governance and Scrutiny from its current review of scrutiny processes would need to be incorporated into the draft Scrutiny Protocol before its final adoption.

Responses to questions from Members and discussion included the following points:

- The inclusion of the Audit and Governance Committee within the scrutiny function had been raised with the Centre for Governance and Scrutiny as part of its current review. However, it was noted that only the Scrutiny Committee has the ability to call in decisions and, in this respect, it differs from the Audit and Governance Committee which has a specific financial function.
- The usual procedure would be for officers, rather than Members, to prepare reports to all of the scrutiny committees.
- Assistant Portfolio Holders would be able to sit on the Overview Committee but not on the Scrutiny Committee due to its function of reviewing the past performance of the Council.

There were no recommended changes to the draft Scrutiny Protocol.

RECOMMENDATION

That, alongside any changes recommended by the Overview Committee and Cabinet, and, taking into account any feedback from the review by the Centre for Governance and Scrutiny, the draft Scrutiny Protocol be recommended to Members for approval in early 2024.

37 **Portfolio Holder report on Communications and Democracy**

The Portfolio Holder for Communications and Democracy presented her report. The following changes since the report's publication were noted:

- The permanent appointment of the Corporate Lead Communications, Digital Services and Engagement had been confirmed.
- The interviews and consultation stage of the Centre for Governance and Scrutiny review had now been completed.
- It was planned to convene a meeting of the Member Development Working Group before the end of the year.

Responses to questions from Members and discussion included the following points:

- The Monitoring Officer would shortly be inviting nominations for a politically balanced working group to start work on reviewing the Constitution early in the new year.
- Regarding the hybrid IT solution for the Chamber, installation had been slightly delayed. The intention was to go live in the spring and it was noted that time would be needed for testing and training for Members.
- It was noted that improved communication with Members would be beneficial and several options were under consideration including an e-bulletin to keep Members more informed of wider changes across the Council.

The Chair thanked the Portfolio Holder for her succinct and informative report.

38 **Update on S.106 and CIL Resources and Processes Task and Finish Forum**

The Chair reported that Officer advice had been circulated to all Members advising that, due to the resourcing issues outlined in the Officer report to the Scrutiny Committee of 7 September 2023, there was currently insufficient Officer resource to support a Task and Finish Forum at the present time. The timetable for recruiting new Officers to undertake S.106 and CIL work had been set out in the Officer's report and an interim update on progress with this would be presented to the February Scrutiny Committee meeting.

The Monitoring Officer advised that the Assistant Director Planning Strategy and Development Management was looking into the ring-fencing of interest earned on S.106 and CIL monies held by the Council. Recruitment of the new Officers was progressing, and it was hoped that the posts would be filled during February and March.

Concern was expressed that town and parish councils have to pre-pay for infrastructure such as play parks, and then re-claim the monies from EDDC. This presents difficulties for local councils and it was suggested that a protocol could be developed to avoid this and make it easier for councils to obtain the funds.

Concern was also expressed that there was the potential to lose S.106 and CIL monies which have to be re-paid to developers.

The Monitoring Officer advised that she would look into both of the above issues. Work was underway to consider improvements to the S.106 and CIL information available on the EDDC website.

The Monitoring Officer assured Members that everything possible was being done to recruit additional Officers to address the issues.

39 **Forward Plan**

It was agreed to defer consideration of the car parks review report to the February meeting to allow time for Cabinet to discuss the report prior to Scrutiny.

With regard to the joint Scrutiny and Overview Committees budget meeting, the Chairs of both Committees, following discussion with Officers, had agreed that one day would be sufficient and the meeting would therefore be held on Thursday 11 January 2024 starting at 9.00am.

With the above amendments, the Forward Plan was agreed.

Attendance List

Councillors present:

B Collins
R Collins
M Goodman (Chair)
A Hall
S Smith
J Whibley

Councillors also present (for some or all the meeting)

C Brown
J Brown
P Hayward
S Jackson
V Johns
M Rixson

Officers in attendance:

Catherine Causley, Climate Change Officer
Tracy Hendren, Director of Housing, Health and Environment
Sarah Jenkins, Democratic Services Officer
Andrew Melhuish, Democratic Services Manager
Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)

Councillor apologies:

I Barlow
M Chapman
J Heath
D Mackinder
A Toye

Chair

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Housing Review Board held at Council Chamber, Blackdown House, Honiton on 9 November 2023

Attendance list at end of document

The meeting started at 10.25 am and ended at 12.00 pm

21 Appointment of Vice Chair

The Chair welcomed all those present to the meeting, in particular Councillor Chris Burhop who had recently joined the Housing Review Board.

Nominations for Vice Chair were received for Councillor Helen Parr.

RESOLVED: that Councillor Helen Parr be appointed Vice Chair of the Board for the ensuing year

22 Minutes of the previous meeting

The minutes of the previous meeting held on 15 June 2023 were agreed.

23 Declarations of interest

There were no declarations of interest under the Code of Conduct. Councillor Sarah Chamberlain declared that she was employed by Exeter City Council in the housing department.

24 Public speaking

There were no members of the public registered to speak.

25 Matters of urgency

There were none.

26 Confidential/exempt item(s)

There were three confidential/exempt items.

27 Housing Review Board forward plan

The Assistant Director of Housing presented the forward plan and advised members that the forward plan acted as a reminder of agenda items to come forward to future meetings. Members were reminded that they could add further reports and topics for discussion to the next forward plan by either informing herself or the Democratic Services Officer.

The Assistant Director of Housing advised the Board that the format and structure of the forward plan would be amended for future meetings to better align with the Cabinet forward plan. The quarterly performance information was now included in the regular housing performance dashboard report and presentation. Once complete the outcome

of the stock condition survey and the development of an asset management strategy would be included on the plan and reported to the Board. An update would be presented to the Housing Review Board at the next meeting.

RESOLVED: that with the addition of a stock condition survey update report the forward plan be agreed.

28 **Future of Warm Hubs**

The Interim Housing Operations Manager presented to the Board a review of the Warm Hubs, which were agreed by the HRB for winter 2022 as a response to the cost of living crisis. It also detailed the ongoing support provided through the Community Hubs project during the summer and considered how this could be extended with further Warm Hubs provision through winter 2023/24. The Warm Hubs project had been successful in tackling social isolation, food poverty, housing warmth, personal development, community cohesion and in relaunching tenant involvement and engagement. It had clearly made a difference to tenants' lives and there was overwhelming demand for the service to continue. The main focus of the Warm Hubs was to meet the needs of tenants by establishing 'warm banks'. These were the equivalent of food banks where people who couldn't afford heating were invited to spend their days, at no cost, in the warm spaces.

Since opening there had been nearly 2500 visits to the Warm Hubs, made by 362 different residents of East Devon, from all types of housing (not just EDDC tenants). The busiest hub was Broadview in Broadclyst. Over 1600 hot meals had been provided, including 118 Christmas dinners. Workshops had been run on budgeting, seated exercise classes, cooking on a budget and craft sessions, alongside games and jigsaws. Hats, gloves, over 200 blankets and 500 pairs of socks had all been provided.

It was hoped to expand the Warm Hub offering and look into the possibility of a baby bank. A mapping exercise had been undertaken at the start to identify gaps in existing provision across the district before opening up the Warm Hubs. These could be altered depending on demand and provision, as well as the possibly providing 'roaming' in some of the small isolated communities.

External organisations, as well as a researcher from Exeter University had attended the Broadclyst Warm Hub to understand what made the Warm Hubs work. The feedback from this was positive. The most beneficial aspect of the Warm Hubs was the social aspect. It was suggested that other community groups/village hall committees be invited to see the Warm Hubs in action as best practice. Seeing the model could be invaluable to other groups looking to set up something similar.

A Housing Emergency Financial Support Fund had been established, with £2018.96 being paid out to date, with most referrals coming from housing officers, for energy payments for sheltered housing tenants. This indicated that general needs tenants were unaware of the fund and the plan going forward into winter 2023/24 was to alert tenants of potential support available to them.

The Board supported the fabulous initiative and suggested that councillors attend these hubs which offered a great way of engaging with residents.

The Housing Review Board noted and agreed the contents of the report and supported the additional fund of £50,000 to continue the popular project. The fund would cover the

running costs of 10 Warm Hubs, transforming into Community Hubs in the spring, along with financing the Housing Winter Pressures Hardship Fund that would be used to continue financial support to tenants.

RECOMMENDED: that Cabinet recommend to Council the approval of £50,000 to allocate towards delivering and designating the Warm Hubs project.

29 **Review of housing compliance policies**

The Housing Review Board were asked to consider and agree the amended reviews of the electrical safety policy, legionella plan and policy and the asbestos management plan and policy for housing, to ensure compliance with current legislation and regulations relating to those statutory areas of compliance.

It was suggested that tenants should be reminded to be aware of possible asbestos in their homes when undertaking any DIY work as the asbestos management plan was focussed on workers' safety.

RECOMMENDED: that Cabinet approve the proposed amendments to the electrical safety policy, legionella plan and policy and asbestos management plan and policy for housing.

30 **Housing performance dashboard**

The Housing Review Board received a report and presentation from the Interim Housing Services Manager on the key performance indicator (KPI) dashboard and compliance dashboard at quarter 2. The presentation also outlined actions being taken to improve performance where targets were not being achieved in relation to:

- Ensuring void property targets were met.
- Ensuring repairs targets were met.
- Improving complaints handling performance.

KPIs in the presentation included:

- Percentage of self-contained dwellings vacant and not available to let.
- Average days to re-let a social housing dwelling (standard).
- Percentage of rent lost through properties becoming vacant.

These three indicators were all linked.

The Interim Housing Services Manager responded to concerns from those present over performance. He acknowledged that although continuous improvement was required, steady progress was being made in some key areas and improvement plans developed. Managerial focus and sufficient management capacity were important in this.

RESOLVED: that the Housing Review Board receive and note the performance report at quarter 2.

31 **Finance report**

The Housing Accountant's report provided the Housing Review Board with current draft financial outturn figures for the Housing Revenue Account (HRA) and housing capital program for the 2023/24 financial year. Work was ongoing regarding staffing structures,

once these were completed and approved the results would be reflected in the next finance report to Housing Review Board.

Producing a Housing Revenue Account had been a statutory requirement for Councils who managed and owned their housing stock for some time, and therefore a key document for the Board to influence.

The HRA reserves, original budgeted surplus and revised budget deficit figures were contained in the report and noted by the Board.

Income was increased on rents by 7% and all other service charges by 3% in 2023/24. Lost rent due to voids continued to be above the budgeted levels and would add an additional £0.5m to the in-year deficit if it continued at the current level. The knock-on effect of voids/significant planned works was the requirement for emergency accommodation/decants for tenants. The current figures were shown in the report and discussed by the Board. It was suggested that void properties not yet relet could be used for decants. The Housing Solutions Manager advised that this had been considered but the issue was that often the set aside properties were not the right size and/or in the right location for the decants. There were also currently more 'decants' than there was available housing stock. Officers recognised the need to make the best use of available housing stock and this was being reviewed as part of the review of the homelessness and rough sleeping policy and temporary accommodation strategy. A request was made for the decant figures in terms of the number of people and the length of days spent in temporary accommodation.

RECOMMENDED: that Cabinet note the Housing Revenue Account update.

32 **Electrical compliance update**

The Board received an update in relation to electrical compliance. On 15 June 2023 the Board were alerted to non-compliance regarding electrical safety and were presented with the performance indicator dashboard and summary on findings and actions in place to address non-compliance. There was a five-year periodic testing regime, but as at 15 June 2023 531 Electrical Periodic Inspections were overdue from the 2022/23 testing year. Due to this and following external legal advice and self-assessment of the risk the service self-referred itself to the Social Housing Regulator. Following this referral officers were asked to provide a comprehensive amount of information in relation to compliance, not just covering electrical but all areas of compliance across the housing stock. There had also been a series of virtual meetings with the Regulator to talk through the measures being taken and the progress being made to ensure compliance would be regained.

The Assistant Director for Housing was overseeing the numbers of properties out of compliance on a weekly basis with officers in the team reporting directly to her, ensuring oversight at senior leadership level. This was also being more widely monitored by the Senior Leadership Team and regular updates had been provided to the Portfolio Holder. Overall, the increased monitoring of compliance would ensure that the contractors were adhering to statutory testing/servicing regimes.

There were currently 46 EICRs outstanding (down from 531 in June). 22 of the properties had a failed access visit which meant that the appointment was pre-booked with the tenant, but they were not home when the operative arrived to undertake the work. They were now at the start of the no-access process which ultimately would result

in a legal process as this had been aligned in terms of needing to access properties for EICRs, along with how gas safety visits were managed.

The Compliance Surveyor was monitoring the contract closely with the contractor through weekly meetings and information sharing and formal operation meetings were held regularly. There was a delivery plan in place for all properties that had been agreed with the contractor and this was generally adjusted in line with success rates of entering properties. Repairs that had arisen from the testing were now being managed by two separate contractors in order to bring them down rapidly and compliance was being monitored weekly, the same way the ECIR checks were monitored.

Various changes had taken place around monitoring and officers were confident that they had the correct performance indicators in place to ensure closer monitoring of this area of compliance, which would prevent a similar situation occurring in the future.

Officers were congratulated on the remarkable amount of progress that had been made in a relatively short amount of time.

RECOMMENDED:

1. that Cabinet note the revision of the Electrical Safety Policy.
2. that Cabinet agree that the Housing Review Board have oversight of the Housing Service's Compliance and Electrical Safety Policy.

33 Exclusion of press and public

RESOLVED: that under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the description set out in the agenda is likely to be disclosed and on balance the public interest is in discussing these items in private session (Part B).

34 Interim staffing position

The Interim Chief Executive & Director for Housing Health and Environment, and Assistant Director for Housing's report set out a brief overview of the current staffing challenges within the housing service and plans for how this was being taken forward. Following the appointment of the Director for Housing, Health and Environment, a full review had been undertaken to clarify and establish the best route forward in relation to ensuring that the service was fully resourced and able to meet the needs of frontline service delivery including the necessary management resource. The Interim Chief Executive & Director for Housing Health and Environment wanted to give the Board reassurance and confidence that the challenges of the service had been recognised and that a robust management team was being put in place to address the issues. It was essential to have the right senior management team in place, with resilience across the structure. A copy of the revised staffing structure, with roles and responsibilities would be provided at the next meeting of the Housing Review Board.

RESOLVED: that the Housing Review Board note the actions being taken to ensure the housing service was able to function and meet the required level of service delivery for tenants and wider residents.

35 Home Safeguard service update

The Board received the report along with a series of recommendations which were considered and approved by Cabinet on 10 October 2023. The recommendations were based around monitoring of the Home Safeguard service, the procurement of a new call handling system, a review of the out of hours service, plans for a growth strategy within the service and the implementation of a new staffing structure. It was important for the HRB to aware due to strong link of the service with the Housing Revenue Account.

RESOLVED: that the Housing Review Board note the recommendations within the report.

36 **Housing Ombudsman determination**

The Interim Housing Operations Manager's report outlined the Ombudsman investigation and determination of a complaint from an EDDC tenant regarding anti-social behaviour, EDDC's response to a request for re-housing and how EDDC handled the complaint. The Ombudsman determination was that there was severe maladministration by EDDC in respect of its response to the reports of anti-social behaviour and maladministration in respect of the way it handled the complaint. The report also outlined EDDC's response to the findings. Officers reassured members that the service had and would continue take the learning from the case in order to ensure the failures could not be repeated.

RESOLVED: that the Housing Review Board note the report and the actions taken in response to the Ombudsman's findings.

Attendance List

Board members present:

Councillor Sarah Chamberlain (Chair)
Councillor Peter Faithfull
Councillor Helen Parr
Councillor Christopher Burhop

Councillors also present (for some or all the meeting)

I Barlow
J Loudoun
M Martin

Officers in attendance:

Amy Gilbert-Jeans, Assistant Director Housing
Tracy Hendren, Director of Housing, Health and Environment
Yusef Masih, Interim Housing Services Manager
Andrew Mitchell, Housing Solutions Manager
Alethea Thompson, Democratic Services Officer
Rob Ward, Accountant
Giles Salter, Solicitor
Andrew King, Interim Tenancy Services Manager

Councillor apologies:

Sue Dawson, Tenants
Sara Clarke, Independent Community Representative
Rob Robinson, Independent Community Representative
Cindy Collier, Tenant

Councillor Tony McCollum

Chair

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Strategic Planning Committee held at Council Chamber, Blackdown House, Honiton on 3 October 2023

Attendance list at end of document

The meeting started at 10.03 am and ended at 1.10 pm. The meeting was adjourned at 11.00 am and reconvened at 11.15 am.

25 Minutes of the previous meeting

The minutes of the Strategic Planning Committee held on 5 September 2023 were confirmed as a true record.

26 Declarations of interest

There were no declarations of interests.

27 Public speaking

There were no members of the public wishing to speak.

28 Matters of urgency

There were no matters of urgency.

29 Confidential/exempt item(s)

There were no confidential or exempt items.

30 Housing Monitoring Update to year ending 31 March 2023

The Committee considered the Assistant Director – Planning Strategy and Development Management's report outlining the latest monitoring figures on housing completions, forecasts and projections of the district's five-year housing land supply to year ending 31 March 2023.

Members noted that in summary from April 2022 to March 2023 there were 998 net new dwellings completed after taking into account 67 care home bedrooms compared to 1,039 completed from April 2021 to March 2022.

The main reasons that the council could only demonstrate a forecast of 4.28 years of deliverable supply were due to:

- a) The Planning Inspectorate taking a stricter approach on clear deliverability on planning appeals;
- b) The slow-down in build rates and sales due to the current challenging housing market conditions;
- c) Loss of developers/builders due to administration.

The Assistant Director – Planning Strategy and Development Management advised that because of the significant shortfall in housing land supply. Members should be mindful of the implications for decision making as set out in paragraph 3.9 in the report.

Comments made by Non-Committee Members included:

- There is a need to look at how we calculate windfall sites. It was advised that the larger development sites were not taken into account.
- Clarification was sought about the high phosphate levels in the River Axe and if the levels were sorted and development could commence in the catchment area would this help achieve the five-year housing land supply. In response it was advised that there were only about 150 homes held up at the application stage purely because of by the phosphate level issue. A much larger numbers of applications had other issues to resolve which were on top of the phosphate levels. This is impacting on the housing land supply position but would not in itself make up the shortfall.
- Clarification was sought on the number of affordable homes completed and whether the council was delivering the required 25%. The Assistant Director – Planning Strategy and Development Management advised that a lot of the smaller sites fell below the required threshold to provide affordable housing and that a number of the larger sites were subject to viability issues which resulted in developers delivering less than the required proportion.
- It was suggested that the housing delivery test was flawed following a government report in March 2023 which appeared to penalise councils.

Comments made by Committee Members included:

- Clarification was sought about lapsed consented planning applications and whether landowners were reminded about these as these would help bolster the five-year land supply. There was not a process in place to send out reminders. Although it was acknowledged it was a contributing factor, it was not a major factor, and that more research was required to understand this further.
- Clarification was sought on the AONBs and the lack of a five-year housing land supply and how this would affect AONB areas if the town or parish council did not have a neighbourhood plan. The Assistant Director – Planning Strategy and Development Management referred to the tilted balance in the government guidance and did not expect additional development to take place in AONBs as a result of the housing land supply position and that policies in the local plan would be relied on if there was not a neighbourhood plan.
- Clarification was sought on whether the pause on the assessment of housing sites in the draft local plan had affected the current position. There was no immediate impact but progressing the local plan in a timely manner would help bolster the housing numbers in the long term.
- Clarification was sought on paragraph 3.9. In response the Assistant Director – Planning Strategy and Development Management referred to paragraph 11 in the NPPF which outlined what is a sustainable development and reassured Members it was not an open door for developers.
- Reference was made to Section 5 in the appended report and the inequality of the supply of houses in the West End of East Devon and the rest of East Devon.
- Reference was made to the housing monitoring figures for the last 4 years for windfall completions and whether there was a plan to review the way these numbers were calculated as it appeared the council was systematically underestimating the number of windfall sites coming forward. The Assistant

Director – Planning Strategy and Development Management took this point on board and said he was happy to look into this further.

Two further recommendations were proposed by Councillor Mike Howe and Councillor Jess Bailey which were supported by the proposer of the recommendations, Councillor Ben Ingham and seconder, Councillor Charlotte Fitzgerald.

1. that this report and its decision be reported to the East Devon District Council Planning Committee.
2. That a report in respect of the issues relating to windfall sites be brought to a future Strategic Planning Committee meeting.

RESOLVED:

1. That the district five-year housing land supply position and the potential risks and implications of the forecast supply as detailed in Section 5 of the Housing Monitoring Update 2023 be noted.
2. That the residential dwellings completion date and future forecasts for the district be noted.
3. That the Housing Monitoring Update 2023 be published on the Council's website as part of the Authority Monitoring Report.
4. That the publication of the 2023 Housing Monitoring Update audit trail document and the detailed tables in Appendix 2 of the Housing Monitoring Update 2023 be delegated to the Assistant Director – Planning Strategy and Development Management in consultation with the Portfolio Holder – Strategic Planning and the document be published by the end of October 2023 on the Council's website as part of the Authority Monitoring Report.
5. That this report and its decision be reported to the East Devon District Council Planning Committee
6. That a report in respect of the issues relating to windfall sites be brought to a future Strategic Planning Committee meeting.

