

## **Meeting of Council on 24<sup>th</sup> February 2021**

### **Agenda Item No 8**

#### **Questions by Members to Full Council under Procedure rule 9.2**

##### **Question 1: Procedure Rule 9.2 to the Portfolio Holder for Homes & Sustainable Communities from Councillor Maddy Chapman**

In relation to Domestic abuse during the pandemic, we are told that across the country this has become a problem. As a council I feel we should at least have a clear idea of the depth of the problem in our area so we can respond as required. There are a number of units and helplines, police, SARCs, victim support, women's aid, broken rainbow, voice UK, Childline, victim care unit, amongst others to deal with domestic violence, so my question is can we please have a report on this, and why do we not have a safe house even if this would only be temporary, as these victims become homeless, although no fault of their own, a terrible situation to be in.

##### **Answer:**

When Women's Refuges were largely decommissioned nationally some years ago, we forged a partnership with Splitz who introduced the 'Place of Safety' model. Splitz (Devon Domestic Abuse Support Service) are the current commissioned Domestic Abuse support provider in Devon.

EDDC have a very good working relationship with Splitz, and we work in partnership to provide a Place of Safety in the East Devon area.

There needs to be a number of different options for people suffering domestic violence as one size does not fit all. Certainly, hostel type accommodation with communal living isn't ideal for those with children or additional support needs, for example.

We have a range of available immediate options open to us when dealing with approaches from victims of domestic abuse, including our Sanctuary Scheme, referral to Place of Safety, referral to Refuge, temporary accommodation, and longer term options, including assistance with the Rent Deposit Scheme into the private sector or social housing via Devon Home Choice.

At present, there is a Place of Safety in East Devon and Mid Devon, and the hope that other Local Authorities would also come on board to provide the same in their areas. There were several Housing Associations that also were interested in providing properties.

We have experienced barriers referring people to refuges when they are so far away. Many people are fleeing, but they do not wish to be moved so far away from their support network. The closest refuges to East Devon are Torquay, Plymouth, North Devon. Each case is different, the nature and severity of the abuse will determine what options may be suitable. It is invariably difficult to identify a refuge placement, however, a victim of domestic abuse can approach any Local Authority to make a homeless approach when fleeing domestic abuse, and trigger an emergency accommodation duty.

**Question 2: Procedure Rule 9.2 to the Chair of the Council from Councillor Paul Millar**

To ask the Chair of the Council, whether she would consider organising a training session to help Councillors understand the limitations of the use of Points of Order, in order to help ensure Members who wish to make fresh points at meetings are given a fair opportunity to speak on items.

**Answer:**

The Constitution, point 12.12, page 125, sets out the proper use of Points of Order as follows: *A Member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chair on the matter will be final.*

The Monitoring Officer is happy to provide further help if required. Members must not try to use a Point of Order to interrupt a meeting and make fresh points. When and how Members can speak is set out in the Constitution in the Rules of Debate.

**Question 3: Procedure Rule 9.2 to the Portfolio Holder for Sustainable Homes & Communities from Councillor Paul Millar**

What actions is she taking on a strategic level to reduce the number of local residents on the social housing waiting list in East Devon.

**Answer:**

The recently published Statement of Intent prioritises Better Homes and Communities for all. This is all about delivering on our ambition for increasing the supply of social and affordable housing, and providing housing options for people in housing need.

Furthermore, our Housing Strategy is geared around an ambition of a decent home for all. Flowing from this our Housing Service Plan, Homelessness Strategy; Housing Revenue Account Business Plan and a number of our policies, including the Devon Home Choice policy, adopt a consistent theme of ensuring our residents are suitably housed in good quality, affordable housing, suitably in size and location – linked to our Service purpose - the Right People in the Right Home.

Increasing the supply of social and affordable housing is our goal whether through housing association activity or our own programme of acquisitions. Both sources will contribute towards reducing numbers on the waiting list/housing register. Our housing enabling role is geared around supporting and facilitating social housing providers deliver affordable housing projects and this includes Community Land Trust and Rural Exception schemes.

In addition, we assist households in need access to the private rented sector where their housing need can be satisfied in this way. We can assist with rent deposits and access to benefits, where required.

I am also lobbying for ending the Right to Buy which perversely reduces the amount of social housing at a time when it is needed most.

