

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Scrutiny Committee held at Online via the zoom app on 4 February 2021**

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

The meeting started at 6.00 pm and ended at 8.25 pm

#### **122 Public speaking**

There were no members of the public wishing to speak.

#### **123 Minutes of the previous meeting**

The minutes of Scrutiny Committee held on 10 December 2020 were confirmed as a true record.

#### **124 Declarations of interest**

Minute 129. Scoping of Section 106/CIL Issues.  
Councillor Eleanor Rylance, Personal, Broadclyst Parish Councillor.

Minute 129. Scoping of Section 106/CIL Issues.  
Councillor Iain Chubb, Personal, Devon County Councillor.

Minute 129. Scoping of Section 106/CIL Issues.  
Councillor Olly Davey, Personal, Exmouth Town Councillor.

#### **125 Matters of urgency**

There were no matters of urgency.

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

There were no confidential/exempt items.

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

There were no items called-in.

#### **128 Verbal update by Councillor Jung on role of the Coast, Countryside and Environment Portfolio Holder**

Councillor Geoff Jung, Portfolio Holder for Coast, Countryside and Environment gave a short introduction that outlined his key responsibilities within his Portfolio that included beach management schemes, recycling and waste, nature reserves and environmental health issues. Members' attention was drawn to the Sport, Leisure and Tourism within his Portfolio and were advised that this was no longer within his Portfolio and that a new Portfolio Holder for Culture, Tourism, Leisure and Sport had been created.

He referred to pandemic advising that it had affected every role within the Council and thanked all the Officers and subcontractors for keeping everything running and applauded the Countryside Team with the award winning Seaton Wetlands and the Waste and Recycling Team which had one of the best recycling rates in the country with over 60% now being recycled.

Councillor Jung said that part of his role was to look at how to adapt the coast to climate change and how to adapt the countryside to more people wanting to live and to visit. These areas included:

- Clyst Valley Regional Park.
- Seaton Wetlands.
- Lower Otter Restoration Project
- Exe Estuary and the Pebblebed Heaths
- Wild East Devon Project

The Chair invited Members to ask questions that had been submitted before the meeting. Fourteen questions had been received and are set out below, including responses to the supplementary questions which Councillors submitting questions were entitled to do.

Question 1 – In response to a question about consultation and financial support received from Crown Estates for the Sidmouth East Beach, Councillor Jung advised that up to 12 miles belonged to the Crown that the Council would need to obtain a maritime licence for to carry out any works below the high watermark. Funding for coastal protection would come from DEFRA.

Question 2 – In response to a question about when the Sidmouth Beach Management Plan work commence, Councillor Jung advised the start date was not far away and details of meetings would be provided on the website.

In response to a supplementary question about what counter measures were being taken on erosion, Andrew Hancock, Service Lead - Streetscene addressed the Plymouth Study and advised it was a planning tool to help drive future planning policy about how to help communities adapt in worst case scenarios. He advised the erosion rate in the Sidmouth Beach Management figures was not a worst case scenario.

Question 3 – In response to a question about what benefits had East Devon seen from the contributions to the South East Devon Habitat Regulations? Councillor Jung first outlined the remit of the South East Devon Habitat Regulations and advised that funding had been provided the Pebblebed Heaths and the Nature Reserves along the Exe Estuary including Lypstone.

Question 4 – In response to a question about what lessons had been learnt from last year regarding litter on the beach and the lack of sufficient bins at Orcombe Point and to confirm that this summer following the end of the current lockdown that the Service Plan will be adjusted to ensure that this type of demand is catered for financially in the budget assuming we have a similar summer. In response Councillor Jung confirmed lessons had been learnt and that Streetscene were ready with the possibility of another busy summer and that temporary staff would be employed to cope with demand. It was noted the waste tonnage collected last year by Streetscene, district wide, and was 786 tons compared to 692 tons the previous year which was a 7% increase.

Question 5 – In response to a question about how many electric charging points had been installed in East Devon and by whom, it was advised a figure of 168 units was

taken from the internet of commercial premises and offices in East Devon which included 16 charging point in the Streetscene Depots and 4 points at Blackdown House. Councillor Jung was pleased to announce that there would be a further 8 electric points installed in our car parks very shortly which would be discussed at the next Car Park Task and Finish Forum.