31 **Methodology for the designation of Green Wedges in the new local plan**

The report presented to the Committee sought endorsement of the methodology for defining Green Wedges in the new local plan prior to the consultation at the Regulation 18 stage of the draft local plan. This was following previous discussions where Members had highlighted issues where, in principle, Green Wedges should be designated between nearby settlements to avoid the risk of coalescence or loss of identity.

The Assistant Director – Planning Strategy and Development Management referred Members to paragraph 2.2.1 in Appendix 1 which identified the existing Green Wedges and highlighted that sites already identified as proposed development allocations in those areas would be excluded from the areas to be assessed. It was also highlighted that Green Wedges would also not be considered for the proposed new settlement as master planning would be required first.

The assessment methodology that was before Members outlined the various stages. It included the assessment criteria that would help to prevent the coalescence of settlements and to maintain a sense of place and identity for communities and proposed to assess potential Green Wedge locations against the criteria through strengths and evidence.

Many Members voiced their concerns on the content of the assessment methodology.

Discussion covered:

- Several Members suggested that Green Wedges should have been looked at before the development.
- Town and Parish Council views would need to be considered prior to the consultation stage.
- A concern was raised about the time frame and to avoid a public consultation over the Christmas period.
- It was not clear in paragraph 2.2.1 whether the sites identified as proposed development include both the first and second choice sites.
- It was questioned whether the criteria that defined the Green Wedges previously proposed was correct.
- There was no mention of assessing Green Wedges already mentioned in neighbourhood plans.
- A concern was raised about the evidence criteria that focussed heavily on the visual impact on landscapes when in reality the impact would need to focus on more than what can be seen.
- Clarification was sought on the receipt of a report on the new settlement.
- Concern was raised about whether there would be a Green Wedge between the new settlement and Farringdon.
- There was a need to update the interactive map to help visualise how things would change.
- Not happy with the proposed method as there was no indication of how to safeguard against encroachment.
- Disagreement with paragraph 2.2.1
- More work was needed, better plans, more detailed discussions and more Member involvement, not just officers.
- There was a need to protect all Grade 1 farmland.
- It was suggested that this would be looked at alongside wider needs for footpaths and cycleways linking settlements.

In response the Assistant Director – Planning Strategy and Development Management advised the Committee that Green Wedges are about preventing settlement coalescence and should not be confused with other countryside protections and landscape designations which fulfil different functions. It was also explained that while there was a need to look at green infrastructure and how sustainable travel between settlements can be improved this should not be conflated into this work and needed to be done separately.

The Vice Chair urged Members to consider the recommendations, to try to look at them as a purpose and as an understanding in policy terms as to why Green Wedges should be there and what they should be doing. It should not just be there to stop development.

Councillor Marcus Hartnell pointed out that much of the debate had not touched on the methodology and that if other local authorities had used this methodology and had reached successful conclusions on their Green Wedge policies he didn't see a reason not to proceed with the methodology.

At the end of the debate the Assistant Director – Planning Strategy and Development Management advised of the following key points that he recognised as concerns for Members.

These were:

1. A clear recognition in the methodology for officers to look at and assess areas identified in neighbourhood plans that have been allocated for purposes of preventing settlement coalescence.
2. Concern about paragraph 2.2.1 in the methodology and look at the conflict between allocations and Green Wedges with an action to report back to Strategic Planning Committee to flag up where there is a conflict between an allocation and a Green Wedge.

RESOLVED:

1. Amend the proposed methodology for defining Green Wedges, set out in appendix 1 of this report to include:
 - (a) consideration of all areas identified in neighbourhood plans that seek to prevent settlement coalescence.
 - (b) to identify conflicts between proposed allocations and Green Wedges for Members to consider further and,
 - (c) to ensure that all the areas identified for potential Green Wedges are considered under the methodology and that the methodology is used in the preparation of Green Wedge boundaries for consultation.
2. Agree that the proposed Green Wedges be brought to Committee in the first quarter of 2024 for Members consideration.

32 **Response to Government Consultation on plan-making reforms**

The Assistant Director – Planning Strategy and Development Management presented a report updating the Committee on the feedback provided by East Devon District Council on its concerns and considerations to the consultation that the Government were undertaking on proposed new style local plans.

Members noted the following key issues:

- The importance of having a vision in the local plan.
- To set out measurable outcomes for the plan period.
- The creation of National Development Management Policies.
- The ability to have genuine local policies.
- To explore digital technologies which can be used in templates.
- To have a 30-month plan timeframe.
- Supplementary plans would be more geographically defined.
- Community land auctions – opportunity to capture more value out of land.

RESOLVED:

That the proposed response to the consultation as set out in the report be endorsed and submitted as the Council's response to the consultation.

Attendance List

Councillors present (for some or all the meeting)

B Bailey
J Bailey
B Collins
O Davey (Chair)
P Fernley
C Fitzgerald

M Hartnell
M Howe (Vice-Chair)
B Ingham
Y Levine
T Olive
H Parr

Councillors also present (for some or all the meeting)

I Barlow
G Jung
M Rixson

Officers in attendance:

Ed Freeman, Assistant Director Planning Strategy and Development Management
Damian Hunter, Planning Solicitor
Wendy Harris, Democratic Services Officer

Councillor apologies:

K Blakey
P Hayward
D Ledger

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Strategic Planning Committee held at Council Chamber, Blackdown House, Honiton on 31 October 2023****Attendance list at end of document**

The meeting started at 10.05 am and ended at 12.30 pm. The Chair adjourned the meeting at 11.22 am and was reconvened at 11.41 am.

33 Minutes of the previous meeting

The minutes of the Strategic Planning Committee held on 3 October 2023 were confirmed as a true record.

In response to a comment about how North Somerset District Council were going to challenge their housing numbers in their local plan, the Assistant Director advised he would be watching the outcome with interest and reminded Members that this council did not have a sound case to reduce its numbers.

34 Declarations of interest

The Chair on behalf of Members of the Strategic Planning Committee advised receiving lobbying communication from Mr Persey who spoke during the public speaking section.

35 Public speaking

Robert Persey addressed the Committee to offer land in the centre of Dulford free of charge for up to 12 affordable housing and asked Members to consider changing policy to enable the numbers on the housing waiting list to be used to identify the need for a rural exception site.

The East Devon Local Plan 2013 – 2031 identified that parishes of Awliscombe, Broadhembury, Payhembury and Plymtree all had a housing need. He advised that there were currently 5,109 on the EDDC housing waiting list, of which 18 families were from Broadhembury. He referred to a recent letter from the Department of Levelling Up Communities which stated that local authorities should support local needs in rural areas including rural exception sites and welcomed a debate from Members about this issue as there was a duty to provide more homes.

In response the Assistant Director – Planning Strategy and Development Management advised that the fundamental issue was that Dulford was a small hamlet with a very limited range of services and facilities and that the Devon Home Choice data raised concerns about whether there was a need in that locality. The current position that has been advised to Mr Persey is to test its need through a planning application if he believes the advice to be incorrect and to undergo a housing needs survey through the parish council if he believes the data to be inaccurate.

36 Matters of urgency

There were no matters of urgency.

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

There were no confidential or exempt items.

38 **East Devon Local Plan 2020-2040 Consultation Draft - Consultation Feedback Addendum**

The Committee considered the Assistant Director – Planning Strategy and Development Management's feedback addendum report that had addressed the concerns raised by Members about comments that had been missed out of the original feedback report.

These included:

- The consultation feedback report had not included the sentiment scores from the questions about whether people supported or opposed policies in the draft local plan.
- Various sites allocations had been omitted for development.
- Representation from Network Rail had been omitted.
- Comments made on paper slips at the Whimble event.
- A further review of the comment slips regarding housing numbers at the Whimble event summarised on page 15 of the report.

Members comments included:

- Inconsistent comments made by Network Rail.
- The inclusion of comments made by Whimble residents were welcomed.
- A concern was raised about the sentiment score analysis due to inconsistencies.
- It was noted that DCC did not support a new town in Clyst St Mary.
- Comments made about the new town included the need to consider a development that would cater for cars as without a better public transport system people would be more reliant on cars.
- Clarification was sought about what changes have taken place regarding development following receipt of the 1,800 responses during the consultation stage. In response it was advised decisions were taken on sound planning grounds and work was still ongoing to review all of the comments received.

RESOLVED:

That the addendum to the draft local plan consultation feedback report be noted.

39 **East Devon Local Plan - Timetable and Local Development Scheme**

The Committee considered the proposed timetable detailing the key stages of work which included a series of reports that would be made available for public comment under the Regulation 18 stage in respect of matters including Green Wedges and additional employment sites.

Members noted that the timeline leading to the adoption of the local plan was extremely tight and the Assistant Director – Planning Strategy and Development Management advised Members to be mindful for the possibility of additional meetings to help keep on track with the timeline.

It was emphasised to Members that a significant key risk that could hinder keeping to the timetable was the current staff resourcing issue and despite advertising the team currently had a vacant Planning Officer post. To overcome this issue the team were

considering exploring the option of sending work out to consultants to assist and a further report would be brought to Committee to address any budget implications.

Comments received included:

- It was suggested that the committee could link up the redrafted chapters together to help speed things along.
- A concern was raised about the staffing issue and the possibility of costly consultant fees and the need to address the issue long term. In response the Assistant Director – Planning Strategy and Development Management advised that there was no immediate solution as although the council had undergone a pay review there was still high competition between the public and private sector. Long terms solutions could involve exploring further apprenticeships within the team but this would not help in the short term.
- It was suggested for the timetable to be made a standard agenda item and to be brought back to Committee every other meeting to update Members.
- Clarification was sought on what the implications would be if Members failed to meet the June 2025 deadline. It was advised that the evidence gathered would be carried over to the new local plan system and that the proposed substantial changes to the new local plan are designed to make it quicker and easier to complete. However any new system comes with uncertainty and it was still desirable to proceed under the current system as quickly as possible.
- Reference was made to the series of reports and whether Built up Area Boundaries would be added to the list of subject matters and whether settlement boundaries would be revisited.
- It was questioned whether discussing two or three chapters per meeting would be feasible.
- A concern was raised that Planning Committee Members are being asked to approve applications without answers to the lack of jobs and infrastructure. The Assistant Director – Planning Strategy and Development Management reminded members of the lack of a five-year housing land supply and the need to apply the tilted balance.

RESOLVED:

1. That the timetable and approach to local plan making work set out in the committee report be endorsed.
2. That the proposed new Local Development Scheme, appended to this report, be endorsed and that it be recommended to Council for adoption.

40

East Devon Local Plan - A Proposed New Vision

The Committee considered the East Devon Local Plan – A proposed new vision report that set out a proposed vision for inclusion in the East Devon Local Plan following a decision made by Committee on 21 July 2023 to replace the vision in the draft local plan. Strategic Planning Committee Members attended a workshop session on 31 August 2023 to consider the vision for the plan and those comments and suggestions made during that session helped officers produce a revised vision.

The following suggestions and comments were made by Members:

- It was suggested that a section should be included about the concerns raised about the oversubscribed schools and hospitals.
- There is a need to include the Clyst Valley Regional Park.
- It had been suggested that further work was needed before it could be endorsed.
- There was a need to look at the punctuation.
- It was suggested that each town should have its own vision.

- The vision needs to acknowledge the east and west district divide – urban and rural communities need to be defined.
- Greater emphasis on climate change.
- There is a need to address affordable housing and the protection of local residents to avoid inward migration.
- Infrastructure and transport should be included.
- Support was expressed to include a vision for each of the towns.
- As some villages need small scale development this should also be mentioned.
- It was suggested that the sixth paragraph should be expanded to include what to expect from new development and what it delivers.

The Assistant Director – Planning Strategy and Development Management welcomed all the suggestions and sought further clarification on whether Members preferred to amend the vision's wording at this meeting or to be brought back for members consideration at a later date. It was suggested that the wording could be emailed to Committee Members as a tracked document which could then be brought back to a future meeting.

RESOLVED:

1. That the Committee defer the consideration of the proposed vision as set out in this report to allow the Assistant Director – Planning Strategy and Development Management to take on board Members comments and to prepare a revised vision for further deliberation at the January 2024 Strategic Planning Committee.
2. That the new local plan should include a vision for each of the towns to act as a focus for the plans approach for each of these locations.

Attendance List

Councillors present:

B Bailey
K Blakey
B Collins
O Davey (Chair)
P Fernley
C Fitzgerald
M Howe (Vice-Chair)
D Ledger
Y Levine
T Olive
H Parr

Councillors also present (for some or all the meeting)

I Barlow
K Bloxham
C Brown
J Brown
P Faithfull
G Jung

Officers in attendance:

Wendy Harris, Democratic Services Officer
Ed Freeman, Assistant Director Planning Strategy and Development Management

Damian Hunter, Planning Solicitor

Councillor apologies:

J Bailey
M Hartnell
P Hayward

Chairman

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 26 September 2023

Attendance list at end of document

The meeting started at 10.01 am and ended at 5.00 pm. The Chair adjourned the meeting for lunch at 1.30 pm and reconvened at 2.05 pm. Brief adjournments also took place at 11.20 am to 11.30 am and 4.05 pm to 4.20 pm.

In the absence of the Vice Chair, Councillor Sarah Chamberlain, the Committee agreed to Councillor Yehudi Levine being the Vice Chair for this meeting.

56 Minutes of the previous meeting

The minutes of the Planning Committee held on 22 August 2023 were confirmed as a true record.

57 Declarations of interest

Minute 60. 23/0331/MOUT (Major) HONITON ST PAULS

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the constitution the Chair on behalf of the Committee Members advised lobbying in respect of this application.

Minute 63. 22/1104/VAR & 22/1106/VAR (Other) CLYST VALLEY.

Councillor Mike Howe, Other Registerable Interest, Clyst St Mary Parish Councillor and advised as he was predetermined, he would not take part in discussions or vote for these applications.

Minute 63. 22/1104/VAR & 22/1106/VAR (Other) CLYST VALLEY.

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the constitution the Chair on behalf of the Committee Members advised lobbying in respect of this application.

Non-Committee Member

Minute 60. 23/0331/MOUT (Major) HONITON ST PAULS

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the constitution Councillor Roy Collins advised lobbying in respect of this application.

58 Matters of urgency

There were none.

59 Confidential/exempt item(s)

There was one confidential item recorded at minute 71.

60 23/0331/MOUT (Major) HONITON ST PAULS

Applicant:

c/o Agent.

Location:

Land at Middle Northcote Farm, Honiton.

Proposal:

Outline application (with all matters reserved except for access) for the demolition of existing buildings and erection of up to 115 dwellings, public open space, sustainable drainage systems, landscaping, vehicular access via Tunnell Lane and associated highways improvements and infrastructure.

RESOLVED:

Approved subject to a Section 106 Agreement with conditions as per officer's recommendation subject to the following amendments to the following conditions and with the addition of a new condition:

Condition 13

The site access shall be constructed, laid out and maintained for that purpose, where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6m above the adjacent carriageway of the public highway (identified as X) shall be 2.4m and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 25m in both directions.

Condition 16

No works that could impact on dormice or bats shall commence unless the Local Planning Authority has been provided with a copy of the dormouse and bat mitigation licences issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulation 2017 authorising the development to go ahead. Any mitigation and compensation measure should be in accordance with the agreed Landscape and Ecological Management Plan (LEMP), unless otherwise amended by Natural England.

Condition 19

As part of the reserved matters concerning 'layout' the following details shall be submitted to and approved in writing by the Local Planning Authority:

- (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted and a timetable for implementation.
- (b) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals, the scope of which shall first be agreed in writing with the Local Planning Authority in consultation with the Lead Flood Authority. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.
- (c) Development shall take place in accordance with the approved details.
- (d) No on-site development shall commence until all off-site drainage works approved pursuant to this planning condition have been implemented in full.
- (e) All permanent on-site drainage shall be provided prior to occupation or use of the development to which they relate. Construction phase drainage shall be provided in accordance with the approval timetable.

New Condition 21

The pedestrian and cycle footpath which runs parallel to Tunnel Lane shall be constructed and laid out in accordance with plan SK10 hereby approved prior to any

occupation of the dwellings hereby approved. This path shall be maintained and kept free of obstruction for the lifetime of the development.

(Reason – To ensure that suitable provision for pedestrian and cyclist are included in the interest of highway safety, in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan).
the East Devon Local Plan).

61 **20/1663/VAR (Other) CRANBROOK**

Applicant:

D S Developments (Exeter) Ltd.

Location:

South Whimble Farm, Clyst Honiton.

Proposal:

Removal of Condition 16 of 16/1826/MFUL (decentralised energy network connection) to remove requirement for connection to the Cranbrook District Heating Network.

RESOLVED:

Approved subject to a Deed of Variation to carry over the provisions of the Section 106 Agreement for 16/1826/MFUL (to be delegated to Officers) and subject to conditions as per officer's recommendation.

62 **23/0867/FUL (Minor) CLYST VALLEY**

Applicant:

David Manley.

Location:

Enfield Oil Mill Lane, Clyst St Mary, EX5 1AF.

Proposal:

Installation of a roof and roller-door to a section of the existing storage clamp to provide improved environmental control and installation of a dome to collect residual gas from the digestate storage tank.

RESOLVED:

Approved subject to conditions as per officer's recommendation.

63 **22/1104/VAR & 22/1106/VAR (Other) CLYST VALLEY**

(22/1104/VAR)

Applicant:

David Manley.

Location:

Enfield Farm Biodigester, Oil Mill Lane, Clyst St Mary, EX5 1AF

RESOLVED:

Approved subject to a legal agreement to restrict the occupation of Enfield Bungalow to a non-residential use for the duration of the operation and use of the Anaerobic Digester plant and the conditions as per officer's recommendation subject to:

- (i) an amendment to wording in Condition 7(i) to read crops, silage and grains;
- (ii) an additional condition that "Notwithstanding the provision of Condition 7 (feedstock and feedstock delivery) the details of any off-site intermediary storage facilities for the digestate generated by the anaerobic digestive plant shall be submitted to and approved in writing by the Local Planning Authority including the details of any necessary statutory permissions, and,
- (iii) subject to all of the proposed conditions being reviewed in consultation with the Chair, Vice Chair and Ward Member.

(22/1106/VAR)

Applicant:

David Manley

Location:

Enfield Farm Biodigester, Oil Mill Lane, Clyst St Mary, EX5 1AF.

RESOLVED:

Approved subject to a legal agreement to restrict the occupation of Enfield Bungalow to a non-residential use for the duration of the operation and use of the Anaerobic Digester plant and the conditions as per officer's recommendation subject to:

- (i) an amendment to wording in Condition 7(i) to read crops, silage and grains;
- (ii) an additional condition: notwithstanding the provision of Condition 7 (feedstock and feedstock delivery) details of any off-site intermediary storage facilities for the digestate generated by the anaerobic digestive plant shall be submitted to and approved in writing by the Local Planning Authority including details of any necessary statutory permissions, and,
- (iii) subject to all the proposed conditions being reviewed in consultation with the Chair, Vice Chair and Ward Member.

64 **22/2633/FUL (Minor) NEWBRIDGES**

Applicant:

Mr & Mrs C & R Meecham & Hunter.

Location:

Ashdale Farm, Dalwood, EX13 7HS.

Proposal:

Temporary agricultural workers dwelling.

RESOLVED:

1. The appropriate assessment be adopted.
2. Approved subject to conditions as per officer's recommendation.

65 **23/0847/FUL (Minor) WOODBURY & LYMPSTONE**

Applicant:

Mr Morris.

Location:

Meadowgate, Church Road, Lympstone, EX8 5JU.

Proposal:

Proposed dwelling and off-road parking and double garage within the garden.

RESOLVED:

Approved subject to conditions as per officer's recommendation including an additional condition to tie the garage as ancillary use to the main dwelling house.

66 **23/1113/FUL (Minor) WEST HILL & AYLESBEARE**

Applicant:

Mr Will Gater.

Location:

Elsdon House, land at Orchard Cottage, Elsdon Lane, West Hill.

Proposal:

Proposed new detached dwelling with integral garage, new site entrance and parking.

RESOLVED:

1. The appropriate assessment be adopted.
2. Approved subject to conditions as per officer's recommendation with an amendment to condition 3 to have either a hornbeam or beech hedge in place for the majority of the eastern boundary of the site.
3. A decision will not be issued until the end of the revised consultation period and subject to no new material planning considerations being raised as a consequence of that process.

67 **23/0615/VAR (Other) SIDMOUTH RURAL**

Applicant:

Mr Gary Burns (Serenity Leisure Parks Ltd.)

Location:

Salcombe Regis Camping and Caravan Park, Salcombe Regis.

Proposal:

Variation of Condition 3 (shop with residential accommodation to replace existing) of application 87/P0699; the building should be used solely for the permitted purpose of a residential dwelling, site office and shop in conjunction with and solely for the permitted use of the caravan site.

RESOLVED:

1. Refused contrary to officer recommendation for the following reason:-
Members considered that the removal of the condition was not justified as it had not been robustly demonstrated that the building was not required for the operational purposes of the camping and caravan site and that the loss would not undermine the current and/or future viability of the camping and caravan site and result in an unsustainably located open market dwelling in the countryside contrary to Strategy 7 of the East Devon Local Plan

2. Delegation to the Chair, Vice Chair and Ward Member to agree whether it is appropriate to refer to any further national or local plan policies in the reason for refusal.