#### **Question 4: Procedure Rule 9.2 to the Leader of the Council from Councillor Ian Hall**

Given our roles have changed and enhanced significantly since the Pandemic began, why is EDDC not looking at the issue of enhanced DBS checks for all members of this Council, since this was last considered. More and more, we are being asked to become involved in 'front line' requests, which potentially put both our constituents and Councillors at risk and we need proper checks and balances to reassure them and us.

#### **Answer:**

I have been in contact with our Monitoring Officer to discuss this and thank him for providing the factual context for this answer, the content of which I note has been provided fully on a number of occasions before.

In 2017, Cabinet received a report regarding DBS checks for district councillors written in the context of safeguarding children and vulnerable adults and specifically whether members could be said to be carrying out a regulated activity (being the threshold that permits a standard or enhanced DBS check to be obtained) in relation to them. The report concluded there was no legitimate basis for district council members to be required to be subject to a standard or enhanced checks, given that they are not carrying out a regulated activity.

While carrying out a 'basic' check remained a possibility, in that there is no criteria to satisfy before being able to do so, concerns over data protection and human rights issues, when coupled with the limited benefit of a basic check, led to the conclusion that it was not appropriate to make this mandatory. The report concluded that members could be encouraged to undertake checks on a voluntary basis and the results published on the Council's website if the member wished.

In 2017 Cabinet resolved '*that the Council does not require councillors to have a basic criminal records check for the reasons detailed in the report but encourages them to do so voluntarily in the context of safeguarding vulnerable adults and children*'. This remains the current position and some members have chosen to undertake a basic check and have it published on the Council's website.

Cllr Hall mentions that since the 2017 report was written COVID-19 has happened and considers that this raises the question as to whether this changes the position in some way. However there has been no change to the Conservative government's legal framework and the advice given by the Monitoring Officer at the beginning of the pandemic was that that there continued to be no basis for requiring checks of the members by the District Council.

This was because the Council was not directing members to give assistance – it was / is being offered by them in their ward member / personal capacities – and because the contact restrictions / social-distancing requirements meant that the threshold for a regulated activity being crossed would only likely arise where direct assistance was being given to vulnerable adults with their money / shopping. In reality the risk profile for the District Council was reduced due to the specific circumstances around COVID-19.

Having discussed this with the Monitoring Officer it is clear that there is still no legal basis to be requiring members to be subject to having standard or enhanced DBS checks as it stands. If this remains a concern for Cllr Hall I would suggest he approaches Neil Parish MP to seek assistance in a government review of current enhanced DBS policy.

**Question 5: Procedure Rule 9.2 to the Portfolio Holder for Finance from Councillor Andrew Moulding**

I note that 23 new bids have been accepted for the Capital Programme this year, amounting to over £1.7 million. There is nothing for Axminster. Can he tell me if any projects for Axminster were discussed at preliminary meetings over capital allocations?

**Answer:**

Not aware of any preliminary meetings. The Budget Setting & Capital Allocation Panel met on 1<sup>st</sup> December to consider bid proposals formulated by officers across services of the Council for possible inclusion in the 2021/22 capital programme. This time round there are no items to be considered from Axminster. The majority of the capital bids are constructed from service maintenance and replacement schedules on existing assets from a work programme based on asset condition. I note in previous years this has included assets in Axminster but it will depend when officers believe works are required to be scheduled.

**Question 6: Procedure Rule 9.2 to the Chair of the Council from Councillor Mike Allen**

The Health and Safety at Work act legally requires a risk analysis in every organisation such as ours. Having explored what we do, I found that we have no up-to-date stress risk analysis which is essential in the current circumstances.

Why did the Chair of Council consider this of so little importance that the motion for this Council asking for such a stress risk analysis update was deferred to April at the earliest?

**Answer:**

Cllr Allen was sent an explanation by email on 16<sup>th</sup> February and has been free to raise this issue with the Head of Paid Service at any time, if he deemed it an urgent legal matter.

**Question 7: Procedure Rule 9.2 to the Leader of the Council from Councillor Mike Allen**

Were you consulted by the Chair of this Council or discuss with her ignoring my motion on the expected impartiality of this role (as set out in the EDDC constitution), excluding it from the Full Council agenda, whilst at the same time accepting an overtly politically biased motion criticising one of our local M.P.s, the Government and others for failings of EDDC?