In response to a supplementary question about whether there was enough electric points for visitors and residents in East Devon, Councillor Jung believed there would be enough and advised when the time was right petrol stations would start to close and open up fast charging stations.

Question 6 – In response to a question about whether East Devon District Council had a full complement of Environmental Health Officers, it was advised there were current vacancies for an Environmental Officer and Environmental Manager post and recruitment was in progress for three further Officers, funded by Central Government that included an Covid-19 Compliance Officer.

In response to a supplementary question about whether Environmental Health was able to give sufficient advice to food premises in these difficult times, the Strategic Lead – Housing, Health and Environment advised there was a sophisticated risk assessment process that underpinned a lot of the work which worked very closely with the Food Standards Agency to ensure targets were reached.

Question 7 – In response to a question asking for elaboration on the support for turning a car park area adjacent to the new watersports centre in Exmouth into an area of open space for a perceived low rental income. Councillor Jung advised the temporary car park was designated amenity use and the Queen's Drive Committee agreed that the area should be grassed.

Question 8 – In response to a question about the reason why Maer Road Car Park was perceived empty when Maer Road, Maer Lane and Foxholes Hill are strewn with cars parked on double yellow lines as DCC Highways allow on-street parking during certain months. Councillor Jung advised he would this follow up with Devon County Council Highways.

Question 9 – In response to a question about the number of times when EDDC had prosecuted a developer for not complying with a construction environmental management plan, Councillor Jung advised although it was not within his Portfolio he had sought advice from the Planning Development Manager who advised there had been no prosecutions as the National Planning Policy Framework promoted negotiation before enforcement.

In response to a supplementary question seeking evidence to confirm that actions had been achieved from the Exmouth Beach Management Plan which was delivered in 2015 and cost the public approximately £250,000 and do you accept the plans to rewrite the East Devon Local Plan 2013 – 2031 adopted in 2016 which would be another considerable cost to the public.

The Service Lead - Streetscene advised that it was not a statutory requirement to have a beach management plan, but that it was good practice to have a plan and keep it up to date to assess the causes of erosion and the measures that need to be taken. The Exmouth Beach Management Plan had an actions section, of which many of the smaller actions had been undertaken, including trial pits along the sea wall to assess the integrity of the toe.

Members' noted that the largest outstanding action of the plan was that it was anticipated that the sediment beach level drop on the main beach would start to cause an issue in the 2020's. The Service Lead for Streetscene confirmed this was evidently now the case and highlighted that funding from DEFRA was predicated around primarily protecting residential property and that there was no residential properties at risk along the main beach, and as such grant funding was unlikely. He outlined that a scoping study is planned through the Streetscene Service Plan, and that this would be undertaken this year to look at future amenity beach replenishment and what those costs would be.

The Service Lead - Streetscene also advised about an Innovation Study Funding Submission with Devon County Council for coastal protection measures to trial in Exmouth that could accrete (hold) sand along some sections of the beach.

Question 10 – Concerns were raised that there were a number of areas that have houses built with wildlife areas which were under site management for five years only, after five years the land was then considered 'no man's land'. In response to a question about trees being at risk of being cut down in Exmouth which were not covered by a Tree Preservation Order (TPO), Councillor Jung confirmed that trees without a TPO or outside a conservation area on private land would be at risk and highlighted a bigger issue that if trees were on land without a landowner there would be no-one to issue the Tree Preservation Order to help protect the trees.

Councillor Jung advised that EDDC were looking at planting a lot more trees and said he would like to see a one stop shop to provide information on planting and cutting trees

Question 11 – In response to a question about how the charging of refuse bins collections to town/parish councils is determined as Cranbrook is charged £520/bin/year which is significantly higher than other town/parish councils, Councillor Jung said he understood the concerns raised but as the highways in Cranbrook had not yet been adopted by DCC Highways, they were currently owned by the Consortium.

Question 12 – In response to a question about the management of SANGS and whether Cranbrook Town Council could manage their own SANGS, Councillor Jung advised that Council policy on delivery on the expansion of the town is detailed in Policy CB15 of the Cranbrook Plan which states it is for the developers to accompany their applications for a management strategy to detail how the SANGS are to be managed.