68 **23/1131/VAR (Other) WOODBURY & LYMPSTONE**

Applicant:

Mr Tom Buxton-Smith.

Location:

The Glade, Stony Lane, Woodbury Salterton, EX5 1PP.

Proposal:

Variation of Condition 2 (approved plans) of application (21/0908/VAR) to allow for revision of plans for the proposed garage that include changes to the external materials, garage and access door positions and internal layout.

RESOLVED:

Approved subject to conditions as per officer's recommendation.

69 **23/1478/FUL (Minor) BROADCLYST**

Applicant:

Ms Naomi Harnett.

Location:

Land to the north of Stuart Way, Clyst St Mary.

Proposal:

New building to house an energy substation with associated vehicle access, boundary fencing, external works and infrastructure.

RESOLVED:

Approved subject to conditions as per officer's recommendation.

70 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

that under Section 100(A)(4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt and private information (as set out against the Part B agenda item), is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

71 **Verbal update regarding Planning Appeal to Members**

The Planning Solicitor provided Members with legal advice in respect to the Jewson's Ltd, Fore Street, Exmouth planning appeal.

Attendance List

Councillors present (for some of all the meeting)

I Barlow
S Gazzard
A Hall
J Heath
M Howe
Y Levine
H Riddell
S Smith
D Wilson
E Wragg (Chair)

Councillors also present (for some or all the meeting)

P Arnott
J Bailey
K Bloxham
R Collins
P Faithfull
G Jung
J Loudoun

Officers in attendance (for some or all the meeting)

Wendy Ormsby, Development Manager
Ed Freeman, Assistant Director Planning Strategy and Development Management
Damian Hunter, Planning Solicitor
Wendy Harris, Democratic Services Officer
Liam Fisher, Senior Planning Officer
Lynne Shwenn, Senior Development Control Officer

Councillor apologies:

B Bailey
C Brown
A Bruce
S Chamberlain
E Rylance

Chairman

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 24 October 2023

Attendance list at end of document

The meeting started at 10.17 am and ended at 4.30 pm. The Chair adjourned the meeting for lunch at 1.45 pm and reconvened at 2.15 pm. A brief adjournment also took place at 12.30 pm and reconvened at 12.45 pm.

In the absence of the Vice Chair, Councillor Sarah Chamberlain, the Committee agreed to Councillor Daniel Wilson being the Vice Chair for this meeting.

72 Minutes of the previous meeting

The minutes of the Planning Committee held on 26 September 2023 were confirmed as a true record.

73 Declarations of interest

Minute 78. 22/1973/MOUT (Major) OTTERY ST MARY

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the constitution the Chair on behalf of the Committee advised lobbying in respect of this application.

Minute 84. 22/2838/MOUT (Major) WOODBURY & LYMPSTONE

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the constitution the Chair on behalf of the Committee advised lobbying in respect of this application.

Non-Committee Members

Minute 78. 22/1973/MOUT (Major) OTTERY ST MARY

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the constitution Councillors Bethany Collins, Peter Faithfull, Vicky Johns and Devon County Councillor Jess Bailey advised lobbying in respect of this application.

Minute 81. 23/0851/FUL (Minor) BUDLEIGH AND RALEIGH.

Councillor Geoff Jung, Affects Non-registerable Interest, Member of Pebblebed Heath Nature Reserve.

Minute 82. 23/0852/FUL (Minor) BUDLEIGH AND RALEIGH.

Councillor Geoff Jung, Affects Non-registerable Interest, Member of Pebblebed Heath Nature Reserve.

Minute 83. 23/0868/FUL (Minor) BUDLEIGH AND RALEIGH.

Councillor Geoff Jung, Affects Non-registerable Interest, Member of Pebblebed Heath Nature Reserve.

74 Matters of urgency

There were none.

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

There were none.

76 **Planning appeal statistics**

The Committee noted the planning appeals statistics report setting out the appeal decisions, of which both had been dismissed. The Development Manager drew Members attention to the current appeals in progress, paying attention to two Inquiries. The first related to a solar farm at land at Marsh Green Farm in which Members noted the Inquiry had now closed and a decision was awaited. The second appeal related to the installation of a battery energy storage system at Pound Road BESS, Hawkchurch and Members noted that the Inquiry had been adjourned, reconvening at the end of October 2023 for two further days.

77 **Housing Monitoring Update to year ending 31 March 2023**

The report provided a summary of house building monitoring information to the year ending 31 March 2023 and updated Members on the current five-year housing land supply position.

RESOLVED:

The Planning Committee noted that the district five-year housing land supply position shows a shortfall resulting in an on-going need to apply the tilted balance and to give significant weight to bolstering the housing land supply position when taking decisions.

78 **22/1973/MOUT (Major) OTTERY ST MARY**

Applicant:

ALD Developments (Mr A Davis).

Location:

Land east of Sidmouth Road, Ottery St Mary.

Proposal:

Outline application with some matters reserved (access) for the residential development of up to 63 dwellings and associated infrastructure.

RESOLVED:

Refused contrary to officer recommendation.

Members considered that the proposed development would have an overwhelming impact on the character and appearance of the area and would result on the loss of grade II agricultural land and was contrary to Strategy 7 (Development in the Countryside); Policy D1 (Design and Distinctiveness); Strategy 46 (Landscape Conservation Enhancement); Policy EN13 (Development on High Quality Agricultural Land) and NP1 (Development in the Countryside) of the Ottery St Mary Neighbourhood Plan.

The Development Manager advised that there is currently no mechanism submitted to secure the necessary delivery of affordable housing, open space and healthcare provision and a contribution towards mitigation measures to inspect of the East Devon

Pebblebed Heaths Special Area of Conservation and as such this should be a further reason for refusal.

79 **23/0727/MOUT (Major) WEST HILL AND AYLESBEARE**

Applicant:

Blue Cedar Homes.

Location:

Land north of Eastfield, West Hill.

Proposal:

Erection of up to 30 dwellings with all matters reserved apart from means of access.

RESOLVED:

1. The Appropriate Assessment be adopted.
2. Approve as per officer recommendation, subject to:
 - i. The inclusion of an additional condition requiring the provision of a footpath to the adjacent land.
 - ii. The completion of a S106 agreement to ensure that the footpath is made available for use by members of the general public (to prevent the creation of a ransom strip).
 - iii. A slight change to the wording of Condition 1 to read:
Application for approval of all the reserved matter shall be made to the Local Planning Authority before the expiration of one year from the date of this permission.

80 **22/2669/MFUL (Major) EXMOUTH HALSDON**

Applicant:

Mr N James (Exmouth Youth Football Club).

Location:

Warren View Sports Ground, Halsdon Avenue, Exmouth, EX8 3DH.

Proposal:

Engineering operations for playing pitch improvement works including raising and levelling of surface.

RESOLVED:

Approved with conditions as per officer recommendation plus an extra condition requiring the provision and agreement of a Construction Management Plan to include details of the route for construction traffic.

81 **23/0851/FUL (Minor) BUDLEIGH AND RALEIGH**

Applicant:

Mr Neil Harris (East Devon District Council).

Location:

Bicton Common, Yettington Model Airfield Car Park, Grid Reference SY 03771 86378

Proposal:

Installation of new tarmac entrance, layout changes, vehicle barriers and alterations to boundary treatments.

RESOLVED:

Approved with conditions as per officer recommendation.

82 **23/0852/FUL (Minor) BUDLEIGH AND RALEIGH**

Applicant:

Mr Neil Harris (East Devon District Council)

Location:

Uphams Car Park, Yettington.

Proposal:

Installation of new tarmac entrance, layout changes, vehicle barriers and alterations to boundary treatments.

RESOLVED:

Approved with conditions as per officer recommendation.

83 **23/0868/FUL (Minor) BUDLEIGH AND RALEIGH**

Applicant:

Mr Neil Harris (East Devon District Council).

Location:

Wheathill Plantation Car Park, East Budleigh, Grid Reference SY 04062 84763.

Proposal:

Improvements to the car park. The improvements include provision of a new tarmac entrance, layout changes within the existing car park extents, expansion of the car park area to the southern side, the provision of new signage, vehicular barriers and boundary treatments in the form of logs, wooden posts or earth bunds.

RESOLVED:

Approved with conditions as per officer recommendation.

84 **22/2838/MOUT (Major) WOODBURY AND LYMPSTONE**

Applicant:

Hayes Grange LLP.

Location:

Land to South Broadway.

Proposal:

Outline application for the construction of up to 70 residential units including open space, affordable housing and offsite highway works (all matters reserved except for access).

RESOLVED:

Deferred to allows officers to consult further with the Environment Agency and South West Water to obtain comments about whether they are concerned with the increased pollution of the Exe Estuary and whether they raise any objections to the proposal.

85 **23/1250/MOUT (Major) WHIMPLE AND ROCKBEARE**

Applicant:

Mr James Dickson.

Location:

Land east of Antiques Complex/Harriers Court Industrial Estate, Long Lane, Rockbeare.

Proposal:

Outline application for the erection of HVDC Converter Station and associated infrastructure with all matters reserved.

RESOLVED:

Approved with conditions as per officer recommendation but with condition requiring details of bridges removed.

86 **23/1147/FUL (Minor) WHIMPLE AND ROCKBEARE**

Applicant:

Ms & Mr V & C Kendrew & Pring.

Location:

Land north of Railway, Whimple.

Proposal:

Conversion of existing building from barn into dwelling.

RESOLVED:

Approved with conditions as per officer recommendation.

87 **23/1442/VAR (Other) SEATON**

Applicant:

Mr Erwin Davis.

Location:

Fosse Way Court, Seaton, EX12 2LP.

Proposal:

Variation of Condition 4b (working hours) of application 14/0187/MFUL (Refurbishment and extension of existing apartment blocks (including additional levels) and construction of new link apartment block to provide an additional 30 residential apartments and additional parking provision) to read: 'no construction or demolition works shall be carried out or deliveries received outside of the following hours: 7:30am to 5:30pm Monday to Friday and 8:00am to 1:00pm on Saturdays and not on Sundays and public holidays.

RESOLVED:

Refused as per officer recommendation.

Attendance List

Councillors present (for some or all the meeting)

B Bailey
I Barlow
C Brown
J Brown
S Gazzard
A Hall
M Howe
Y Levine
S Smith
D Wilson
E Wragg (Chair)

Councillors also present (for some or all the meeting)

J Bailey
B Collins
R Collins
T Dumper
P Faithfull
V Johns
G Jung
T Olive

Officers in attendance:

Wendy Ormsby, Development Manager
Damian Hunter, Planning Solicitor
Wendy Harris, Democratic Services Officer
Liam Fisher, Senior Planning Officer

Councillor apologies:

A Bruce
S Chamberlain
J Heath
H Riddell
E Rylance

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 21 November 2023****Attendance list at end of document**

The meeting started at 10.15 am and ended at 2.00 pm. During the meeting there were brief adjournments at 11.40 am reconvening at 11.50 am and 1.22 pm reconvening at 1.29 pm.

88 Minutes of the previous meeting

The minutes of the Planning Committee held on 24 October 2023 were confirmed as a true record subject to an amendment to the wording of the resolution to minute 84 planning application 22/2838/MOUT – Land to South Broadway.

RESOLVED:

Deferred to allow officers to consult further with the Environment Agency and South West Water to obtain comments about whether they are concerned with the increased pollution of the Exe Estuary and the wider area and whether they raise any objections to the proposal.

89 Declarations of interest

Minute 93. 22/2838/MOUT (Major) WOODBURY & LYMPSTONE

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the constitution Councillors Colin Brown, Jenny Brown and Yehudi Levine advised lobbying in respect of this application.

Minute 94. 23/1120/FUL (Minor) BUDLEIGH & RALEIGH

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the constitution Committee Members advised lobbying in respect of this application.

90 Matters of urgency

There were none.

91 Confidential/exempt item(s)

There were none.

92 Planning appeal statistics

The Committee noted the planning appeals statistics report setting out the appeal decisions.

The Development Manager drew Members attention to an appeal that had been dismissed for planning application 22/0173/FUL – Brake View, Rockbeare Hill, Rockbeare. Members noted that although the appeal had been dismissed there had been partial award of costs awarded against the council due to an error being recorded on the decision notice.

The Development Manager also drew Members attention to the appeal decision relating to the proposed solar farm at Marsh Green. The application was dismissed for reasons that were in line with the officer's recommendations to the committee. A costs claim against the Council was dismissed noting that the Council had dropped two reasons for refusal early in the process and officers had worked proactively and cooperatively throughout the application and appeal. The Council had not acted unreasonably.

93 **22/2838/MOUT (Major) WOODBURY & LYMPSTONE**

Applicant:

Hayes Grange LLP.

Location:

Land to South Broadway.

Proposal:

Outline application for the construction of up to 70 residential units including open space, affordable housing and off-site highway works (all matters reserved except for access).

RESOLVED:

1. The Habitat Regulations Appropriate Assessment be adopted.
2. Approve as per officer recommendations subject to a legal agreement and subject to the following additional conditions:
 1. Prior to first occupation of any of the residential units hereby approved, the off-site highway works indicated on drawing number BW 2 -L H C -00-XX-D R -U D -0104 received on 11th January 2023, which shall have first been the subject of a successful 278 highway agreement, shall be fully implemented and capable of use. The off-site highway works shall thereafter be retained and maintained for such purposes at all times.
(Reason: To ensure that the off-site highway works are fully implemented and mitigate impact that the proposal would have on the highway network in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)
 2. The first reserved matters application for details of the layout of the proposed development shall include provision of two bus stops (posts and road markings) either side of the road on the B3179 adjacent to the site, unless it can be demonstrated that the service provider would not support this infrastructure, and shall be provided and be capable of use prior to first occupation of any of the residential units hereby approved.
(Reason: To ensure that bus stops are provided in close proximity to the site, should they be required by the service provider, to provide occupiers with a choice of modes of transport accordance with Strategy 5B – (Sustainable Transport) and Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)
 1. In advance of the first reserved matters application in each phase, an on-site scheme shall have been designed and agreed in writing by the Local Planning Authority for the appropriate management of foul sewage arising from that phase. This shall include details regarding network capacity and propose measures as necessary to ensure that the network as a whole is not overloaded as a result of development in that phase.

For the avoidance of doubt the scheme shall demonstrate that it has had regard to peak flows within the downstream (off-site) network and shall include full design details of the proposed measures, how they will address capacity issues, details of the environmental impacts of those measures as well as a timetable for their implementation.

The development shall only be undertaken in accordance with the agreed details.

(Reason – To ensure that foul sewerage from the development is appropriately managed and that there is adequate capacity for the volume of waste arising, in the interests of residential amenity of downstream properties and in accordance with Policies D1 (Design and Local Distinctiveness) EN14 (Control of Pollution) and EN19 (Adequacy of foul sewers and adequacy of sewage treatment) of the adopted East Devon Local Plan 2013 – 2031.)

4. Notwithstanding the details provided, prior to the first reserved matters application relating to layout, details of a controlled means of pedestrian crossing of the B3179 adjacent to the application site shall be submitted to the Local Planning Authority and considered in consultation with Devon County Highways Department. The means of pedestrian crossing as approved shall be implemented and be capable of use prior to first occupation of any of the residential units on site.

(Reason: To ensure that there is a safe means of crossing the main road through the village for occupiers of the proposed development in accordance with Policies TC2 (Accessibility of New Development) and TC4 (Footpaths, Bridleways and Cycleways) of the East Devon Local Plan.

Condition 3 above is to be agreed in consultation with the Ward Member.

94 **23/1120/FUL (Minor) BUDLEIGH & RALEIGH**

Applicant:

Mr William Pratt.

Location:

Lily Farm Vineyard, Dalditch Lane, Budleigh Salterton, EX9 7AH.

Proposal:

Erection of a single storey managers accommodation and single storey side extension to vineyard premises.

RESOLVED:

1. The Habitat Regulations Appropriate Assessment be adopted.
2. Refused as per officer recommendation but with reason 5 (Habitat Regulations) omitted.

95 **23/1522/FUL (Minor) OTTERY ST MARY**

Applicant:

Mr D Squires.

Location:

Long Range Park, Whimble.

Proposal:

Stationing of five additional holiday lodges.

RESOLVED:

1. The Habitat Regulations Appropriate Assessment be adopted.
2. Approved with conditions as per officer recommendation.

Attendance List

Councillors present:

B Bailey
I Barlow
C Brown
J Brown
S Chamberlain (Vice-Chair)
S Gazzard
A Hall
J Heath
M Howe
Y Levine
E Rylance
S Smith
E Wragg (Chair)

Councillors also present (for some or all the meeting)

R Collins
P Faithfull

Officers in attendance:

Wendy Ormsby, Development Manager
Damian Hunter, Planning Solicitor
Gavin Spiller, Principal Planning Officer (West)
Nigel Barrett, Senior Planning Officer
Wendy Harris, Democratic Services Officer

Councillor apologies:

A Bruce
H Riddell
D Wilson

Chairman

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Committee held at Council Chamber, Blackdown House, Honiton on 15 November 2023

Attendance list at end of document

The meeting started at 10.00 am and ended at 10.52 am

8 Minutes of the previous meeting held on 19 July 2023

The minutes of the previous meeting held on 19 July 2023 were agreed as a true record.

9 Declarations of interest

Minute 14. Review of taxi rank provision in East Devon and proposals for amendment. Councillor Tim Dumper, Affects Non-registerable Interest, Councillor is a member of Exmouth Town Council.

10 Public Speaking

Dawn Dines, CEO and Founder of Stamp Out Spiking, an Exeter based organisation, addressed the Committee in order to raise awareness of the severity and impact on victims of drinks spiking.

Stamp out Spiking would welcome the opportunity to work alongside local Councillors and Officers to ensure that the public are made aware and are safeguarded. Spiking of drinks occurs not only in pubs and clubs, but also at other venues and events such as sports facilities and festivals. Stamp out Spiking could offer a presence at such events to help with raising awareness.

It was noted that drinks spiking was hugely under-reported and that victims were not only women and girls but also men and boys. Spiking of food and vapes also occurs. Stamp out Spiking would welcome collaborative working with other organisations and agencies to prevent this wide-spread problem.

The Chair thanked Ms Dines and emphasised the need for organisations to work together.

In response to questions from Councillors, the following points were discussed:

- County Councillors may be able to assist as they hold locality budgets, whereas District Councillors do not.
- Raising public awareness was key to stopping this issue and Stamp out Spiking's attendance at events, together with wide use of information posters would help with raising awareness.
- Stamp out Spiking had previously worked with the Cranbrook Education Campus as Cranbrook was one of the organisation's priorities, due to the young demographic of the growing community. Cllr Bloxham, as Cranbrook Ward Member, would liaise with Ms Dines regarding attendance at the upcoming Community Safety Group meeting.
- It was noted that a victim of spiking would start to feel ill very quickly and would need immediate help. There would be no memory of what occurred following the spiking.

It was agreed to circulate contact details for Stamp out Spiking after the meeting to enable Councillors to follow up on working together.

The Chair thanked Ms Dines for attending and speaking on this issue.

11 **Matters of urgency**

There were no matters of urgency.

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

There were no confidential / exempt items.

13 **Committee Update - Licensing Act 2003, Gambling Act 2005, Taxis & General Licensing**

The Chair welcomed the Licensing Manager and congratulated Mrs Norsworthy on her recent appointment to the post.

The Licensing Manager presented the report which provided an update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005, Taxi legislation and General Licensing including Street Trading and Pavement Licenses during the period July to November. The following points were highlighted:

- The Government had announced plans to extend the automatic off-sales entitlement provision until March 2025.
- The 'fast-track' pavement licence provisions were also extended to the end of September 2024.
- Under the Licensing Act, 14 premises licence applications were being processed at the time of writing the report, the number of Temporary Event Notices received remained at a high level and the Licensing Team continued to liaise actively with event organisers through the East Devon Safety Advisory Group.
- One premises licence had been granted after a Sub Committee hearing during the period covered by the report.
- Regarding work under the Gambling Act, the Government had published its white paper 'Gambling Reform for the Digital Age'. As agreed, responses to several consultations had been submitted.
- With regard to taxi work, there was a small variation in the figures since July, as set out at section 3.1.1 of the report. Officers continued to use the NR3 Register of Revocations, Refusals and Suspensions to check all new applications and applications for renewal. Officers have now also uploaded details of those individuals who have had a licence revoked, refused or suspended in East Devon.
- Six significant complaints had been investigated during the period covered by the report.
- Officers had inspected 25 vehicles by prior arrangement and undertaken unannounced checks at taxi ranks on four occasions since the last meeting.
- Two Licensing & Enforcement Sub Committee hearings related to taxi matters had been held during the period July to November.
- The draft policy containing changes to update the policy in line with the Taxi and Private Hire Statutory Standard was approved by full Council at its meeting on 18 October 2023. Changes were communicated to the taxi trade via a newsletter and at a recent taxi trade meeting.
- Officers remained in regular contact with the East Devon Taxi Association and have committed to regularly attending Association meetings.
- It was noted that the need to consider an increase to the Taxi Fare table may come forward in the near future, due to the on-going high cost of living.
- With regard to street trading consents, the current street trading regime and re-introduction of application fees had been adopted by the Council in May 2023. The Licensing Team recorded its thanks for the support of the Vice-Chair and Cranbrook

Town Council in assisting traders to find an alternative trading location during development work in Cranbrook.

- It was noted that there remain two separate regimes under which businesses may apply for a pavement licence, with Officers keeping developments in this area under review.
- Councillor training had been provided by the Institute of Licensing following the election in May, with additional in-house training for Councillors not able to attend provided by the previous interim Licensing Manager.

Discussion and questions from Members included the following points:

- It was noted that there is very little difference between the two regimes for pavement licences. The 'fast-track' regime introduced for District Councils to administer during the pandemic is faster than the process administered by Devon County Council.
- Spot checks on taxi ranks included Sidmouth. It had been noted that the public were using the Sidmouth taxi rank for parking and Civil Enforcement had been made aware of this. There were no other issues to note.
- Additional door signage for Hackney Carriages could be considered by the Licensing Team to improve visibility and information for the public.
- With regard to Temporary Event Notices, the fees are set by Government and have not increased since 2005.

Regarding the current level of fees for Temporary Event Notices, it was agreed to write to the MPs, with a copy to the relevant Government department, to bring attention to the lack of an increase since 2005.

The Committee agreed to note the report.

14 **Review of taxi rank provision in East Devon and proposals for amendment**

The Committee considered a report setting out a request from Devon County Highways to undertake improvement and several amendments to taxi ranks within East Devon, following a review of taxi rank provision across the District Council area.

The report contained options for improvement and amendments to taxi ranks, and also sought approval to commence consultation with the taxi trade. It was emphasised that the Committee was not currently being asked to agree the amendments proposed by Devon County Highways.

Discussion on the report included the following points:

- In response to a query regarding the proposal to remove the only taxi rank in Ottery St Mary, and why it is considered acceptable for Ottery to lose the rank, the Licensing Manager would follow this up with Devon County Highways.
- Concern was expressed regarding the proposal to upgrade the ranks in High Street, Honiton to No Stopping At Any Time as this would impact on available locations for drivers to drop-off passengers.
- It was noted that the taxi rank at Victoria Road, Exmouth becomes very congested at night time, as does the rank in The Strand, and the proposed loss of a space at Victoria Road would have a negative impact on congestion.
- There have been complaints about people parking on the Imperial Road, Exmouth taxi rank.

Councillor Dumper advised that he could take any concerns to the next meeting of the Devon County Council East Devon Highways and Traffic Orders Committee. Members were asked to submit concerns to Councillor Dumper, with a copy to the Licensing Manager.

RESOLVED

The Committee agreed to approve the commencement of consultation with the taxi trade on the options contained in the report.

Attendance List

Councillors present:

K Bloxham (Vice-Chair)
O Davey
T Dumper
P Faithfull
S Gazzard
J Whibley (Chair)

Councillors also present (for some or all the meeting)

R Collins

Officers in attendance:

Sarah Jenkins, Democratic Services Officer
Phillippa Norsworthy, Licensing Officer
Giles Salter, Solicitor

Councillor apologies:

B Bailey
V Bonetta
M Chapman
S Hawkins
N Hookway
C Nicholas

Chair

Date:

EAST DEVON DISTRICT COUNCIL

**Minutes of the meeting of Licensing and Enforcement Sub Committee held at
Axe Room, Blackdown House, Honiton on 25 October 2023**

Attendance list at end of document

The meeting started at 9.30 am and ended at 10.14 am

23 Minutes of the previous meeting held on 23 August 2023

Cllr Olly Davey was appointed Vice-Chair for this meeting.

The minutes of the previous meeting held on 23 August 2023 were agreed as a true record.

24 Declarations of interest

There were no declarations of interest.

25 Matters of urgency

There were no matters of urgency.

26 Confidential/exempt items

There was one item which officers recommended should be dealt with in this way at minute 28.

27 Exclusion of Press and Public

RESOLVED:

That under Section 100(A) (4) of the Local Government Act 1972 the public, including the press, be excluded from the meeting as exempt information, of the description set out in the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B).

28 Hackney carriage driver suitability

The purpose of the meeting was to determine whether the driver named in the officer's report is a fit and proper person to be licensed as a hackney carriage driver.

The driver was present at the meeting.

The Licensing Officer presented the report.

There were no questions from Members or from the driver for the Licensing Officer.

The driver addressed the Sub Committee and explained the background to the matters set out in the officer's report.

The driver then answered questions from each of the Members.

The Chair advised the driver that the Sub Committee would retire to make its decision which would be notified in writing to the driver within five working days.

The Chair thanked everyone present for attending the meeting.

Attendance List

Councillors present:

K Bloxham (Chair)

O Davey (Vice-Chair)

N Hookway

Councillors also present (for some or all the meeting)

S Gazzard

Officers in attendance:

Sarah Jenkins, Democratic Services Officer

Giles Salter, Solicitor

Lee Staples, Licensing Officer

Andrew Melhuish, Democratic Services Manager

Councillor apologies:

None

Chair

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Standards Committee held at Council Chamber, Blackdown House, Honiton on 14 November 2023

Attendance list at end of document

The meeting started at 2.30 pm and ended at 4.04 pm

10 Minutes of the previous meeting

The minutes of the previous meeting held on the 22 June 2023 were agreed, subject to the inclusion of attendance of Pauline Stott, Diana Kuh, Martin Goscomb; and apologies from Robert Wood.

11 Declarations of interest

None.

12 Public speaking

None.

13 Matters of urgency

None.

14 Confidential/exempt item(s)

None.

15 Revised Code of Conduct complaints procedure

The committee had previously agreed to the complaints procedure being reviewed by the Monitoring Officer, in light of the evaluation of the assessment process under procedures agreed back in February 2022.

The review also provided the opportunity to ensure that the procedures were in line with guidance issued by the Local Government Association. The revision would result in the assessment of the complaint being undertaken by the Monitoring Officer, in consultation with the Independent Person, rather than referral to an Assessment Sub Committee.

The procedure now set out clarity on:

- The process to be followed;
- Timescale of five working days for initial assessment, and twenty working days for the full assessment of the complaint as the target;
- The potential outcomes of the complaint;
- Updated criteria on assessment;
- Explanation of no right of appeal; and that other options are for the complainant to refer to the Local Government Ombudsman or seek judicial review;
- Complex and multiple complaints.

The committee discussion included:

- The use of the Assessment Sub Committee. Under the revised complaint procedure, this stage of assessment would be, in the vast majority of cases, undertaken by the Monitoring Officer. The Assessment Sub Committee would only be used in cases of exception, whereby the Monitoring Officer or Deputy Monitoring Officer could not be involved at that assessment stage. The committee agreed that reference to the use of the Assessment Sub Committee by exception should be referenced in the documentation.
- Section 2.2 and 2.3 of the documentation needed further work to clarify how a complaint could be submitted. Suggestions for refinement would be worked through by one of the Independent Representatives and the Monitoring Officer to amend these sections.
- Consistent references to the councillor being complained about were required through the document. Under the existing procedure, this individual was referred to as the “subject member”; however the committee concluded that using the reference “subject councillor” was clearer for the public to understand.
- An additional paragraph on the extension of deadlines in exceptional circumstances (8.9).
- Remove section 2.9 as it was not needed.

Recommended to Council that the reviewed Member Code of Conduct Complaints Procedures be approved, subject to the amendments discussed by the Standards Committee.

16 **Update on Code of Conduct complaints received**

The committee considered the update report on the complaints received between the 12 July 2022 to the 1 November 2023.

A full review of the existing complaints had been undertaken to ensure that the committee had a complete record. In response to questions, delays on some complaint processes had been due to the change in Monitoring Officer post and resourcing issues; along with some subject councillors leaving their position, therefore ending the complaint process. The committee were reassured that the handling of complaints was now in a good position going forward.

RESOLVED That the report be noted.

17 **Revised template for reporting on Code of Conduct complaints**

The Monitoring Officer outlined the changes to the reporting template, based on discussion by the committee at their last meeting. The reporting detail had been improved to provide a useful tool for the committee in evaluating themes and areas for review.

The committee proposed additional adjustments to the reporting template, including:

- Date of start and end of stage one; and completion of stage two. This would enable the committee to monitor the success rate of meeting the proposed new targets and understand resource impact;
- Quality of detail without revealing subject councillor or complainant;
- Welcoming the inclusion of the type of complaint, in order to aggregate that data to give the committee useful information in terms of patterns of behaviour.

The Chair welcomed the comments from the committee to move to improve the reporting, which would deliver information that would help inform the committee of what proactive work could be undertaken to improve councillor behaviour.

The committee agreed that further revision would be made by the Monitoring Officer, seeking agreement of the Chair on the report template. A populated report would be presented at the next meeting of the Committee. The Chair made clear that the report would continue to be reviewed as and when required by the committee.

RESOLVED that the report template be amended in line with comments made by the committee, with the final agreement being made by the Chair.

Attendance List

Councillors present:

E Rylance (Chair)
T Dumper
S Hughes
J Loudoun

Independent Persons:

D Kuh
P Coulter

Independent Representatives:

R Wood
M Goscomb
K Bryant

Town and Parish Representatives:

P Stott

Councillors also present (for some or all the meeting)

R Collins
P Faithfull

Officers in attendance:

Debbie Meakin, Democratic Services Officer
Andrew Melhuish, Democratic Services Manager
Katie Webb, Property Lawyer
Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)

Apologies:

Cllr I Chubb
Cllr J Whibley
S Sexton, Town and Parish Representative

Chair

Date

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Personnel Committee held at Council Chamber, Blackdown House, Honiton on 17 October 2023

Attendance list at end of document

The meeting started at 10.54 am and ended at 11.55 am

11 Public speaking

None.

12 Minutes of the previous meeting held on 4 July 2023

The minutes of the previous meeting were agreed as a correct record.

13 Declarations of interest

Minute 19; Councillor Tim Dumper; Other Registerable Interest; Chartered Member of CIPD (Chartered Institute of Personnel and Development). The interest did not prevent the Councillor taking part in the discussion.

14 Matters of urgency

None.

15 Confidential/exempt item(s)

None.

16 Investors in People

The Council first achieved Investor in People (IiP) accreditation in 2006, being awarded the Gold standard in 2012 and Platinum in 2019. In early 2023 the Council underwent reaccreditation, resulting in being awarded the Gold standards. The report before the committee set out the findings of that process and the next steps for continued improvement that would be taken into account for the Council Plan and the Peer Review work.

Aspects highlighted by the HR Manager included very positive responses on a wide range of aspects, with a need to look to set actions to further develop management capability in some areas. Capacity to undertake training had also been identified as needing further review.

Questions and comments from the committee included:

- the level of staff interaction with the process. The survey response rate was at 82%, and interviews had taken place with 42 employees across services as part of the accreditation process;
- Whilst the awarded standard was lower than the previous accreditation, the findings were still very positive in light of the impact of the pandemic on the workforce, and other pressures on services such as the difficulty in recruitment to vacant posts;

- The action plans from the findings would dovetail into the Peer Review work.

The Chair gave thanks to those employees that took part in the process and felt that the Gold standard was a good outcome, with many of the findings being positive.

RESOLVED that the findings be noted and the proposed actions endorsed.

17 **People data report**

The committee considered their regular update on key people data. The update aims to inform policy decisions and to provide an overview of workforce matters.

Questions and comments from the committee included:

- Use of market supplements to boost salaries to attract/retain staff. Whilst this was an option, previous work relating to the Reward Review had highlighted how these supplements could adversely impact on the pay structure. Market supplements were considered, along with other factors, in working towards filling vacancies and required pay benchmarking evidence from the wider market as part of the consideration. In response to a question about planning officers, Members were informed that benchmarking had shown the salaries offered were in line with the same positions elsewhere; the main problem stemmed from a lack of suitably qualified candidates. It was noted that there no current market supplements within Housing, although this may change if circumstances require it;
- The committee were reminded of other measures taken, such as apprenticeships and training to promote within existing teams;
- A range of options under the “Healthy Happy Here” banner were available, and promoted to staff. Sickness levels were in line with other local authorities, but work continued to reduce those levels;
- Clarity was sought on the apparent large increase in finance service employees, but this was due to the realignment of reporting from another service – effectively the number had moved from another service area.

RESOLVED that the Committee endorsed the report.

18 **HR Team update**

The committee were reminded of the service provided by the HR Team, including the delivery of HR and payroll for Strata Service Solutions Ltd and payroll for some town councils. The Payroll and HR Support Manager is retiring at the end of the year, and an appointed replacement will start at the end of October. This will enable a handover period for this key role. An assistant payroll post was also due to go before Council for approval.

The team had gradually increased while moving to more proactive work, including the appointment of an HR apprentice.

The HR Manager noted the hard work and support of the team in the two years since she had joined the Council, including the work they had done to implement key projects such as the Reward Review.

The Chair welcomed the progression of the team.

RESOLVED to note the update on the HR Team.

19 **Chief Executive Recruitment**

The committee considered a late report on the recruitment process for the post of Chief Executive, following the announcement of the retirement of the current post holder.

The report set out the processes involved, utilising the same agency previously engaged to recruit to the two recent Director posts. A timeframe for the process was also presented in the report for the consideration of the committee.

The process would also include the involvement of the Interviewing Sub Committee, a politically balanced committee drawn from the Personnel Committee membership.

Discussion took place on the timetable presented. A proposal was put forward to amend the timetable, for reasons of the Peer Review taking place in February 2024 and for the Council to reflect on the outcomes of that review.

The timetable would therefore reflect that the closing date for applications for the post would be put back to Friday 5 April 2024, with the subsequent timeframe being adjusted by the HR Manager accordingly. This would result in the commencement of employment (subject to notice requirements) May – August 2024.

The committee were in agreement to this amendment in timeframe and the subsequent detail of dates within that process being confirmed by the HR Manager.

RESOLVED

1. That the timeframe be amended to adjust the closing date for applications to Friday 5 April 2024, with subsequent adjustment as required;
2. That the requirement to convene the Interviewing Sub Committee as part of the recruitment and selection process for the post be confirmed, and names put forward as soon as possible to support recruitment planning.

Attendance List

Councillors present:

E Rylance (Chair)
J Loudoun (Vice-Chair)
P Arnott
K Blakey
V Bonetta
M Chapman
T Dumper
P Faithfull
D Haggerty
P Hayward
N Hookway
S Richards
E Wragg

Councillors also present (for some or all the meeting)

I Barlow
C Brown

Officers in attendance:

Simon Davey, Director of Finance
Joanna Fellows, Corporate HR Manager
Tracy Hendren, Director of Housing, Health and Environment
Debbie Meakin, Democratic Services Officer
Andrew Melhuish, Democratic Services Manager
Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)

Councillor apologies:

M Hartnell
M Martin

Chair

Date:

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:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Overview Committee held at Council Chamber, Blackdown House, Honiton on 9 November 2023

Attendance list at end of document

The meeting started at 6.00 pm and ended at 8.34 pm

18 Minutes of the previous meeting held on 12 October 2023

The minutes of the previous meeting held on 12 October 2023 were signed as a true and accurate record.

19 Declarations of interest

Cllr P Arnott – Minute 23; Affects Non-Registerable Interest: Member of Colyton Parish Council.

Cllr B Bailey - Minute 23; Affects Non-Registerable Interest: Member of Exmouth Town Council.

Cllr I Barlow - Minute 23; Affects Non-Registerable Interest: Member of Sidmouth Town Council, which pays for a large number of its public toilets.

Cllr J Brown - Minute 23; Affects Non-Registerable Interest: Member of Honiton Town Council.

Cllr M Goodman - Minute 23; Affects Non-Registerable Interest: Member of Sidmouth Town Council, which pays for a large number of its public toilets.

Cllr J Heath - Minute 23; Affects Non-Registerable Interest: Member of Beer Parish Council, which has public toilets due for renovation over 2024-2025.

Cllr N Hookway - Minute 23; Affects Non-Registerable Interest: Member of Exmouth Town Council.

Cllr T Dumper - Minute 23; Affects Non-Registerable Interest: Member of Exmouth Town Council.

Cllr C Nicholas - Minute 23; Affects Non-Registerable Interest: Member of Exmouth Town Council.

Cllrs G Jung, wished it to be recorded for minute 23 that he is Portfolio Holder for Coast, Country and Environment.

Cllrs P Fernley and T Olive wished it to be recorded for minute 23 that they are Assistant Portfolio Holders for Coast, Country and Environment.

20 Public Speaking

No members of the public had registered to speak at the meeting.

21 **Matters of urgency**

There were no matters of urgency.

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

There were no confidential or exempt items.

23 **Public Toilets update report**

The Assistant Director – Place, Assets and Commercialisation introduced this update report which set out the background to the Public Toilets Review Project, the progress to date, next steps and current timetable implications.

The context for the report at this time was explained as:

- a) It is an opportunity to update Members more widely on the fundamentals of the Public Toilets Review, the progress made so far and the next steps. Through doing so, using our Membership to ensure the wider public is better informed. There was lots of attention by Members and the public on this back in 2021 at the time of the public consultation and the various Overview and Cabinet reports, an update to All Members back in March this year, but whilst there has been lots going on in the background by Officers, with a large number of newly elected Members back in May, and the fact that the project is going 'public' shortly with planning applications being submitted, now is a very timely opportunity to update.
- a) We are at a bit of a crossroads in terms of how we move specific challenging elements forward, and hence as Officers and as a Cabinet would welcome feedback from Overview Committee on next steps in terms of moving this project forward.

Discussion and clarification included the following points:

- It is not a statutory requirement for a district council to provide public toilets and no funding for them is provided by central government. Publicly accessible toilets are a basic necessity however, particularly for the elderly, disabled and young children, and East Devon is a tourist area with visitors expecting a suitable provision.
- It would be appropriate for this Council to write to the Secretary of State to push for public toilets to become a statutory service, and to ask other councils in Devon and Cornwall to also do so.
- In accordance with an existing Cabinet decision, charging for use of public toilets on Category A sites will be implemented at such time as those sites reopen following the build projects, with new facilities. It is expected to cost £250k to install paid access and this will enable the Council to charge people when they enter the cubicles, at a currently agreed rate of 40 pence per use. The paid access equipment will also be a means of measuring the amount of usage.
- One Member raised that a council in Cornwall is installing a system whereby only tourists pay to use public toilets and suggested EDDC consider a similar system for toilets on Category A sites, given that most residents already pay Council Tax. She added that the charge per use could be increased to 50 pence. Another Member suggested exploring alternative ways of financing the toilets such as sponsoring and advertising or asking people to donate.
- The Assistant Director – Place, Assets & Commercialisation stated that charging for public toilets is an existing Cabinet decision and to undo an element of this would have implications on revenue requirements moving forward, and impact on the financial business case.

- Some concerns were raised by Members on the increasing cost estimate for delivery of the Category A investment works. The Assistant Director – Place, Assets & Commercialisation confirmed that considerable expertise by consultants had gone into calculating the build costs on the Category A sites, their costs being provided for within the capital budget. Work will be tendered but costs are high, the design has adapted since the earlier estimates to ensure best practice is adopted and there has been considerable build cost inflation since the earlier estimates were produced. Furthermore, to withstand heavy public usage and to withstand abuse, building materials are costly. All kit will be robust to withstand high usage, with facilities designed such that they are easy to clean and maintain. It was clarified that costs include demolition and removal of old structures.
- Two suppliers of public conveniences have reported that sales of self-cleaning cubicles have dropped off as they have proven ineffective and do require additional cleaning. Specification for toilets on Category A sites is therefore for easy-cleaning vandal-proof toilets, but not self-cleaning.
- Officers are in regular contact with the Department for Levelling Up, Housing and Communities (DLUHC), and they are aware that this Council is not in a position to deliver the Changing Places facilities by the specified deadline of 31st March 2024, this being a condition of the grant funding. However, it is anticipated based on communications to date that the funding will still be available to complete the facilities if this Council remains in communication with DLUHC and is able to demonstrate that at the very least, planning permission is in place and contractors appointed by that date.
- The Committee considered reasons why town and parish councils have been unwilling to take on public toilets at Category B and C sites. It was understood that reasons include the level of financial risk, and the amount of control that EDDC still required over the use of the sites, as set out in the heads of terms previously consulted on. It was suggested by Members that those Councils would favour freehold transfer instead.
- It was noted that Lympstone and Woodbury Parish Councils and Ottery Town Council have to manage their own public toilets and the Ward Members for these areas were of the view that other town and parish councils should not be subsidised by EDDC and should pay for their own public toilets if these are to stay open.
- It was suggested by Members that EDDC could consider extending the revenue budget to keep toilets open at Category B and C sites for a further 12 months from 31 March 2024, to allow for further negotiations with town and parish councils to take place, including around potential freehold disposals. The Assistant Director – Place, Assets & Commercialisation stated that whilst this would allow time to deal with the process if we were to remain firm to agreed timescales, it was not possible to know what the outcome of the process would be.
- It would be appropriate for Ward Members to facilitate negotiations by engaging in positive discussions with town and parish clerks to disseminate the message that, unless funding is provided by central government, towns and parish councils will need to step forward to maintain a toilet provision at Category B and C locations if they are to stay open, as EDDC will be unable to do so and it is uncertain at this stage whether commercial businesses will take on this role.

RECOMMENDED to Cabinet

1. To extend the closing date and any necessary revenue budgets for Category B and C sites until 31st March 2025 to allow a further 12 months to enable an urgent revisiting of negotiations with town and parish councils to look at freehold disposals and other changes to the offer according to a specified timetable and including a renewed effort through Ward Members to engage town and parish councils, with the reality of reduced or removed public toilet provision at the sites should agreement not be reached.
2. For this Council to write to the Secretary of State to push for public toilets to become a statutory service, and to invite other councils in Devon and Cornwall to also do so.

The Director of Governance and Licensing introduced this item and ran through the core principles set out in the draft protocol with a view to ensuring that the role of the scrutiny committees and the relationship with Cabinet is clear, effective and consistent with best practice.

Members were invited to consider and recommend changes to the draft protocol, and to recommend it for approval in early 2024 alongside any changes recommended by the Scrutiny Committee and Cabinet and taking into account any feedback from the review by the Centre for Governance and Scrutiny.

Discussion and clarification included the following points:

- There is an expectation that reports submitted to the Overview and Scrutiny Committees would normally be authored by Officers.
- It would be helpful to distinguish within the draft protocol between the Scrutiny Committee and the Overview Committee.
- The Constitution allows for Assistant Portfolio Holders (APHs) on the membership of Overview Committee; however, one Member was of the view that this makes the Committee more Cabinet-led than it should be. Other Members stated that they were comfortable with APHs on the Overview Committee membership on the understanding that they could absent themselves from the meeting for items that were particularly contentious and related to their portfolio. The Director of Governance and Licensing clarified that the statutory guidance is clear that APHs can sit on Overview and Scrutiny Committees but cannot take part in discussions relating to matters that they have been involved in in their APH role.
- The Overview and Scrutiny Committees can invite other organisations and external bodies in, for matters which are of relevance to the district.

RESOLVED

That the Overview Committee agrees the draft protocol subject to Members comments being taken into consideration.

25 Work Programme 2023-2024

The Overview Committee's Work Programme 2023-2024 was received and noted.

The Chair informed Members of the format for the Joint Budget Meeting of the Overview and Scrutiny Committees scheduled for 11 January 2024.

Attendance List **Councillors present:**

B Bailey
J Brown
T Dumper
P Fernley
A Hall (Chair)
J Heath
V Johns
M Martin
C Nicholas
T Olive

H Riddell

Councillors also present (for some or all the meeting)

P Arnott
I Barlow
C Brown
P Faithfull
M Goodman
P Hayward
N Hookway
S Jackson
G Jung

Officers in attendance:

Tim Child, Assistant Director Place, Assets & Commercialisation
Andrew Hancock, Assistant Director StreetScene
Sarah James, Democratic Services Officer
Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)
Jorge Pineda-Langford, Principal Building Surveyor, Property & FM

Councillor apologies:

Y Levine
D Wilson

Chair:

Date:

Report to: Council

Date of Meeting 6 December 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Recommendations from East Devon District Council Independent Remuneration Panel

Report summary:

It was agreed in 2022 that new Independent Remuneration Panel members should be appointed to conduct a review of current allowances to ensure that we were engaging with a wide and diverse range of potential Councillors and that the existing Councillors are appropriately remunerated for their voluntary role. The current East Devon Independent Remuneration Panel was appointed in January 2023 with a view to review the allowances paid to EDDC Councillors. This report, sets out the Panel's recommendations and is a direct result of that 2022 agreement and the work of the panel in 2023.

Details of the level of allowances is set out in Appendix 1.

The full report from the Independent Remuneration Panel is set out in Appendix 2.

Is the proposed decision in accordance with:

Budget Yes ☐ No ☒

Policy Framework Yes ☒ No ☐

Recommendation:

To approve the recommendations of the EDDC Independent Remuneration Panel, including:

- 1 that the Basic Allowance for East Devon District Councillors should be increased to £5,260, representing the average Basic Allowance from our benchmarked councils.
- 2 that the increase to the Basic Allowance should be backdated to the May 2023 election.
- 3 that an increase to the Special Responsibility Allowance based on the average benchmark for equivalent posts in councils we benchmarked, except;
 - Where a post with a benchmarked increase is higher than the NJC index (5) it will be capped at the NJC increase.
 - Where a post with a benchmark percentage increase would be lower than currently graded or is not replicated within the benchmarked councils (7) it will receive the NJC increase.
- 4 that these increases (set out in 3 above) to the Special Responsibility Allowance should be backdated to the 1st June 2023.
- 5 that if a member, with the agreement of the Leader of the Council, is acting in a capacity of a cabinet or portfolio holder for a significant period due to the incumbent being absent through sickness or extended leave of absence, that individual should, if not in receipt of a Special Responsibility Allowance, be paid the full agreed amount of the incumbent Special Responsibility Allowance. If they are already in receipt of a Special Responsibility Allowance and continue to receive it they should receive 50% of the Special Responsibility Allowance for that new post/responsibility.

- 6 that the Basic Allowance should increase each year on the 1st May beginning May 2024 and Special Responsibility Allowance should increase each year on 1st June beginning in 2024 in line with the average of the agreed National Joint Council Pay Award for staff. This index should be reviewed every 4 years.
- 7 that there are no changes to the current Travel Rates and Subsistence Allowances for Councillors at this time as they are aligned to EDDC staff allowances.
- 8 that there are no changes to the current Child Care and Dependants' Carers' Allowance.
- 9 that all Co-optees on the Housing Review Board should be in receipt of an annual allowance in addition to their travel expense.
- 10 that an annual allowance be introduced in line with the views of Democratic Services and Home Office guidance from 1st May 2024. These allowances should be reviewed after 4 years.

Housing Review Board	£550
Standards Committee	£400
Independent Remuneration Panel	£400

Reason for recommendation:

To enable Council to consider recommendations on the scheme of allowances following a review undertaken by the Independent Remuneration Panel. When setting a scheme of allowances or when making changes to the scheme of allowances, the Council must have regard to the recommendations of the Independent Remuneration Panel.

Officer: Andrew Melhuish – Democratic Services Manager email:
andrew.melhuish@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

The scheme as a whole is intended to assist the objective of overcoming any financial and other disincentive that an individual might experience in being a councillor and encourage persons from all sections of the community to become and remain councillors.

The Panel have given consideration to the subject of equalities in its report.

Climate change Low Impact

Risk: Low Risk; It is important that the Council through the Independent Remuneration Panel regularly reviews the allowances payable to elected members.

Links to background information Click here to enter links to background information; appendices online; and previous reports. These must link to an electronic document. Do not include any confidential or exempt information.

Link to [Council Plan](#)

Priorities (check which apply)

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

1. Background

- 1.1 Under the Local Authorities (Members' Allowances) (England) Regulations 2003, Local Authorities must establish and maintain an Independent Remuneration Panel. The purpose of the Panel is to make recommendations to the Local Authority about the allowances to be paid to Members.

2. Role and Responsibilities

- 2.1 The Independent Remuneration Panel ('IRP') shall advise and make its recommendations to East Devon District Council.
- 2.2 The 'IRP' shall through the form of a report to East Devon District Council:
- (i) recommend to Council a Members' Allowances Scheme for implementation which sets out recommendations for:-
 - the amount of basic allowance that should be payable to elected members;
 - the roles, responsibilities and duties for which special responsibility allowances should be paid and the amounts for such allowances;
 - whether travelling and subsistence allowances should be paid and if so, the duties to which they should apply and the amount;
 - whether childcare and dependent carers' allowances should be paid and if so, the duties to which they should apply and the amount of these allowances and the means by which they are determined;
 - whether a basic allowance should be paid to co-opted members and if so, the amount;
 - whether, in the event that the scheme is amended at any time so as to affect an allowance payable for the year in which the amendment is made, payment of allowances may be backdated as permitted in law;
 - whether any annual adjustments of allowance levels may be made by reference to an index, and, if so, for how long such a measure should apply.
 - (ii) on a four yearly basis, or if otherwise requested, propose recommendations as to any required amendments to the Members' Allowances Scheme in relation to the following matters:
 - the amount of basic allowance that should be payable to elected members;
 - the roles, responsibilities and duties for which special responsibility allowances should be paid and the amounts for such allowances;
 - whether travelling and subsistence allowances should be paid and if so, the duties to which they should apply and the amount;
 - whether childcare and dependent carers' allowances should be paid and if so, the duties to which they should apply and the amount of these allowances and the means by which they are determined;
 - whether a basic allowance should be paid to co-opted members and if so, the amount;
 - whether, in the event that the scheme is amended at any time so as to affect an allowance payable for the year in which the amendment is made, payment of allowances may be backdated as permitted in law;

- whether any annual adjustments of allowance levels may be made by reference to an index, and, if so, for how long such a measure should apply.

2.3 In making its recommendations at paragraphs 2.2 (i) and (ii) above, the IRP shall undertake a full review of the Members' Allowance Scheme as well as obtaining the views of officers and members of the Council to which it relates and having regard to the following general principles:

- that members undertake their council work for the sake of public service and not private gain;
- the varying demands placed upon members, dependent upon their roles and responsibilities;
- the need to fairly and equitably compensate members, so far as the panel thinks appropriate, for the time and effort they can reasonably be expected to devote to their work as a member of the council;
- the need for the scheme to be economic, efficient to administer and effective;
- the requirement for their report and recommended changes to the scheme of allowances to be easy to understand and adequately justifiable to the electorate;
- that recommendations should confirm with existing legislation and anticipate likely future legislation so far as possible. The Panel will also have regards to comparative data on the allowances paid by other similar local authorities.

2.4 The IRP shall be required in reporting its recommendations to include guidance on what is to be encompassed by each relevant allowance so as to ensure that the Members' Allowance Scheme is consistently applied.

3. Panel Membership and Appointment

3.1 The Regulations require that an independent panel shall comprise of at least 3 members. ('IRP Members').

3.2 IRP Members will be sought via advert in accordance with the Council's standard recruitment arrangements. Recruitment should be by public advertisement and direct approach to appropriate business and community/voluntary sector organisations who command local respect and public confidence and would be able to nominate persons who should have the necessary skills, integrity, independence and who are recognisable members of the local business and voluntary/community sectors within their respective areas.

3.3 IRP Members were appointed by the Monitoring Officer, in consultation with political group leaders and are: N Arnold; K Bryant and A Cockeram.

3.4 The term of office of IRP Members will be five years. The Council may remove an IRP Member in circumstances where:

- the IRP Member is disqualified from being a member of an authority or is found guilty of any conduct which brings the office into disrepute e.g. being found guilty of a criminal offence, an act of dishonesty or other serious misconduct; or
- the IRP Member is considered to have demonstrated a serious lack of diligence or incompetence; or
- the IRP Member becomes an elected or co-opted member (or an employee) of the authority.

3.5 The IRP shall:

- appoint its own Chair at the first meeting of each municipal year;
- require a quorum of 3 at all meetings;

- meet a minimum of once per municipal year with additional meetings convened as necessary;
- Otherwise devise its own rules for the conduct of meetings in consultation with the Council's Monitoring Officer providing that they are consistent with legislative requirements and general good governance requirements.

4. Panel allowances

- 4.1 The Regulations provide that the Council is able to pay allowances to IRP Members and in the recommendations it is proposed that an annual payment of £400 is paid from 1 May 2024. IRP Members will also be able to claim travel and subsistence at the rate approved by the Council within the limits determined by the Secretary of State.

5. Lead officer and support arrangements for the Panel

- 5.1 The Council's Monitoring Officer (or Democratic Services Manager) will be the lead officer and principal contact officer for the IRP. The Democratic Services Team will provide support to the Panel.

Financial implications:

If approved this will result in a current year overspend against budget of £69k as the recommendation is to back date payments to the beginning of the year; the increase in the Basic Allowances equates to a cost of £45k and the Special Responsibilities Allowance a cost of £24k. It will increase next year's budget by £70.5k in total based on the current 2023/24 budget. As noted in the report the main element of these payments have remained unaltered since 2008 and the recommendation is that they are annually increased in line with national agreed staff pay award going forward until the next review period of 4 years.

Legal implications:

The legal implications are set out in the report above.

Appendix 1 – Allowances

Member Role	Allowance £
Basic Allowance	5,260
Leader of Council	14,477
Deputy Leader of Council	4,928
Portfolio Holder Economy and Assets	6,910
Portfolio Holder Sustainable Homes and Communities	6,910
Portfolio Holder Tourism, Leisure, Sport and Culture	6,910
Portfolio Holder Democracy, Transparency and Communications	6,910
Portfolio Holder Coast, Country and Environment	6,910
Portfolio Holder Strategic Planning	6,910
Portfolio Holder Council and Corporate Co-ordination	6,910
Portfolio Holder Climate Action and Emergency Response	6,910
Portfolio Holder Finance	6,910
Leader of the Opposition	4,928
Deputy Leader of the Opposition	1,898
Chair of Council	9,575
Vice Chair of Council	3,684
Chair of Audit and Governance Committee	2,463
Chair of Licensing and Enforcement Committee	3,423
Vice Chair of Licensing and Enforcement Committee	1,025
Chair of Planning Committee	7,578
Vice Chair of Planning Committee	3,797
Chair of Housing Review Board	3,797
Chair of Overview Committee	3,797
Chair of Scrutiny Committee	3,797
Co-optees (effective from 1 May 2024)	
Housing Review Board	550

Standards Committee	400
Independent Remuneration Panel	400

Travelling Rates and Subsistence Allowances

Any subsistence claim in connections with an approved duty, not involving an overnight absence from the normal place of residences is limited to:	£
More than 4 hours (breakfast)	6.75 8.29 (in London)
More than 4 hours (lunch)	9.43 15.36 (in London)
More than 4 hours ending after 7.00pm (evening meal)	11.56 15.36 (in London)
Overnight absence from the usual place of residence	95.00 125.00 (in London)
The rates of travel by a Member's motor vehicle are based on the HMRC approved mileage rates	
Mileage rate (up to 10,000 miles)	0.45
Mileage rate (over 10,000 miles)	0.25
Passenger rate per passenger per mile (max 4 passengers per journey)	0.05
Bicycle allowance per mile	0.20

East Devon District Council Independent Remuneration Panel

Report to Council 6 December 2023

Review of Members Allowances

Summary of Recommendations.

- 1 We recommend that the Basic Allowance for East Devon District Councillors should be increased to £5,260, representing the average Basic Allowance from our benchmarked councils
- 2 We recommend that the increase to the Basic Allowance should be backdated to the May 2023 election.
- 3 We recommend an increase to the Special Responsibility Allowance based on the average benchmark for equivalent posts in councils we benchmarked, except;
 - Where a post with a benchmarked increase is higher than the NJC index (5) it will be capped at the NJC increase.
 - Where a post with a benchmark percentage increase would be lower than currently graded or is not replicated within the benchmarked councils (7) it will receive the NJC increase.
- 4 We recommend that these increases to the Special Responsibility Allowance should be backdated to the 1st June 2023.
- 5 We recommend that if a member, with the agreement of the Leader of the Council, is acting in a capacity of a cabinet or portfolio holder for a significant period due to the incumbent being absent through sickness or extended leave of absence, that individual should, if not in receipt of a Special Responsibility Allowance, be paid the full agreed amount of the incumbent Special Responsibility Allowance. If they are already in receipt of a Special Responsibility Allowance and continue to receive it they should receive 50% of the Special Responsibility Allowance for that new post/responsibility.
- 6 We recommend that the Basic Allowance should increase each year on the 1st May beginning May 2024 and Special Responsibility Allowance should increase each year on 1st June beginning in 2024 in line with the average of the agreed National Joint Council Pay Award for staff. This index should be reviewed every 4 years.
- 7 We recommend that there are no changes to the current Travel Rates and Subsistence Allowances for Councillors at this time as they are aligned to EDDC staff allowances.
- 8 We recommend that there are no changes to the current Child Care and Dependants' Carers' Allowance.
- 9 We recommend that all Co-optees on the Housing Review Board should be in receipt of an annual allowance in addition to their travel expense.
- 10 We recommend that an annual allowance be introduced in line with the views of Democratic Services and Home Office guidance from 1st May 2024. These allowances should be reviewed after 4 years.

Housing Review Board	£550
Standards Committee	£400
Independent Remuneration Panel	£400

East Devon District Council Independent Remuneration Panel

Report to Council 18th October 2023

Review of Members Allowances

The Role of the Independent Remuneration Panel

The role of the Independent Remuneration Panel is to make recommendations about the level of Basic Allowance for all Members, the level of Special Responsibility Allowance, and whether Dependants' Carers' Allowance, Travel and Subsistence Allowance and Co-optees Allowance should be paid, and the levels of these allowances.

Why do we need a review of allowances?

It is important that our Councillors are representative of the diverse range of the electorate and that local government is responsive, accountable, and effective in meeting the needs of the community.

'Local Authority Councillors are significantly unrepresentative of the population as a whole. The latest findings from the 2006 Census of Local Authority Councillors revealed that 69.3 per cent of Councillors in England are male (compared to 48.0 per cent of the adult population) and 95.9 per cent are white (compared to 90.5 per cent of the adult population). The average age of Councillors is 58.3. This profile is indicative of a democratic deficit in town halls. Today's Councillors are not recruited from across the social spectrum. Rather, they are drawn disproportionately from certain sections of society'¹.

Whilst there are a number of barriers to individuals putting themselves forward for election one significant barrier has been recognised as allowances paid to Members. Election to office as a Councillor is purely a voluntary role and Councillors are not employees of the East Devon District Council. Allowances are paid in recognition that Local Authority Councillors receive allowances to compensate them for their time and effort. These allowances are intended to enable individuals from various backgrounds to serve their communities without facing financial hardship. The goal is to strike a balance between supporting Councillors' service and responsible financial management.

The reasons for providing allowances to local authority Councillors include:

- **Time Commitment:** Serving as a Councillor is often a significant time commitment. Councillors attend meetings, participate in committees, engage with constituents, and deal with various local issues. This can require a considerable amount of time, which might impact their ability to hold other full-time employment.
- **Public Service:** Being a Councillor involves public service and community representation. By offering allowances, it encourages a diverse range of people to run for office, including those who may not be able to afford to do so without financial support.
- **Equity and Accessibility:** Without allowances, only individuals with other independent sources of income might be able to afford to dedicate their time to public service. Offering allowances ensures that the role of Councillor is accessible to people from different socio-economic backgrounds.
- **Expertise and Diversity:** Encouraging individuals with various skills, backgrounds, and perspectives to become Councillors can lead to more informed and balanced decision-making. Providing allowances helps attract a wider range of candidates.
- **Expenses:** Councillors often have to cover expenses related to attending meetings, travelling within their constituency, or engaging with constituents. Allowances help offset these costs.

¹ Understanding the barriers and incentives to becoming and remaining a councillor in England, Tony Bovaird, 2007

- Full-Time Commitment: Some Councillors may choose to dedicate themselves full-time to their role, especially in larger local authorities. In such cases, allowances can serve as a form of income to support their commitment.
- Independence: Adequate allowances can help Councillors remain independent from outside influences, as they won't be as reliant on external income sources.

Members allowances are set in accordance with The Local Authorities (Members' Allowances) (England) Regulations 2003. These regulations set out a requirement for a Basic Allowance (paid to all elected Councillors), a Special Responsibility Allowance (paid to Councillors with additional responsibilities), Travel and Subsistence, Dependant Carers' and Co-optees to the Council.

The 2003 Regulations require the East Devon District Council to establish an Independent Remuneration Panel to make recommendations as to the level of allowances Councillors receive, and that these should be kept under review.

Background to this review

The current Basic Allowance (£4,360) and the Special Responsibility Allowances (with some minor changes to some Special Responsibility Allowances, following changes in Council structures) were set in 2008. Allowances were reviewed annually up to 2017 and no changes were made, other than minor changes to Special Responsibility Allowances as mentioned above.

At the November 2017 Cabinet meeting concern was expressed at the level of allowances and it was recommended '*the Independent Remuneration Panel reconvene to include cross-party participation to reassess Members basic Allowances. Democratic Services would arrange a future date for this meeting to take place.*' (Minutes of the meeting of Cabinet, 1st November 2017, para 102). There is no record of the then Independent Remuneration Panel meeting in response to this minute.

It was agreed in 2022 that new Independent Remuneration Panel members should be appointed to conduct a review of current allowances to ensure that we were engaging with a wide and diverse range of potential Councillors and that the existing Councillors are appropriately remunerated for their voluntary role. The current East Devon Independent Remuneration Panel was appointed in January 2023 with a view to review the allowances paid to EDDC Councillors. This report, with recommendations, is a direct result of that 2022 agreement and the work of the panel in 2023.

Review Process

The Independent Remuneration Panel were initially provided with details of the current allowance scheme and the constitution of the council.

A Benchmarking Exercise was conducted which included 11 councils similar in size and population and geographically close councils.

A questionnaire was sent to all serving Councillors in March 2023. There were 21 responses (35%). Four key issues were identified;

Key Issue 1

18 (86%) respondents felt that the Basic Allowance of an EDDC Councillor (currently £4,360) was too low, with only 3 believing it was about right.

18 respondents felt that the Basic Allowance of an EDDC Councillor presents a barrier to some individuals who may wish to stand for re-election/election with only 3 believing it does not act as a barrier.

- Public expectation of the role of an elected official is far higher.

- Modern technology and social media have raised the expectation that replies and correspondence should be dealt with straight away.
- Social media and the internet have made it impossible to 'switch off' from the role.
- More residents are well informed and increasingly critical of elected representatives.
- Increased demand and workload as more responsibilities are devolved from County and National Government.
- Significant population growth, particularly in the west of the district has brought additional pressures.
- Public awareness of active issues (such as climate change growth) has meant that councils need to be more proactive.

Key Issue 2

14 respondents (67%) felt that the role of an EDDC Councillor has changed significantly in recent years with 6 feeling that there has been little change. 16 respondents (76%) foresee the role of an EDDC Councillor changing over the next 4 years.

Respondents who believed that the role of an EDDC Councillor has changed significantly felt that:

- The duties of elected Members are onerous and time consuming.
- It does not encourage younger people with families to seek election.
- It does not encourage diversity amongst Councillors.
- Individuals on lower income cannot commit the time to carry out duties.

Key Issue 3

14 respondents (67%) did not believe that the Special Responsibility Allowance was set at a fair level, whilst 6 felt it was fair.

- If the Basic Allowance was increased then so should the Special Responsibility Allowance.
- SRA holders commit a lot of energy and time to the role, to the point where it is considered a full-time job for some.
- Some Vice Chairs are undervalued and under remunerated.
- Cabinet membership is a demanding role, with many responsibilities.
- It is recognised that some portfolios are more time consuming than others.
- Some current SRAs feel excessive for the actual role performed.

Key Issue 4

19 respondents (90%) believe a Councillor covering the Special Responsibilities of another Councillor, due to a period of long-term absence (eg. sickness, parental absence) should receive a SRA if they are not in receipt of one, or an uplift in the SRA if one is additionally currently received.

- This was felt by most to be a question of fairness.
- Organisationally it would assist in the management of portfolios.

Interviews

All 60 Councillors were invited to an on-line interview with Members of the panel, within their political groups. Some 29 Councillors across four of the political groups were able to take up this invitation.

This was followed with face-to-face interviews with the Leader of the Council, Deputy Leader of the Council and Chair of the Council.

Review Findings

Basic Allowance

A Basic Allowance is paid to all elected Councillors regardless of any portfolio or other responsibilities. The Basic Allowance is currently set at £4,360 per annum and has remained unchanged since 2008. 67% of respondents to our questionnaire felt that the Basic Allowance was too low, and we agree.

There are, in our view, three key indices to consider when assessing allowances, the National Joint Council Annual Staff Pay Award, Consumers Price Index and benchmarking of local and demographically similar councils. Our analysis identified 11 councils that are geographically close to, or similar to, East Devon District Council.

National Joint Council Pay Awards

The pay awards made through the NJC process for East Devon District Council employees between 2012-2022 have seen pay increases of 22.55% on a compounded basis. The picture is complicated as some of the increases have been different for various grades and in 2022 there was a cash sum of £1,925 applied. The average percentage increases and the equivalent increase to allow for a cash sum has been calculated by Payroll and Pensions.

Table 1 - NJC Annual Increase 2012/13 - 2022

Year	NJC Pay Award
2012/13	0%
2013/14	1%
2014/15	0%
01/01/2015	2.2%
2016/17	1%
2017/18	1%
2018/19	2%
2019/20	2%
2020/21	2.75%
2021/22	1.75%
2022/23	7% (£1,925 Cash Sum)
Annual Compounded Increase	22.55%
NJC revised Basic Allowance	£5,343

If we applied the NJC increase to the Basic Allowance over the period 2012-2022, it would equate to a revised allowance of £5,343 from today's level of £4,360.

Consumer Prices Index

CPI rates since 2013-2022 have seen annual increases in inflation. Over this period, on a compounded basis to April 2022, this inflationary increase is 25.1%.

Table 2 - CPI Annual Increase 2013 - 2022

Year	April Consumer Price Index
2013	2.4%
2014	1.8%
2015	-0.1%
2016	0.3%
2017	2.7%
2018	2.4%
2019	2.1%
2020	0.8%
2021	1.5%
2022	9.0%
Annual Compounded Increase	25.1%
CPI revised Basic Allowance	£5,454

If applied to the Basic Allowance over the period 2012-2022, it would equate to a revised allowance of £5,454 from today's level of £4,360.

Benchmarking Data

Our benchmarking exercise for 11 local and similar councils show an average Basic Allowance of £5,260, the highest (Exeter) at £6,537 and the lowest (South Lakeland) at £4,201. East Devon District Council is currently second from the bottom at £4,360.

Table 3 - Benchmarked councils in ranked order of Basic Allowance.

	Council	Basic Allowance
1	Exeter	£6,537
2	North Norfolk	£5,905
3	South Hams	£5,492

	Council	Basic Allowance
4	North Devon	£5,171
5	Torridge	£5,472
6	Adur & Worthing	£5,454
7	Mid Devon	£5,403
8	Chichester	£5,200
9	West Devon	£4,660
10	East Devon	£4,360
11	South Lakeland	£4,201
	Average	£5,260

It is important to understand that

- Information for the benchmark councils was based upon the latest information published on their websites. In all cases the allowances were set in the last 2-3 years, with most set for 2022/23 and two for 2023/24.
- Local councils to EDDC included in the exercise are; South Hams, North Devon, Mid Devon, West Devon, and Torridge.
- Other comparable councils included in the benchmark exercise are; North Norfolk, South Lakeland, Exeter, Adur and Worthing, and Chichester.
- In terms of population per Councillor (taken from the 2021 census), the average for the benchmark councils is 2,500, which is almost identical to EDDC at 2,513 per Councillor.
- Details such as the number of wards, meetings to attend, travel times, distances travelled or workload are not included in the exercise.

If the benchmark average was applied it would place East Devon District Council at no 8 in the list, still below the revised mean average of £5,431 for the 11 benchmarked councils.

Table 4 Benchmarked councils ranked in order of Basic Allowance following possible increase.

	Council	Basic Allowance
1	Exeter	£6,537
2	North Norfolk	£5,905
3	South Hams	£5,492
4	North Devon	£5,171
5	Torridge	£5,472
6	Adur & Worthing	£5,454

	Council	Basic Allowance
7	Mid Devon	£5,403
8	EDDC	£5,260
9	Chichester	£5,200
10	West Devon	£4,660
11	South Lakeland	£4,201
	Revised Average	£5,431

Recommendation.

- 1 We recommend that the Basic Allowance for East Devon District Councillors should be increased to £5,260, representing the average Basic Allowance from our benchmarked councils.**
- 2 We recommend that the increase to the Basic Allowance should be backdated to the May 2023 election.**

Special Responsibility Allowance

A Special Responsibility Allowance is an additional payment provided to Councillors who hold specific positions of responsibility or who undertake particular roles within the Council.

The purpose of a Special Responsibility Allowance is to recognise the additional time, effort, and expertise required by individuals who hold key positions and to encourage individuals to take on these responsibilities. These roles may involve extra duties such as chairing committees, leading specific portfolios or departments, representing the local authority externally, or managing important functions within the council.

The amount of the Special Responsibility Allowance will vary depending on the position held and the level of responsibility associated with the role. These allowances are periodically reviewed by the Independent Remuneration Panel and takes into account factors such as the size and complexity of the authority, the time commitment required, and the level of decision-making authority involved.

Table 5 shows the existing posts in receipt of a Special Responsibility Allowance and the amount.

Table 5 - Post holders and amount of Special Responsibility Allowance.

Allowance	Current level
Leader of the Majority Party/Council	£14,421.00
Deputy Leader of the Majority Party	£4,021.00
Leader of the Opposition	£4,021.00
Deputy Leader of the Opposition	£1,549.00
<u>Cabinet Members/Portfolio Holders</u>	
Economy and Assets	£6,184.00

Sustainable Homes and Communities	£6,184.00
Tourism, Leisure, Sport and Culture	£6,184.00
Democracy, Transparency and Communications	£6,184.00
Coast, Country and Environment	£6,184.00
Strategic Planning	£6,184.00
Council and Corporate Co-ordination	£6,184.00
Climate Action and Emergency Response	£6,184.00
Finance	£6,184.00
Chair of the Council	£7,813.00
Vice Chair of the Council	£2,998.00
Chair of Audit and Governance Committee	£2,010.00
Chair Licensing and Enforcement Committee	£3,098.00
Vice Chair Licensing and Enforcement Committee	£836.00
Chair Planning Committee	£6,184.00
Vice Chair Planning Committee	£3,098.00
Chair Housing Review Board	£3,098.00
Chair Overview Committee	£2,010.00
Chair Scrutiny Committee	£3,098.00

Table 6 shows the impact on the Special Responsibility Allowance based on increases linked to the annual NJC, CPI and average benchmarking data.

Table 6 - Possible Increases to Special Responsibility Allowance based on the three different Indices

Allowance	Current level	NJC increase	CPI adjustment	Benchmark adjustment
Leader of the Majority Party/Council	£14,421.00	£17,673	£18,041	£14,570
Deputy Leader of the Majority Party	£4,021.00	£4,928	£5,030	£7,235
Leader of the Opposition	£4,021.00	£4,928	£5,030	£3,091
Deputy Leader of the Opposition	£1,549.00	£1,898	£1,938	£1,549
<u>Cabinet Members/Portfolio Holders</u>				
Economy and Assets	£6,184.00	£7,578	£7,736	£6,831
Sustainable Homes and Communities	£6,184.00	£7,578	£7,736	£6,831
Tourism, Leisure, Sport and Culture	£6,184.00	£7,578	£7,736	£6,831

Democracy, Transparency and Communications	£6,184.00	£7,578	£7,736	£6,831
Coast, Country and Environment	£6,184.00	£7,578	£7,736	£6,831
Strategic Planning	£6,184.00	£7,578	£7,736	£6,831
Council and Corporate Co-ordination	£6,184.00	£7,578	£7,736	£6,831
Climate Action and Emergency Response	£6,184.00	£7,578	£7,736	£6,831
Finance	£6,184.00	£7,578	£7,736	£6,831
Chair of the Council	£7,813.00	£9,575	£9,774	£4,282
Vice Chair of the Council	£2,998.00	£3,674	£3,750	£1,930
Chair of Audit and Governance Committee	£2,010.00	£2,463	£2,515	£3,282
Chair Licensing and Enforcement Committee	£3,098.00	£3,797	£3,876	£3,414
Vice Chair Licensing and Enforcement Committee	£836.00	£1,025	£1,046	n/a
Chair Planning Committee	£6,184.00	£7,578	£7,736	£5,591
Vice Chair Planning Committee	£3,098.00	£3,797	£3,876	n/a
Chair Housing Review Board	£3,098.00	£3,797	£2,876	£5,874
Chair Overview Committee	£2,010.00	£2,463	£2,515	£3,482
Chair Scrutiny Committee	£3,098.00	£3,797	£3,876	£4,765

Taken individually there are problems with reviewing the roles within EDDC that attract a Special Responsibility Allowance, against each single index.

National Joint Council Pay Awards

Whilst on the surface the NJC pay awards would appear to be a uniform increase for every post holder, some, but not all, Special Responsibility Allowances have been altered since they were last set in 2008 due to structural Council changes.

Consumer Price Index

The CPI index was distorted by a significant 2022 increase. The compounded level of increase since 2012 (25.1%) would place some post holders significantly above the benchmark average.

The index is a measure of an increase in inflation annually whereas the Special Responsibility Allowance is an allowance to remunerate a member for their duties and personal commitment, not linked to price inflation per se.

Benchmarking

Some posts are not replicated across benchmarked councils. Where there are similarly named portfolios/titles to the role performed by the individual post holders, our analysis suggests they are not necessarily the same across all benchmarked councils.

In five cases average benchmarking across all eleven councils would produce a reduction in the Special Responsibility Allowance, in five it would produce an increase of circa 50% or greater and in two there are insufficient comparable posts to make comparisons meaningful.

It should be noted that for the majority of benchmark councils, a 2023-2024 adjustment of allowances has not taken place at the time of this report.

We believe the appropriate index to use is the average benchmark for posts in benchmarked councils, subject to the NJC pay percentage acting as a cap for benchmark increases over 22.55%, and a floor where there is a potential reduction in allowance or where posts are not replicated.

Table 7 shows the increase for each post using this method.

Table 7 - increase in Special Responsibility Allowance using benchmark average with NJC to cap increase at 22.55% and prevent reduction or where no comparison can be made.

Allowances	Current level	Benchmark average	NJC	Revised level with rules applied	Equivalent percentage increase
% Increase		20.64%	22.55%		
Basic Allowance	£4,360	£5,260		£5,260	
<u>Special Responsibility Allowance</u>					
Leader of the Majority Party/Council	£14,421	£14,477	£17,673	£14,477	0.39%
Deputy Leader of Majority Party/Council	£4,021	£7,003	£4,928	£4,928	22.55%
Leader of the Opposition	£4,021	£3,007	£4,928	£4,928	22.55%
Deputy Leader of the Opposition	£1,549	£1,456	£1,898	£1,898	22.55%
<u>Cabinet Members/Portfolio Holders</u>					
Economy and Assets	£6,184	£6,910	£7,578	£6,910	11.74%
Sustainable Homes and Communities	£6,184	£6,910	£7,578	£6,910	11.74%
Tourism, Leisure, Sport and Culture	£6,184	£6,910	£7,578	£6,910	11.74%
Democracy, Transparency and Communications	£6,184	£6,910	£7,578	£6,910	11.74%
Coast, Country and Environment	£6,184	£6,910	£7,578	£6,910	11.74%
Strategic Planning	£6,184	£6,910	£7,578	£6,910	11.74%
Council and Corporate Co-ordination	£6,184	£6,910	£7,578	£6,910	11.74%
Climate Action and Emergency Response	£6,184	£6,910	£7,578	£6,910	11.74%
Finance	£6,184	£6,910	£7,578	£6,910	11.74%
Chair of the Council	£7,813	£4,253	£9,575	£9,575	22.55%
Vice Chair of the Council	£2,998	£1,831	£3,684	£3,684	22.55%
Chair of Audit and Governance Committee	£2,010	£3,550	£2,463	£2,463	22.55%

Chair Licensing and Enforcement Committee	£3,098	£3,423	£3,797	£3,423	10.49%
Vice Chair License & Enforcement Comm	£836	n/a	£1,025	£1,025	22.5%
Chair Planning Committee	£6,184	£5,589	£7,578	£7,578	22.5%
Vice Chair Planning Committee	£3,098	n/a	£3,797	£3,797	22.5%
Chair Housing Review Board	£3,098	£4,762	£3,797	£3,797	22.5%
Chair Overview Committee	£2,010	£3,482	£2,463	£2,463	22.5%
Chair Scrutiny Committee	£3,098	£4,609	£3,973	£3,973	22.5%
Total expenditure - including Basic Allowance	£375,511			£445,799	18.71%

Recommendation

- 3 We recommend an increase to the Special Responsibility Allowance based on the average benchmark for equivalent posts in councils we benchmarked, except;**

Where a post with a benchmarked increase is higher than the NJC index (5) it will be capped at the NJC increase.

Where a post with a benchmark percentage increase would be lower than currently graded or is not replicated within the benchmarked councils (7) it will receive the NJC increase.

- 4 We recommend that these increases to the Special Responsibility Allowance should be backdated to the 1st June 2023.**

Temporary Special Responsibility Allowance

There was virtually total agreement amongst the respondents to the questionnaire that Councillors covering special responsibilities of another Councillor, due for example, to a period of long-term absence for a significant period, should receive a Special Responsibility Allowance if they are not in receipt of one, or an uplift in their SRA if one is currently received.

Recommendation

- 5 We recommend that if a member, with the agreement of the Leader of the Council, is acting in a capacity of a cabinet or portfolio holder for a significant period due to the incumbent being absent through sickness or extended leave of absence, that individual should, if not in receipt of a Special Responsibility Allowance, be paid the full agreed amount of the incumbent Special Responsibility Allowance. If they are already in receipt of a Special Responsibility Allowance and continue to receive it, they should receive 50% of the Special Responsibility Allowance for that new post/responsibility.**

Annual uprating of allowances

Although recommended by the Independent Remuneration Panel in 2009, and in line with the 2003 Regulations, there is currently no mechanism to annually increase the Basic Allowance or Special Responsibility Allowance. This has meant that over time payment levels have fallen significantly below the level that is required to keep pace with peers in other councils.

Many other councils recognise the importance of maintaining an appropriate level of remuneration year-on-year rather than allowing levels to fall behind and attempt to make good the shortfall periodically.

There are national indices that could be used to set the annual increase and the regulations allow 'a scheme of allowances [...] make provision for an annual adjustment of allowances to be ascertained by reference to an index as may be specified by the authority and contained in the scheme'. A number of councils that implement an annual increase to allowances link their decision to the National Joint Council Pay Award for Council staff. We believe this is the most appropriate benchmark for an annual allowance increase.

Recommendation

- 6 We recommend that the Basic Allowance should increase each year on the 1st May beginning in May 2024 and Special Responsibility Allowances should increase each year on 1st June beginning in 2024 in line with the average of the agreed National Joint Council Pay Award for staff. This index should be reviewed every 4 years.**

Travelling Rates and Subsistence Allowances

The rates of travel by a member's motor vehicle are based on the current HMRC approved mileage rates. These rates are the same for the staff of EDDC and are commonly used by other councils.

Subsistence allowances may be claimed to meet the costs of accommodation, meals and other refreshments in connection with approved duties.

Travel and subsistence rates payable to Members were last agreed by council on 28th July 2010 and are set out in the Members Allowance Scheme.

Any subsistence claim in connection with an approved duty, not involving an overnight absence from the normal place of residence is limited to:

- more than 4 hours, £6.76 for breakfast (£8.29 in London)
- more than 4 hours, £9.43 for lunch (£15.36 in London)
- more than 4 hours, ending after 7pm, £11.56 for an evening meal (£15.36 in London)

At meetings such as council or committee meetings, meals or refreshments may be provided by the council, including where absence from any residence may not exceed 4 hours. Where meals are provided or paid for separately by the council subsistence allowances shall not be paid.

We recognise that since subsistence allowance levels were last set in 2010 there has been an increase in costs of food and overnight accommodation. We feel (but recognise it is outside of our remit) that these levels should be reviewed for all EDDC staff.

We believe the HMRC agreed travel rates for Councillors should continue to be aligned to those of EDDC staff. If HMRC rates and allowances change for staff they should automatically be applied to Councillors.

Recommendation

- 7 We recommend that there are no changes to the current Travel Rates and Subsistence Allowances for Councillors at this time as they are aligned to EDDC staff allowances.**

Child Care and Dependants' Carers' Allowance

A Child Care and Dependants' Carers' Allowance scheme was introduced on 1st April 2003. The Child Care and Dependants' Carers' Allowance is set at the National Living Wage, with a maximum amount of 5 hours able to be claimed in any one day and only deals with 'expenses of arranging for

the care of [their] children or dependants [that] are necessarily incurred'. The level of allowance will be adjusted automatically in line with any adjustments made to the National Living Wage.

A carer is any responsible person who does not normally live with the member as part of that Members family.

Recommendation

- 8 We recommend that there are no changes to the current Child Care and Dependents' Carers' Allowances at this time.**

Co-optees Allowance

Members of the Housing Review Board (two independent and five tenant representatives) are entitled to expenses but not to a 'session allowance'. We are advised that the recruitment of Tenant Members has been difficult in recent years and we see no reason why those co-opted Members should not receive an allowance in-line with co-optees on other committees.

Co-optees on the Standards Committee and Independent Review Panel are currently entitled to claim £50 for up to a four-hour session, plus travel expenses.

No mention is made of home working or dial-up meetings, increasingly a common and cost-effective way of conducting council business during and post COVID.

Democratic Services have raised with us organisational difficulties with payments of allowances when a Co-optee works from home as there are currently no checks and balances to establish the hours worked or why they are worked. Even where there are on-line or in-person meetings that are recorded by, or registered with, Democratic Services there is a risk that meetings can be called or held that are not strictly necessary or could have been conducted in a different way to manage costs.

For these reasons the Home Office guidance suggest 'The Co-optees' allowance [will] in general be an annual allowance'. We agree and feel the time has come where due to changes in working arrangements, specifically working from home and the use of on-line meetings, we should move to an annual allowance for Co-optees.

We recommend that the Co-optee session allowance of £50 for up to a 4-hour session should be discontinued and that an annual allowance be introduced in line with Democratic Services views and Home Office guidance.

Of the three formal Co-optee groups only the Housing Review Board meets according to an agreed and regular timetable, normally meeting 5 times per year. The others meet on an 'as required' basis. All Co-optees meetings, in addition to the formal meetings, require research, pre-reading and preparation in advance of meetings.

Recommendation

- 9 We recommend that all Co-optees on the Housing Review Board should be in receipt of an annual allowance in addition to their travel expense.**
- 10 We recommend that an annual allowance be introduced in line with the views of Democratic Services and Home Office guidance from 1st May 2024. These allowances should be reviewed after 4 years.**

Housing Review Board	£550
Standards Committee	£400
Independent Remuneration Panel	£400

September 2023

Full Council

Report to: Full Council

Date 6 December 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Political Proportionality and Allocation of Committee places

Report summary:

In accordance with legislation and the Council's Constitution, this is a report to notify a change to the allocation and appointments of members for seats on the Council's committees for the remainder of the 2023/2024 municipal year following the resignation of a member of the Conservative Group and joining the Independent Group.

Recommendation:

That the Council:

- (1) Notes the revised political balance of the Council and agree the proposed allocation of committee places as set out in this report and its appendices;
- (2) Delegates authority to the Monitoring Officer, in consultation with the appropriate political group leader, to make in-year changes to committee and joint committee appointments (excluding the appointment of Chairs and Vice-Chairs) in accordance with the allocation of places to political groups by the Council and the wishes of the relevant political group leader.

Reason for recommendation:

To meet the requirements of legislation and the Council's Constitution following a change in the membership of a political group on the Council.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Consultation carried out:

Consultation with Political Group Leaders

Officer: Andrew Melhuish (Democratic Services Manager) andrew.melhuish@eastdevon.gov.uk

Financial implications:

There are no financial implications relating to the change in members from the Conservative Group to the Independent Group as no Special Responsibility Allowance Payments are affected.

Legal implications:

The rules governing the allocation of seats on Committees and Sub-Committees to political groups are set out in the Local Government and Housing Act 1989 and regulations made thereunder including the Local Government (Committees and Political Groups) Regulations 1990. The provisions of the 1989 Act include the requirement that, where Members of the Council are divided into political groups, then the membership of its committees and sub-committees must reflect the political balance of the Council as a whole. The proposals set out in this report comply with the Council's Constitution.

Equalities impact Low Impact

The Council's duty under Section 149 of the Equality Act 2010 is to have "due regard" to the matters set out in relation to equalities when considering and making decisions on the provision of services. There are no direct impacts of these recommendations on the provision of services. There are no direct impacts on sustainability, health and safety, community safety or privacy aspects as a result of this proposal.

Climate change Low Impact

Risk: Low Risk; This report ensures that the political balance of the committee allocations is in line with the relevant legislation and guidance.

Links to background information None.

Link to [Council Plan](#)

Priorities (check which apply)

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

1. Background

- 1.1 Where membership of East Devon District Council is divided into political groups the Council is required to review and allocate the total number of seats on committees in accordance with the strength of each political group.
- 1.2 Following the resignation from the Conservative Group of 1 member and confirmation that the member is now a member of the Independent Group, this results in members of each political group on the Council having the following political balance:

Democratic Alliance = 29 members

Conservative = 16 members

Independent Group = 10 members

Labour Group = 3 members

Independent Councillor Group = 2 members

The Democratic Alliance form the majority administration from 2023 to 2027. This report has been prepared on the basis of the political groups reflecting the revised position set out above.

- 1.3 The revised political balance results in the following entitlement to seats for committees where political balance rules apply:

Total Number of Seats			
Democratic Alliance Group	29 members	48%	53 seats
Conservative Group	16 members (17 members)	27% (28%)	30 seats (31 seats)
The Independents	10 members (9 members)	16% (15%)	18 seats (17 seats)
Labour Group	3 members	5%	6 seats
Independent Councillor Group	2 members	4%	4 seats
TOTALS	60 members	100%	111 seats

2. Appointments / Allocation of places

- 2.1 The Council's committee places (also known as seats) to be allocated to the political groups has been calculated and the political group leaders informed.
- 2.2 Appendix 1 sets out guidance regarding the method of allocation of seats / places on committees and comments on the application of this in relation to Appendix 2. Appendix 2 sets out the calculation of aggregate entitlement to places on Committees on the basis that the Council continues to agree the recommendation of the political group leaders .
- 2.3 Appendix 3 sets out the political group leaders proposed nominations to the committee places to reflect the Independent Groups additional member. When approving Appendix 3 the Council will meet the requirements of the Local Government and Housing Act 1989 which requires the application of certain rules to the appointment of council committees. The Schedule provides for:
 - (a) The appointment of members to the committees of the Council.
 - (b) The appointment of chairs and vice-chairs of the committees – no changes proposed to appointments made a Annual Council in May 2023.
- 2.4 A numerical guide to political proportionality representation on Committees is set out at Appendix 4 and reflects the Council's political composition.
- 2.5 Full Council may waive the political balance rules for any committee(s) where the Council wishes to appoint an alternative number of members from political groups. In order for political balance to be waived no member must vote against this motion, an objection by a single member would make it necessary to apply political balance rules.
- 2.6 It is proposed that the Council delegates authority to the Monitoring Officer to make in-year changes between Annual General Meetings to committee appointments (excluding Chairs and Vice-Chairs) in accordance with the wishes of the political group leader that relates to the relevant place(s) on a committee.

Appendix 1: Allocation of places on committees

1 Method of allocation of places on committees to elected members

- 1.1 The rules governing the allocation of places (also known as seats) on committee and sub-committees to political groups are set out in the Local Government and Housing Act 1989 (the Act) and regulations made thereunder. The provisions of the Act include the requirement that, where members of the council are divided into political groups, then the membership of its committees and sub committees must reflect the political balance of the council as a whole.
- 1.2 The number of seats on committees are therefore allocated to each political group in the same proportion as the overall strength of each political group as far as practicable. This excludes the Cabinet as those appointments are made by the Leader of Council and also any other committee where political balance is not required i.e. Licensing and Enforcement sub committee and Standards Hearing sub committee.
- 1.3 The council is bound to have regards to the wishes of the political groups in allocating committee places to individual councillors.
- 1.4 The Act sets out the principles to be used in agreeing the size of and allocation of places to committees and sub committees of the council and this process is repeated annually at the Council's Annual General Meeting or when changes to political group composition are made. The principles must be followed so far as is reasonably practicable.
- 1.5 Principles for allocating places from the Act together with a commentary where appropriate, must be applied to the allocation of seats on committees.
 1. Preventing domination by a single group: All the seats should not be allocated to the same political group.
 2. Ensuring a majority group enjoys a majority on all committees: If one political group has a majority in the full council, that political group should have a majority on each committee.
 3. Aggregating all committee places and allocating fair shares: Subject to the above principles 1 and 2, the total number of seats on all the committees of the council allocated to each political group should be in the same proportion as that political group's seats on the full Council.
 4. Ensuring as far as practicable fairness on each committee: Subject to the above principles 1, 2 and 3 the number of seats on each committee of the Council allocated to each political group should be in the same proportion as that political group's seats on the full council.
- 1.6 Application of the principles: when the council considers appointments to its committees it needs to be in accordance with the principles set out above. Each political group should state the names of the members it wishes to take its allocated places on committees, and when those wishes are known, the council is under a duty to make the appointment of those councillors as soon as practicable.
- 1.7 Method of calculating the allocation of places to political groups. The principles set out above can be applied in the following sequence:

- i. Calculate the total number of seats with votes on all the committees.
 - ii. Calculate the proportion that each political group forms of the total membership of the council. Reserve an appropriate number of seats for any members not in a political group.
 - iii. Apply those proportions to the total number of committee seats to give the aggregate entitlement of each group; the requirement to apply the proportions 'so far as reasonably practicable' can be met by rounding down fractional entitlements of less than half, and rounding up entitlements of a half or more; if this results in a greater aggregate than the number of seats available, the fractional entitlement(s) closest to half should be rounded in the other direction until entitlements balance the available seats.
 - iv. Apply the proportions to the number of members on each committee to give provisional entitlement to seats on that committee.
 - v. If the provisional entitlement gives only one group seats on the committee, adjust the entitlement so that the next largest group has a seat.
 - vi. Finally, adjust the seats on each committee so that the total allocated to each group is as near as possible to their aggregate entitlement, whilst preserving the results reached at steps (iv) and (v) thus applying principle 3 as set out above.
- 1.8 This means that the committees are set out as proportionately balanced, but the numbers across the committees are then altered, whilst trying to ensure the committees keep to this proportionality as far as is possible, to ensure that the total number of all the committee places when taken together are politically balanced.
- 1.9 The council is free to adopt any aggregate number of places on committees as long as it follows the principles set out above and the sequence outlined in steps (i) to (vi). The proposed allocation of committee places to political groups in order to seek their nominations is set out at Appendix 2. This has been developed in line with the recommendations of the political group leaders and the allocation of places that the council agreed at Annual Council in May 2023.
- 1.10 A numerical guide to proportional representation on committees is set out in Appendix 4 to reflect the councils political composition.
- 1.11 Members not in a political group: In the case of members who are not members of a political group, a proportion of seats on committees equal to the proportion of council members who do not belong to a political group, has been reserved, with appointments to these seats being made by the Council at its discretion. There are no members on this council that are not in a political group, so this requirement is not relevant.

2. Calculation of the political group's entitlement on committees

- 2.1 Appendix 2 sets out there are a total of 111 seats to be allocated by the Council where political balance applies, resulting in a balance of total seats of Democratic Alliance 53 seats, Conservative 30 seats, Independent Group 18 seats, Labour 3 seats and Independent Councillor Group 4 seats.

Appendix 2			
Total Number of Seats			
Democratic Alliance Group	29 members	48%	53 seats
Conservative Group	16 members	27%	30 seats
The Independents	10 members	16%	18 seats
Labour Group	3 members	5%	6 seats
Independent Councillor Group	2 members	4%	4 seats
TOTALS	60 members	100%	111 seats

Following the resignation of a member of the Conservative Group and confirmation that the member has now joined The Independent Group there is a change in the overall political proportionality of seats allocated to each group.

This change will see the Conservative Group allocation decreasing by 1 seat and the Independent Group increasing by 1 seat.

The amended number of seats allocated is shown in bold text in the table above.

Appendix 3 – Membership of Committees – Seats and Proportional Balance 2023/2024
Proposed committee places

Committee Seats	Number in Group (% of Council membership)				
	29 Democratic Alliance Group (48%)	16 Conservative (27%)	10 The Independent Group (16%)	3 Labour Group (5%)	2 Independent Councillor Group (4%)
Scrutiny (15 seats)	7	4	2	1	1
Overview (13 seats)	6	4	2	1	0
Housing Review Board (5 seats)	2	1	1	0	1
Strategic Planning (15 seats)	7	4	3	1	0
Planning Committee (16 seats)	8	4 (4.2)	3 (2.5)	1	0
Audit and Governance (10 seats)	5	3	2	0	0
Standards Committee (7 seats)	4	2	1	0	0
Personnel Committee (15 seats)	7	4	2	1	0
Licensing and Enforcement (15 seats)	7	4	2	1	1
Total Seats 111	53	30	18	6	4

Please note that the Cabinet is not shown on the above table as political proportionality rules do not apply. Some figures have been rounded up or down to ensure total number of seats in accordance with the guidance set out in Appendix 1.

Appendix 4						
Numerical Guide						
	Democratic Alliance	Conservative	Independent Group	Labour	Independent Cllr Group	
Number of Members	29	16	10	3	2	60
%	48.3	26.6	16	5	3.3	
Committee Size						
16	7.7	4.2	2.5	0.8	0.5	
15	7.2	4.0	2.4	0.7	0.5	
14	6.7	3.7	2.2	0.7	0.4	
13	6.2	3.5	2.0	0.6	0.4	
12	5.8	3.2	1.9	0.6	0.3	
11	5.3	2.9	1.7	0.5	0.3	
10	4.8	2.6	1.6	0.5	0.3	
9	4.3	2.4	1.4	0.4	0.2	
8	3.8	2.1	1.3	0.4	0.2	
7	3.4	1.8	1.1	0.3	0.2	
6	2.9	1.6	1.0	0.3	0.2	
5	2.4	1.3	0.8	0.2	0.1	
Total Seats %	53.6	29.5	17.7	5.5	3.6	
Total Seats per group	53	30	18	6	4	111 seats

Report to: Council



Date of Meeting 6th December 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Proposed Dissolution of the Heart of the South West Joint Committee

Report summary:

This report suggests approval for the dissolution of the HotSW Joint Committee (“Joint Committee”) which is currently made up of Somerset Council, Devon County Council, Plymouth Council, Torbay Council, National Parks and the 8 Devon District Councils (“Constituent Authorities”). It follows a steer from the Leaders / senior members of several Constituent Authorities for proposals to be brought forward to all Constituent Authorities to consider their withdrawal and dissolution of the Joint Committee.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

That Council agrees to serve notice of its withdrawal and that the Heart of the South West (HotSW) Joint Committee be dissolved on 31 December 2023

Reason for recommendation:

Changes in government policy over the last five years, the development of the Devon and Torbay devolution deal and forthcoming integration of the HotSW LEP into local authorities mean that the purpose of the HotSW Joint Committee has largely been superseded and other existing partnership arrangements between the Constituent Authorities can deliver their aims. The HotSW Joint Committee is therefore considered to be superfluous and not adding value to the Constituent Authorities

Officer: Andy Wood Assistant Director – Growth, Development and Prosperity (adwood@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

If choosing High or Medium level outline the equality considerations here, which should include any particular adverse impact on people with protected characteristics and actions to mitigate these. Link to an equalities impact assessment form using the [equalities form template](#).

Climate change Low Impact

Risk: Low Risk; Click here to enter text on risk considerations relating to your report.

Links to background information Click here to enter links to background information; appendices online; and previous reports. These must link to an electronic document. Do not include any confidential or exempt information.

Link to [Council Plan](#)

Priorities (check which apply)

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

Introduction

1.1 This report suggests approval for the dissolution of the HotSW Joint Committee (“Joint Committee”) which is currently made up of Somerset Council, Devon County Council, Plymouth Council, Torbay Council, National Parks and the 8 Devon District Councils (“Constituent Authorities”). It follows a steer from the Leaders / senior members of several Constituent Authorities for proposals to be brought forward to all Constituent Authorities to consider their withdrawal and dissolution of the Joint Committee.

1.2 The proposals in this report specifically relate to the Joint Committee’s governance arrangements only and do not cover the HotSW Local Enterprise Partnership or the associated HotSW Joint Scrutiny Committee.

Background

2.1 In 2015 the HotSW partnership (17 local authorities, two National Parks, the LEP and three clinical commissioning groups) submitted a devolution “statement of intent” to Government and began negotiations about a devolution deal. However, following the EU referendum in 2016, devolution was no longer a government policy priority and the HotSW partnership developed a Productivity Strategy. In March 2018 the partnership formalised the arrangements to establish the HotSW Joint Committee. The Heart of the SW LEP and the NHS are co-opted members of the HotSW Joint Committee.

2.2 The Joint Committee was seen as a partnership vehicle to provide a single forum for local authority engagement with the Heart of the South West Local Enterprise Partnership and Government.

2.3 The specific objectives of the HotSW Joint Committee in its Terms of Reference are to:

- (a) Improve the economy and the prospects for the region by bringing together the public, private and education sectors;
- (b) Increase our understanding of the economy and what needs to be done to make it stronger;
- (c) Improve the efficiency and productivity of the public sector;
- (d) Identify and remove barriers to progress and maximise the opportunities / benefits available to the area from current and future government policy.

2.4 Since its inception, the Joint Committee’s work has focused on issues covering the HotSW area as a whole such as: Local Industrial Strategy, Coastal Productivity Plan, Housing Task Force and regional imbalances. The Joint Committee currently has a meeting cycle of two formal meetings a year and it is directly supported by Somerset Council.

2.5 Changes in Government policy over the last five years, the development of the Devon and Torbay devolution deal and forthcoming integration of the HotSW LEP into local authorities mean that the purpose of the Joint Committee has largely been superseded and other partnership arrangements between the Constituent Authorities can deliver their aims with reduced duplication.

Dissolution

4.1 In relation to withdrawal from/dissolution of the Joint Committee, the inter-authority agreement states that:

- A Constituent Authority wishing to withdraw from the Joint Committee shall give a minimum of 6 months' notice in writing to the other Constituent Authority via the Administering Authority. The Constituent Authorities shall co-operate with any such request.
- If two or more Constituent Authorities give notice of withdrawal from membership of the Joint Committee in the same Financial Year, the Joint Committee shall consider and make recommendations to the remaining Constituent Authorities as to the future operation of the Joint Committee and, if appropriate, recommend any necessary amendments required to the Joint Committee's functions and operating arrangements.
- Where a majority of the Constituent Authorities at any time agree (via formal resolutions) that the Joint Committee should be dissolved or terminated on a specified date then the Joint Committee shall cease to exist from that date.

4.2 In December 2022, the scheduled meeting of the Joint Committee was adjourned as it was not quorate due to low attendance by Constituent Authorities. On 27 October 2023, the scheduled meeting of the Joint Committee was also not quorate and was unable to proceed due to only four of the fourteen Constituent Authorities attending the meeting. It is likely that proposals will be brought forward during November and December 2023 by a majority of the Constituent Authorities for their councils to agree to serve notice and recommend the dissolution of the Joint Committee on 31 December 2023

Resource Implications

5.1 The Joint Committee remains completely reliant on the Constituent Authorities for its budget and there are no obvious sources of additional funding to support running costs or delivery of its work programme. Joint Committee members' costs and expenses are funded and administered by each respective Constituent Authority.

5.2 The Administering Authority (Somerset Council) holds the balance of contributions from the Constituent Authorities. The current unallocated balance is £ 43,009. If the Joint Committee is dissolved, then any outstanding balance would be returned proportionally to each of the Constituent Authorities on the same percentage basis that they made contributions.

5.3 The key risk is continuing with the Joint Committee and duplicating the work of existing partnership arrangements without adding any value. The recommendation in this report mitigates that risk.

Conclusion

6.1 The HotSW Joint Committee has become an anachronism. The recommendation to serve notice to withdraw is being replicated across other Devon Districts. A further report will be forthcoming to Cabinet on the proposed devolution deal for Devon and Torbay.

Financial implications:

To be completed by Finance.

Legal implications:

To be completed by Legal.

Report to: Council

Date of Meeting 6th December 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Advance of funds to Colyford Parish Council

Report summary:

To consider advancing the next instalment of the precept or loaning funds in the sum of £11,202 to Colyford Parish Council to assist with cash flow pending the transfer of funds from Colyton Parish Council pursuant to the Reorganisation Order made on 11th January 2023 (see link below)

Is the proposed decision in accordance with:

Budget Yes ☐ No ☒

Policy Framework Yes ☒ No ☐

Recommendation:

That Council recommends that the sum of £11,202 is loaned or advanced from the precept to Colyford Parish Council. Delegated authority to agree the form of advance or loan to be granted to Director of Governance and Licensing in consultation with Director of Finance.

Reason for recommendation:

Pursuant to the Reorganisation Order, Colyton Parish Council were required to transfer funds in the sum of £12,202 to Colyford Parish Council on the date of the first annual meeting of the new Parish Council. Colyton Parish Council have refused to comply with the Order meaning that the new Colyford Parish Council has not received the funds that it expected and needs to fund the new Council in its first year.

Colyton Parish Council made an application for permission to bring a Judicial Review in respect of the outcome of the Community Governance review process. This application was rejected by the High Court on 22nd November 2023.

In the absence of Colyton Parish Council confirming that the monies will now be forthcoming Colyford Parish Council have requested that we advance funds to them to ensure that they have sufficient funds to operate throughout the year hence continuing with the application to EDDC which was already underway at the time the Judicial Review permission request was rejected.

Officer: Melanie Wellman, Director of Governance and Licensing, 01395 571688

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; Click here to enter text on risk considerations relating to your report.

Links to background information Click here to enter links to background information; appendices online; and previous reports. These must link to an electronic document. Do not include any confidential or exempt information.

Link to [Council Plan](#)

Priorities (check which apply)

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

Financial implications:

As this is an advancement of funds and not additional resources there are no financial implications to the Council other than possible year-end accounting treatment

Legal implications:

Colyford Parish Council needs to ensure that an advance is acceptable under its governance arrangements. It is open to EDDC to assist in this way at this time.

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

The Colyford (Reorganisation of Community Governance) Order 2023

Made 11 January 2023

Coming into force in accordance with article 1(2)

East Devon District Council (“the council”), in accordance with section 82 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”), has undertaken a community governance review and made recommendations dated December 2022:

The council has decided to give effect to those recommendations and, in accordance with section 93 of the 2007 Act, has consulted with the local government electors and other interested persons and has had regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient:

The council, in accordance with section 100 of the 2007 Act, has had regard to guidance issued under that section:

The council makes the following Order in exercise of the powers conferred by sections 86, 98 and 240(10) of the 2007 Act.

Citation and commencement

- 1.— (1) This Order may be cited as the Colyford (Reorganisation of Community Governance) Order 2022.
- (2) Subject to paragraphs (3) and (4) below it shall come into force on the 1st April 2023.
- (3) Articles 8 and 10 shall come into force on the ordinary day of election of councillors in 2023
- (4) For the purposes of:
- (a) this article;
 - (b) article 5; and
 - (c) proceedings preliminary or relating to the election of parish councillors for the parishes of Colyford and Colyton to be held on the ordinary day of election of councillors in 2023,
- this Order shall come into force on the day after that on which it is made.

Interpretation

2. In this Order—

“district” means the district of East Devon;

“existing” means existing on the date this Order is made;

“map” means the map marked ‘Colyford Parish Council - administrative boundary’ appended to this Order and deposited in accordance with section 96(4) of the 2007 Act;

“new parish” means the parish constituted by article 4;

“ordinary day of election of councillors” has the meaning given by section 37 of the Representation of the People Act 1983; and

“registration officer” means an officer appointed for the purpose of, and in accordance with, section 8 of the Representation of People Act 1983.