**Answer:**

The Chair consulted me, as Leader, as well as the Chair of Scrutiny and the CEO, as per the Temporary Rules of Procedure. She then made her considered decision, with reasons. All proposers were then informed of the decision to defer three of the four motions to the April meeting. I understand from the Chair that you did not respond to her email regarding the deferment of your two motions.

**Question 8: Procedure Rule 9.2 to the Leader of the Council from Councillor Mike Allen**

To what extent has work reorganization brought about by lean working and flexible working during autumn and winter 2020 impacted on stress reported symptoms, absences, and complaints among Council staff? What have managers done to update the stress risk analysis?

**Answer:**

I am advised by the CEO that EDDC's adopted work review process is systems thinking rather than lean working and this has had a minimal impact on stress related symptoms during the period in question. Similarly, flexible working has actually helped staff cope with workload issues during the latter part of last year as it has facilitated home based working.

Stress at the organisation level has not been a noticeable factor for the organisation in terms of any of the staff surveys we have carried out over the years. Where it has been stated as a reason for absence we have conducted an individual stress risk analysis with the individual concerned and addressed the issue on that basis.

**Question 9: Procedure Rule 9.2 to the Leader of the Council from Councillor Phil Twiss**

Despite multiple assurances from May 2020 from the Democratic Alliance this Council has yet to see anything resembling a manifesto or an updated, fully costed Council Plan flowing from that. Can we expect to see both soon?

**Answer:**

As confirmed when the Statement of Intent was adopted we expect to commence work on the new Council Plan in March with a series of facilitated member workshops

**Question 10: Procedure Rule 9.2 to the Leader of the Council from Councillor Phil Twiss**

Do you agree with The Conservative Group that the Standards regime needs strengthening to improve behaviour in Councils and all Councillors following the Committee on Standards in Public Life (COSIPL) review?

**Answer:**

I am pleased to hear that the Conservative Group is looking to improve member behaviour.

As Cllr Twiss is aware from his role on the Standards Committee, considerable work has been done to update the Constitution and Code of Conduct. Changes are due to be brought for implementation in May.

## **Question 11: Procedure Rule 9.2 to the Leader of the Council from Councillor Mike Allen**

The [Management of Health & Safety at Work Regulations](#) were made to enforce the Health & Safety at Work Act 1974 and provide employers with a set of duties which help maintain a happy, healthy and safe workplace.

The duties imposed on employers include:

- The need to carry out [Risk Assessments](#) to ensure the safety of their employees or anyone else who may be affected by their work. If they employ 5 or more people, then any significant findings need to be written and recorded and mitigation measures put in place
- To always apply and adhere to the General Principles of Prevention, sometimes known as the Hierarchy of Risk Control
- to ensure that mitigation measures are understood by employees and managers

Enquiries have shown gaps in our systems relating to stress management We want to know urgently how the Council has carried out stress risk assessment for office-based employees, home based employees and those working outside and what mitigation measures are in place according to these legal regulations

### **Answer:**

I am advised that this is a very complex area and requires a knowledge of the causes of stress reported symptoms. Equally, not all stress symptoms are reported.

Our intention is that through a proactive approach and having a 'Happy Healthy Here' workplace we mitigate the risk of unacceptable stress being a factor in our workplace culture. The proactive measures being taken to prevent stress and stress related absence are all the good practice platinum IIP practices in place such as: Mental Health First Aiders; support from HR; employee assistance programme; stress risk assessment tool; disability impact assessment tool; ongoing Happy Health Here initiatives and messages publicised in weekly Stay Connected; numerous virtual training courses held; management charter; good job design; flexible working policy; grievance policy which include informal resolution through mediation; encouraging people to use their leave entitlement; conducting staff surveys; one to one meetings; PER process etc.

Our approach to risk assessment in general is as follows:

- Workstation assessments are undertaken for all office-based staff. The onus is on the individual to complete their mandatory eLearning course and conduct a self-assessment which they then discuss with their manager.
- In May 2020 we issued "Worksmart – the new normal" which included details of our refreshed approach to DSE/workstation assessments for homeworking during the pandemic – employees have been encouraged to conduct self-assessments and provisions were later implemented to enable staff to borrow ICT and office equipment from Blackdown House and Exmouth Town Hall to support individuals in their home environment. We continue to refer more complex musculoskeletal needs to Occupational Health for an ergonomic assessment.
- Over the course of 2020 in response to government 'COVID Secure' guidance, locational and operational safe systems of working with coronavirus were introduced and implemented

- Later in the year, individual COVID risk assessments were implemented to reinforce safe systems of working at a personal level

I am advised that EDDC's approach to managing stress related absence for all employees includes:

- Where employees are absent due to stress, managers first seek to understand what is contributing to this. Knowledge of contributory factors is therefore reliant on the employee articulating this.
- Where work is identified as a contributory factor, managers and employees can conduct an individual stress risk assessment aimed at specifically identifying triggers and measures to resolve this. They may or may not use the template provided for this. What is important is to understand the contributory factors, and where these are impacted by work, identify potential solutions and agree actions to be taken. We may also seek an Occupational Health referral depending on the facts of the case.
- Where work is not a contributory factor, employees are signposted to their GP, the employee assistance programme and TalkWorks or other agencies depending on the facts of the case.
- The approach is bespoke to the individual case – there is no 'one size fits all' process

### **Question 12: Procedure Rule 9.2 to the Chair of the Council from Councillor Mike Allen**

Can the Chair of Council please explain her thinking in considering the proposed motion on risk analysis I sent to be debated as a legal issue of urgency was less important than the motion on High Street Fund.

#### **Answer:**

Cllr Allen was sent an explanation by email on 16<sup>th</sup> February. If he judged the matter to be urgent he should have raised the topic immediately, with the Head of Paid Service, rather than wait until a motion could be debated at full Council.

### **Question 13: Procedure Rule 9.2 to the Portfolio Holder for Strategic Planning from Councillor Phil Skinner**

Would Cllr Ledger agree with me that there is now a severe lack of affordable employment space in East Devon on our existing sites, that through our local plan and pressure from the pandemic, that both the expansion of existing businesses as well as new business is paramount and as a matter of urgency, would he consider setting up a working party to look into this issue so as we can gain an actual understanding of where we are and perhaps adjust our policies to better reflect a more flexible approach on maintaining job retention with already successful businesses that are looking to expand and also the ability to deliver new ones in East Devon.

**Answer:**

There is a huge amount of work going on to address the needs of our business community both within the Enterprise Zone and across the rest of the district. Within the Enterprise Zone we have seen the recent delivery of the Ada Lovelace building at the Science Park and the Amazon depot at Exeter Logistics Park with more in the pipeline. This includes the Airpark site which will be unlocked as a result of the Council's investment in the Long Lane enhancement scheme. Recent decisions at Cabinet have shown a way forward for the delivery of business spaces in Cranbrook Town Centre as well. There is also work going on to masterplan the Hayne Lane employment allocation at Honiton and to deliver employment space in Axminster and Seaton including utilising Council assets. This shows our commitment to working proactively to deliver the strategy for employment land provision in the adopted Local Plan.

Looking ahead the delivery of employment spaces is a key issue for the new Local Plan and our economic recovery from the Covid-19 pandemic. This is one of many reasons why producing a new Local Plan is so important. I am keen for these issues to be discussed by the Strategic Planning Committee as a whole rather than a working party to ensure as wider engagement as possible and an open and transparent discussion in public. A series of topic papers covering the key issues for the Local Plan will be coming to meetings of the committee over the coming year and the delivery of employment land will be a key issue for these to cover.

**Question 14: Procedure Rule 9.2 to the Portfolio Holder for Strategic Planning from Councillor Phil Skinner**

Having had a conversation with our planning team, it appears we have an extremely high volume of planning applications coming through the system. On trying to identify what that is, there appears to be quite a lot regarding home/office type of accommodation within residential gardens for obvious reasons.

Would the portfolio holder be prepared to look into this issue to see if there were any ways of simplifying the process both for the applicant and our planning officers in what is surely a relatively simple planning process, again through the Strategic Planning policy Committee.

**Answer:**

The planning team have seen unprecedented numbers of applications in the system in recent months and we are doing everything we reasonably can to ensure that the team is suitably resourced and that the staff are fully supported.

The process for handling householder applications for extensions and outbuildings was streamlined following a systems thinking review a few years ago and is as simple and efficient as it can be. We also established a dedicated householder team to fast track these applications through the system and the team was bolstered a few months ago to help to deal with the current demand levels.

The government have also introduced far reaching permitted development rights in recent years that have also meant that fewer household extensions need permission than ever before and many of those that do go through a simple prior notification process rather than a full planning application.

We will continue to seek to improve and streamline processes to ensure that we are operating as efficiently as possible but this is an operational matter and not something for Strategic Planning Committee.

**Question 15: Procedure Rule 9.2 to the Leader of the Council from Councillor Helen Parr**

Re minute 309 Cabinet 20 January 2021 Mental Health Challenge for Local Authorities

In his email, 19 January 2021 to all members Cllr Arnott wrote,

“Finally, for the information of members, we will be taking a late and urgent item regarding a report that was in the pipeline with recommendations about the possible appointment of a Mental Health Officer to sit alongside our Public Health Officer at Cabinet tomorrow. It is perfectly clear after Thursday that this must now be an urgent matter at Cabinet.”

Although it is unclear when he first knew of a draft report for Cabinet, we do know it was ready as a draft last autumn.

Can he please explain why it only became clear... ‘after Thursday’...that this must now be an urgent matter.

**Answer:**

I am delighted that since the end of last May - and in the context of the corporate and financial challenges excellently faced by our officers – this administration has managed to find time to work together with them to address the many issues of the mental health and well-being of both members and officers. There is no doubt that individuals from both groups - in the context of extraordinary demands - have been pushed to the brink.

I was extremely concerned by reports of this, and so we asked John Golding, the Strategic Lead - Housing, Health & Environment, to draw on some research already performed by members and to draft a report on Mental Health. The first draft went to SMT+ for consideration during October 2020. The PH Holder, Cllr Armstrong, Cllr Millar, who had done much research, and I were sent the draft on 28<sup>th</sup> October 2020.

During an informal meeting of officers and Cabinet in November, Cllrs Armstrong and Bailey expressed their opposition to making the suggested appointment of a Mental Health officer. I admit to having been surprised by this, but clearly the report needed further thought. Mr Golding then did some more work around the actual job description for the member of staff and the practicalities of the role proposed.

During this time I was delighted that Cllr Tony Woodward agreed to take on a new role as Member Champion for Mental Health.

I hoped that with further clarity this would win support of Cabinet, and Cllr Parr will remember that I added this to the agenda at the first available opportunity in a highly crowded programme at the second January Cabinet. It was clear to me that this required calm debate being such a sensitive subject, and although Cllrs Bailey and Armstrong were initially opposed even then (as was their right) after a well-informed discussion the idea was resolved, albeit that permission of council must be sought for funding at Cllr Bailey and Armstrong’s request for a 1-year fixed term. This was then unanimously approved by Cabinet.

For Cllr Parr's information, it was resolved:

1. that the Council adopt and sign up to the Local Authority Mental Health Challenge;

2. that the appointed Mental Health Member Champion have regard to the guidelines contained in the Local Authority Mental Health Challenge in carrying out their role;
3. that a Lead Officer is identified and additional officer capacity is approved to further support staff and facilitate positive mental health for elected members;
4. the commitment is captured in the updated Council Plan and in our Public Health Strategic Plan, and
5. that the new officer act as a liaison between the council and other authorities and outside bodies concerned with mental health, as well as the new mental health officer within EDDC housing team and the Mental Health Member Champion. This is to ensure that they have the most current and up to date advice to assist members and officers with signposting should members of the public approach them for assistance.

It was RECOMMENDED to Council:

6. To approve the Lead Officer role on the basis of a 1-year fixed term post and the necessary budget of circa £50k be taken from the £700k funding provided by Government in relation to COVID.

REASON: To take forward the Cabinet's request to further explore the Local Authority Mental Health Challenge and assess the implications of adopting the actions set out in the challenge.

In conclusion, this important matter was discussed and shaped between members and officers over several months prior to appearing on the Cabinet agenda, to ensure that we had a relevant, deliverable and considered response to concerns raised by one. It was important to ensure that we build on existing good practice within the Council, identify gaps and areas for improvement, rather than a 'knee jerk' reaction especially given the prominence of mental health issues at present both in our own lives and in the media currently.

This considered approach comes from a genuine desire to develop a sustainable plan for maintain good mental health amongst members and officers. I am very proud that this administration has made such firm strides in this desperately important matter in just a few months and I trust Cllr Parr is supportive of these initiatives.

I would like to thank John Golding, Cllr Millar and Cllr Woodward for their initiative and work in this area of key concern.