Question 13 – In response to a question about the increase in fly tipping in the last year and how many people have been prosecuted, Councillor Jung advised last year there had been 497 reported cases of fly tipping compared to 558 this year. He confirmed there had been a total of 17 fixed penalty notices served, resulting in 10 notices being paid in full and 7 unpaid notices due to insufficient evidence during investigation.

In response to a supplementary question about working with Devon County Council to provide security cameras outside recycling centres to deter fly tipping when the centres are closed, The Service Lead - Streetscene advised he would follow this up with Devon County Council's Waste Manager. He advised DCC do investigate cases of fly tipping outside the gates of their HWRCs, but at Sutton Barton was not aware of cameras.

Members' were made aware of a possibility of using safety cameras on the Suez fleet to catch people who litter and fly tip when they are out and about which would greater increase the chances of catching some of these people.

Question 14 – In response to a question raised about the aims and vision for Wild East Devon, Councillor Jung advised for East Devon to be a leading organisation in the delivery of species recovery, health and well-being improvements, outdoor learning and nature connectedness, this has to be achieved with a focus on habitat and access management along with innovative public engagement programmes which is an initiative driven by Councillor Marianne Rixson.

In response to a supplementary question to seek clarification on the delivery a new visitor infrastructure to Seaton Wetlands on page 3, item 8 of the Service Plan, Councillor Jung advised that it was considering visitor/information centre and a café similar to what the National Trust provides in their areas.

The Chair invited one further question as follows:

In response to a question about the use of double bins by some households and what was being done to promote recycling, The Service Lead - Streetscene advised when these cases are reported there was often a legitimate reason for the use of more than one bin. He identified the need for public participation and to make recycling as easy as possible providing leaflets and information and engagement to residents. Members' were made aware of a request for an additional staff member to help tackle unauthorised capacity.

## 129 **Scoping of Section 106/CIL Issues**

The Service Lead – Planning Strategy and Development Manager updated Members on the findings of the SWAP audit on the current spend to help Members understand the appropriate arrangements that were in place to manage receipt and expenditure of Section 106 and CIL contributions.

The following keys issues were highlighted with actions agreed:

- Over 1,200 actions were outstanding on the current database system.  
In response the Service Lead – Planning Strategy and Development Manager advised the action agreed through audit was to advertise for six month temporary post to get the system up-to-date. Members' noted that in terms of outstanding action most were various administrative tasks and only 7% related to payments needing to be invoiced or chased. No monies had been lost as a result of delays of those actions.
- Not all demand notices had been raised in a timely manner and concerns were raised about the recovery process.  
In response the Service Lead – Planning Strategy and Development Manager advised that this was the result of a resourcing issue and when the resource was in place this would be prioritised.
- Out of date Participatory Budgeting Guide.  
In response the Service Lead – Planning Strategy and Development Manager confirmed this had been completed and was published on the website.
- Town and Parish Councils not being advised on how much S106 monies had been collected.  
In response the Service Lead – Planning Strategy and Development Manager updated Members about a public facing module via the Exacom System that would provide free access to information which would be available on the website by the end of March 2021.

The Chair invited comments from Non-Committee Members.

The Leader showed his appreciation for the SWAP report and said it was reassuring moving forward but raised concerns about why the under resourcing issue had not been identified in the management structure for so long.

The following comments were raised by Committee Members:

- It was highlighted that approximately 2 years ago concerns had been raised in a Scrutiny Committee about the welfare of the Officer in question working alone in an office for 18 months inputting data. In response the Service Lead – Planning Strategy and Development Manager advised there had been 2 additional Officers in post to assist the S106 Officer but unfortunately they did not see the project through to completion. Through discussion with the S106 Officer it was felt that she could complete the project alongside her other work. Experience over time had demonstrated that this was not the case with the combination of being pulled to help with the Community Hub during the first Covid lockdown.
- Concerns raised about the participatory budgeting process being resource intensive and whether it was fit for purpose. In response the Service Lead - Planning Strategy and Development Manager confirmed it was resource intensive but highlighted major benefits in engagement with the public in terms of design of the play area and sports and open space resulting in the delivery of successful spaces valued by communities.
- Concerns raised about the S106 Officer always being taken off the job if something else needs doing.
- The two temporary Support Officers did not have the expertise to do the job.
- Concern was raised that as an important role within the Council it should not be 100% dependent on one Officer. What happens if that Officer is off sick or on holiday or they are seconded?
- Welcomed the SWAP report for a clearer process for town and parish councils to follow.
- It was noted that an important word was missing from bullet point 3 and words were repeated in bullet point 5.