Effect of Order

3. This Order has effect subject to any agreement under section 99 (agreements about incidental matters) of the 2007 Act relevant to any provision of this Order.

Constitution of a new parish

4. — (1) A new parish, comprising the area edged with a red line on the map, shall be constituted within district.
- (2) The name of the new parish shall be Colyford.
- (3) In consequence of paragraph (1) of this article, the area of the new parish shall cease to be a part of the existing parish of Colyton.

Calculation of budget requirement

5. For the purposes of regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008 there is specified in relation to the parish of Colyford the sum of Eighteen Thousand Seven Hundred and Seventy Pounds (£18,770).

Parish Council for the parish of Colyford

6. — (1) There shall be a parish council for the parish of Colyford.
- (2) The name of that Council shall be Colyford Parish Council.

Elections for the parish of Colyford

7. The election of all parish councillors for the parish of Colyford shall be held on the ordinary day of elections in 2023.

Number of parish councillors for the parish of Colyford

8. The number of councillors to be elected for the parish of Colyford shall be 7.

Annual Meeting

9. The annual meeting of the new parish council in 2023 shall be convened by the council and shall take place no later than 14 days after the day on which the councillors elected to the new parish council take office.

Alteration to the number of parish councillors for the parish of Colyton

10. The number of councillors to be elected for the parish of Colyton shall reduce from 13 to 11.

Electoral Register

11. The registration officer for the district shall make such rearrangement of, or adaption of, the register of local government electors as may be necessary for the purposes of, and in consequence of, this Order.

Transfer of property, rights and liabilities

12. The land, assets, rights and liabilities described in Column 1 of Schedules 1, 2 and 3 shall transfer from Colyton Parish Council to Colyford Parish Council on the date specified in Column 2 of those Schedules.

Transitional provision

13. Until the councillors elected to the council of the new parish of Colyford at the elections to be held on the ordinary day of election of councillors in 2023 come into office, the new parish shall be represented by those persons who immediately before the 1st April 2023 are the elected councillors for the district ward of Coly Valley.

Order date

14. 1st April 2023 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008.

DATED the 11 day of JANUARY 2023

THE COMMON SEAL OF

EAST DEVON DISTRICT COUNCIL

Was hereunto affixed in the presence of:



.....
Authorised Officer

Full name:

~~Chief Executive~~ / Director of Governance & Licensing / ~~Principal Solicitor~~

SCHEDULE 1
LAND AND ASSETS TO BE TRANSFERRED

Column 1	Column 2
1. The freehold interest of land at Stafford Common, Colyton, Devon registered under title number DN452576	On the date of the first annual meeting of the new parish council held in accordance with article 9
2. The freehold interest of land at Stafford Common, Colyton, Devon identified under title number DN437704 which details a caution against first registration	On the date of the first annual meeting of the new parish council held in accordance with article 9
3. Obligations and benefits of a lease dated 29 th September 2020 between Colyford Parish Council and Thomas Reed relating to the land at Stafford Common, Colyton, Devon referred to in Numbers 1 & 2 above and more specifically detailed in the lease	On the date of the first annual meeting of the new parish council held in accordance with article 9
4. Obligations and benefits of a lease dated 1 st March 2017 registered under title number DN683328 relating to land known as Play Area at Whitwell Lane, Colyford, Colyton, Devon	On the date of the first annual meeting of the new parish council held in accordance with article 9
5. All of the play equipment situated on the land at Whitwell Lane, Colyford, Colyton, Devon referred to in Number 4 above.	On the date of the first annual meeting of the new parish council held in accordance with article 9

SCHEDULE 2
FUNDS AND BALANCES TO BE TRANSFERRED

Column 1	Column 2
The sum of £10,000 (ten thousand pounds) held by Colyton Parish Council at the time of the making of this Order for spend on highway safety projects in Colyford	On the date of the first annual meeting of the new parish council held in accordance with article 9
The sum of £1202 (One Thousand Two Hundred and Two pounds) held by Colyton Parish Council at the time of the making of this Order paid to it as advance rental income by the tenant under the terms of the lease referred to in Number 3 of Column 1 of Schedule 1.	On the date of the first annual meeting of the new parish council held in accordance with article 9

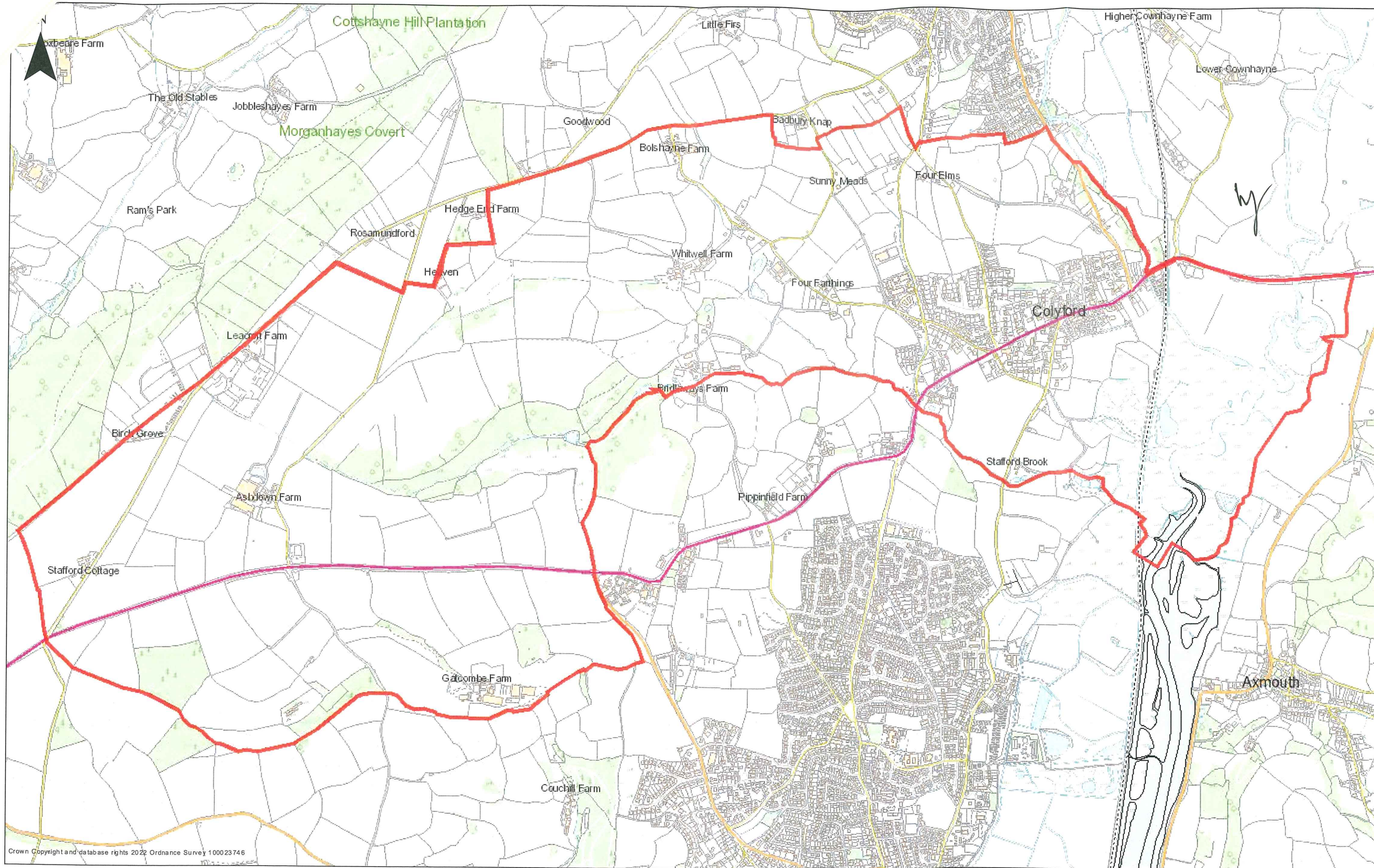
SCHEDULE 3

MAINTENANCE RESPONSIBILITIES TO BE TRANSFERRED

Column 1	Column 2
<p>The three Colyford village gateway signs located on the A3052. These are located as follows;</p> <ol style="list-style-type: none">(1) One to the West of the village on the North of the A3052 adjacent to the entrance of Gully Shoot.(2) Two to the East of the Village, on the North and South side of the A3052 located midway between the Western Electric substation and River Axe bridge.	<p>On the date of the first annual meeting of the new parish council held in accordance with article 9</p>

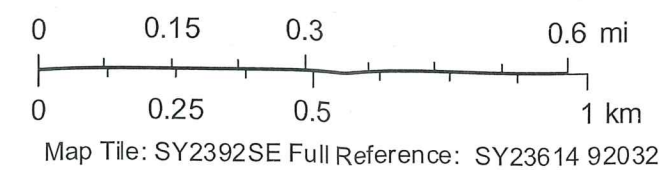
rd Parish Council - administrative boundary

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Report to: Council

Date of Meeting 6 December 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Motions on Notice

Report summary:

The constitution provides that members of Council may submit written notice of motions for debate at Council. A motion must be signed by the proposer and seconder and submitted not later than 10 clear days before the date of the meeting.

Motions must be about matters for which the council has a responsibility, or which affect East Devon District Council.

Motions for which notice has been given will be listed on the agenda in the order in which notice was received unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

Is the proposed decision in accordance with:

Budget Yes ☐ No ☐

Policy Framework Yes ☐ No ☐

Recommendation:

That the Motions on Notice set out in this report are debated and determined by Council.

Reason for recommendation:

The constitution makes provision for motions on notice to be debated and decided by Council.

Officer: Andrew Melhuish, Democratic Services Manager (andrew.melhuish@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

The impact is low as this report is dealing with the submission of motions on notice. Any work undertaken following the consideration of the motions on notice would be subject to an equalities impact assessment being undertaken.

Climate change Low Impact

Risk: Low Risk; A risk assessment would need to be completed on any works or further investigations resulting from the motions of notice.

Links to background information N/A

Link to [Council Plan](#)

Priorities (check which apply)

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

Report in full

Motion 1: Coach Tourism in East Devon District

Motion Proposed: Cllr Derek Haggerty and seconded by Cllr John Heath

Motion signed: Cllrs Brian Bailey, Jenny Brown, John Heath, Bethany Collins and Ian Barlow

Increasing coach passenger visitors to East Devon including Exmouth, Budleigh, Sidmouth, Beer, Seaton, Honiton, Colyton, Axminster, Ottery St Mary plus, any other town or village who wishes to take part.

Many towns and city councils in the UK are turning away coach tourism, causing a loss of £millions of group tourism income, to attractions businesses and the local economy. Covid has only just allowed things to start returning to a more normal growth in coach tourism, possibly now, coaches are one of the greenest forms of transport.

2024 onwards this EDDC council could step up again as leading first choice coach tourist area, attracting more UK and incoming tourists from all over the world into the East Devon District, already 2024 is looking buoyant for coach tourism with a predicted 30% + more visitors to the UK. East Devon stepping forward now, would attract a lot more coach tourism.

Recommendation Motion 1

What is required for this to happen in each destination?

1. Improved signage for attractions, coach & car parking, town centres toilets. TIC.
2. Free coach parking facilities in East Devon, (not bus parking)
3. Designated drop off and pick up points for coach passengers.
4. Coach driver facilities (driver break stop, where the driver can use toilet & get snacks)
5. Meet and greet service possibly linked with TIC, towns & attractions (this could be funded by the visitor).
6. this project means everyone working together as one East Devon Team improving the tourist footfall, aimed at working for our district as voted,

As councillors working together as one EDDC team, we can improve consistently for our towns, all businesses, attractions and hotels, and all future council administrations.

This ongoing incentive would bind together all high street businesses, attractions, all types of accommodations including holiday parks, taking groups of all sizes from around the world.

EDDC could have its own coach friendly programme, working free with CPT, confederation of passenger transport. This project would reach every visiting coach and holiday operator. competing with every other holiday destination around the country, but first we must agree to step forward accepting one of the greenest forms of transportation in today's tourism marketplace, this project will grow into a consistent source of revenue for tourism in our East Devon District.

I am more than happy to work with each town to help reach our ongoing goals.

Motion 2: Government Planning Policies

Motion Proposed: Cllr Jess Bailey and seconded Cllr Bethany Collins

Motion signed: Cllrs Peter Faithfull, Vicky Johns and Melanie Martin

Background

As a result of Conservative government planning policies, EDDC planning officers are under considerable pressure to recommend approval of totally inappropriate, highly unpopular, and very damaging planning applications such as that for land east of Sidmouth Road, Ottery St Mary and Land at Eastfield West Hill.

East Devon is being penalised by the government due to its lack of '5 year land supply' despite an excellent track record in recent years. 9,000 new homes have been delivered over the past decade in East Devon and more than 4,000 houses are set to be delivered in the next 5 years.

This Council is fully committed to ensuring homes are delivered for residents - particularly those who are younger and less well off. However, this Council believes that harm will be caused to the countryside and communities of East Devon under the government's approach.

Recommendation Motion 2

That this Council therefore agrees to urgently instruct a senior planning barrister at KC level to review the position of EDDC and provide EDDC with advice (including by reference to case law) how best to robustly resist speculative development and uphold EDDC local plan and neighbourhood plan policies in order to protect the countryside and communities of East Devon.

Motion 3: Public Convenience provision

Motion Proposed: Cllr Ian Barlow and seconded Cllr Peter Faithfull

Motion signed: Cllrs Jenny Brown, Sarah Chamberlain, Ben Ingham and Daniel Wilson

With the state of our housing stock, with about 25% of our 4,177 Social houses failing to meet the decent homes standard, can we justify spending £5 million on upgrading our 15 toilet blocks across East Devon or £333,000 on a survey to look at how to decarbonise three swimming pools.

Recommendation Motion 3

We would suggest that a working group urgently looks at the plans for our toilet provision and the estimated cost before this council's reputation is further damaged in the eyes of its residents, as we would be spending more on 15 toilets than the annual planned improvements to our 4,177 properties.

Financial implications:

To be confirmed.

Legal implications:

The motions on notice have been submitted in accordance with the Part 4 of the Council's Constitution – Rules of Procedure 10.1 Notice: Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by at least 5 members, must be delivered to the Chief Executive not later than 10 clear days before the date of the meeting.



Report to: Council

Date of Meeting 6 December 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Creation of constitutional working group

Report summary:

To invite members to approve the creation of a member constitutional working group to be consulted and to inform a review of the Council's constitution.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

- (1) That Council agree to the setting up of a constitutional working group made up of nine members of council.
- (2) That Council nominate members to the constitutional working group in accordance with the proposals outlined in this report.

Reason for recommendation:

To ensure that there is Member involvement in the review of the Council's constitution at a formative stage.

Officer: Melanie Wellman 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

If choosing High or Medium level outline the equality considerations here, which should include any particular adverse impact on people with protected characteristics and actions to mitigate these. Link to an equalities impact assessment form using the [equalities form template](#).

Climate change Low Impact

Risk: Low Risk; As this report relates to the creation of a working group, the risks arising are low.

Links to background information None

Link to [Council Plan](#)

Priorities (check which apply)

☐ Better homes and communities for all

☐ A greener East Devon

☒ A resilient economy

Report in full

The Monitoring Officer and Democratic Services Manager are due to commence a review of the Council's Constitution and are seeking the creation of a constitutional working group of members that can be consulted and who can influence the direction of revisions to the Council's constitution before they are presented to Full Council for approval.

Due to the size of the Constitution and the amount of work involved, the aim will be to prioritise key areas such as the Officer Scheme of Delegation, Council Procedure Rules and the Member/Officer Protocol to enable these to be updated, as appropriate, in time for the 2024 Annual Council. The review will then continue beyond May 2024 to consider other sections of the Constitution.

It is proposed that the working group is made up of nine members of Full Council, to be chaired by the Portfolio Holder for Communications and Democracy. To enable maximum flexibility, it is proposed that the group is an informal working group, to enable it to meet during the day via Zoom and to ensure that all political groups can be represented.

Members are invited to approve the creation of the working group and to nominate members as follows:

Democratic Alliance Group: 4 members (including Portfolio Holder)

Conservative Group: 2 members

Independent Group: 1 member

Labour Group: 1 Member

Independent Councillor Group: 1 Member

Financial implications:

There are no financial issues to be added to this report.

Legal implications:

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

Report to: Council



Date of Meeting 6 December 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Membership of Panels, Forum and Joint Bodies

Report summary:

To consider the Terms of Reference and membership of the Seaton Beach Management Plan Steering Group and appointment of members to the group.

To also consider the appointment of the Portfolio Holder for Coast, Country and Environment to Chair the Exmouth Beach Management Plan Steering Group.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

To agree the Terms of Reference for the Seaton Beach Management Plan Steering Group and the membership of the group.

To agree to appoint the Portfolio Holder for Coast, Country and Environment to the Exmouth Beach Management Plan Steering Group.

Reason for recommendation:

To ensure compliance with the Council's Constitution in setting up a Joint Body and appointing members to serve on them.

Officer: Andrew Melhuish (andrew.melhuish@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

The role of the Steering Groups are to advise on the development and delivery of the Exmouth Beach Management Scheme and Seaton Beach Management Scheme and update the Beach Management Plan project by East Devon DC to act as a 'critical friend' throughout both projects.

Climate change Low Impact

Risk: Low Risk; The Steering Group will ensure that the project is reviewed to minimise any impacts on the Council.

Links to background information None.

Link to [Council Plan](#)

Priorities (check which apply)

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

Report in full

The Council Constitution requires that the makeup of panels, forum and Joint Bodies is considered by Council.

At the Annual Meeting in May 2023 a number of appointments with councillor nominations were made. Since that time a request has been submitted to set up a Seaton Beach Management Steering Group and the attached terms of reference set out the proposed membership of the group (Appendix 1).

The membership of the Exmouth Beach Management Steering Group was agreed at Annual Council in May 2023 and it is necessary to appoint a Chair of the steering group, namely the Portfolio Holder for Coast, Country and Environment.

Financial implications:

Attendance by Councillors appointed to outside bodies will be an approved duty for the purposes of the Council's scheme made in accordance with the provisions of the Local Authorities (Members' Allowances) Regulations. This means that travel and subsistence claims may be made in respect of expenses incurred where councillors attend outside bodies which can be met from existing budgets.

Legal implications:

Appointments to Outside Bodies may be made under the general power in Section 2 of the Local Government Act 2000 - to do anything which is likely to promote the economic, social or environmental wellbeing of the area, unless specifically prohibited.

Seaton Beach Management Plan – Project Steering Group

Terms of Reference

The role of the Steering Group

The role of the Steering Group is to advise on the development and delivery of the Seaton Beach Management Plan project (*the Project*) by East Devon DC (*the Client*) and their consultants (*the Consultants*) to act as a 'critical friend' throughout the project.

Responsibilities

The Steering Group will be responsible for :-

- Commenting on the aims and the objectives of the Project.
- Providing advice and guidance as appropriate to the Client on developing, delivering and monitoring the Project to ensure that it is delivered in accordance with the contract, the project plan and budget.
- Provide community input to the project, including the identification of opportunities and constraints.
- Provide advice on regulatory issues as appropriate.
- Provide appropriate documents and information to support the development and delivery of the Project.
- Providing a forum for discussion of issues and progress at high level across the different project stakeholders.
- Provide advice on key decisions about the project. Advise on project papers at different stages, as provided by the consultant.
- Provide communications and public relations support as appropriate.
- Recommending any further work required as part of the project.

Ways of working

- The Steering Group will meet a minimum of three times during the project
- Members of the Steering Group will receive the agenda and papers at least one week before each meeting. Members may ask for additional agenda items.
- Minutes of the Steering Group meeting will be taken and agreed by all members of the Group who attended the meeting.
- Actions will be clearly identified and progress monitored.
- The Steering Group will be chaired by the Portfolio Holder Coast, Country and Environment
- Meetings will keep to the pre-agreed agenda and allocated timings as far as possible.
- Appropriate time will be allocated to agenda items to allow debate by all relevant Steering Group Members.
- Members may be contacted between meetings for advice should the need arise.
- From time to time sub-groups may be formed to work on specific time-limited issues as appropriate.
- From time to time individuals may be co-opted to provide specific advice and expertise as required.
- If a Steering Group Member is unable to attend a meeting he/she should make every effort to identify a substitute.

Membership

- The EDDC representation on the Steering Group will be: Two Cabinet members, two Assistant Portfolio Holders and three Seaton ward members.
- The Steering Group will have members drawn from each project partner plus members from the community and affected groups, including:
 - BCP (Bournemouth Christchurch Poole Council) in a project management function
 - Contractor (following appointment)
 - Seaton Town Council
 - Seaton Town Improvement Team
 - Chamber of Commerce
 - Axmouth Parish Council
 - Axe Yacht Club – Harbour Service
 - Sea Anglers
 - West Seaton Residents Association
 - East Devon Fisherman's Association
 - Seaton Beach Hut owners
 - Parkrun
 - Jurassic Coast
 - AONB
 - National Trust
- Membership of the Steering Group will last for the length of the Project.
- Members of the Steering Group are expected to be actively involved in meetings and decision-making.

Advisors

Advisors exist to support the work of the Steering Group. Advisors can be drawn from organisations represented on the Steering Group or from external experts with relevant knowledge of the issues surrounding the project. Advisors can be called on by the Steering group as and when required.