**RESOLVED:**

1. That the findings of the SWAP audit into Section 106/CIL and the recommendations made in the audit report be noted.
2. That a review of the S106 spend and participatory spend process forms part of the draft Service Plan for Organisational Development be noted.
3. That the review of the S106 spend process go to Overview Committee for consideration be agreed.

130 **Forward Plan**

2 Scrutiny Forward Plan proposal forms were received.

Members considered a proposal form received from Councillor Helen Parr on staff morale, mental health and wellbeing in view of the Covid pandemic and other pressures on Officers.

During discussions the following points were noted:

- The Leader advised that as there was a staff survey currently in progress it should be a matter for Overview to consider.

- The Chair suggested that the Chief Executive could attend a future Scrutiny Committee to update Members on the results of the staff survey
- Members debated whether it should be Scrutiny Committee or Overview Committee that should consider the proposal. In response the Chief Executive advised that he would bring a report to Cabinet in due course and would discuss the matter with the relevant Portfolio Holder. He clarified that the role of the Scrutiny Committee was to look at morale and other issues that may impact on performance and the role of the Overview Committee was to look at policy development.
- The Chief Executive advised he was happy to bring a report to the Scrutiny Committee.
- This is a serious matter and should be examining many angles.
- Clarification sought on why some Members did not want the Scrutiny Committee to consider the proposal. In response the Chair confirmed he would like Scrutiny to consider the proposal.
- Clarification sought from Legal about whether it should be considered by Scrutiny or Overview. In response Anita Williams advised it could be considered by either Committee and suggested that because there was an issue with time and a duplication of resources it could be considered at a joint Overview and Scrutiny Committee.
- The need to look at provision for staff that are dealing with stress or other issues resulting from the pandemic;

**RESOLVED:**

1. That the proposal be put on the Scrutiny forward plan and scoped.
2. That Members invite the Chief Executive to come to a meeting as soon as possible to give his views on the situation to explain what he thinks needs doing and what he thinks can help.

Members considered a proposal form received from Councillor Val Ranger on the role of Planning Enforcement to consider scrutinising the performance of the council in relation to this area to ensure it is sufficiently resourced.

Members concurred their support.

During discussions the following points were noted:

- There was a need to look at the proposal and try and get as many different people to ask questions and as many people to answer those questions, particularly those involved in enforcement.
- The Chair of Planning Committee confirmed there were issues with planning enforcement and suggested the need to look at additional resources.
- The need for a better understanding of regimes and policies centred on Planning and the need to understand the way Central Government manages and inhibits district councils.

**RESOLVED**

1. That a report on the planning enforcement process should come to Scrutiny Committee so that Members can ask questions and fully understand the forces at play be agreed.
2. That Scrutiny Members consider whether the Planning Enforcement Team are fully resourced be agreed.

**Attendance List**

**Councillors present:**

C Brown (Chair)  
V Ranger (Vice-Chairman)  
E Rylance  
M Chapman  
I Chubb  
A Colman  
O Davey  
S Hawkins  
F King  
H Parr  
B Taylor  
C Wright

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

M Armstrong  
P Arnott  
J Bailey  
K Blakey  
F Caygill  
B De Saram  
A Dent  
P Faithfull  
P Hayward  
N Hookway  
B Ingham  
S Jackson  
G Jung  
D Ledger  
K McLauchlan  
M Rixson

**Officers in attendance:**

Ed Freeman, Service Lead Planning Strategy and Development Management  
John Golding, Strategic Lead Housing, Health and Environment  
Andrew Hancock, Service Lead StreetScene  
Wendy Harris, Democratic Services Officer  
Sarah Jenkins, Democratic Services Officer  
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)  
Mark Williams, Chief Executive  
Rebecca Heal, Solicitor

**Councillor apologies:**

V Johns  
T McCollum

Chairman .....

Date:

