

Meeting of Council on 28th April 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 Democracy & Transparency from Councillor Paul Millar

To ask the Portfolio Holder for Democracy & Transparency, with reference to Part 52, Paragraph 7.2 of the Constitution (Code of Conduct for Employees, 'Personal Interests'), in the central register held by Democratic Services how many Council officers have declared (a) friendships with Council contractors, (b) interests in businesses or community groups which 'might benefit from Council activity', (c) own a house or property which 'might benefit from Council activity', and (d) membership of private organisations which does not have a formal membership but has a commitment of allegiance and secrecy about its rules, membership or conduct, including freemasonry.

Answer:

All staff complete a register of interest (and are reminded annually to review it) and these are held centrally by Democratic Services. There are currently 489 employees and it has not been possible to review every single register of interest to give specific numbers in answer to the question in the time available. A written answer will be provided once the work has been completed.

Question 2: Procedure Rule 9.2 to the Portfolio Holder for Democracy & Transparency from Councillor Paul Millar

To ask the Portfolio Holder for Democracy & Transparency, does the form filled in by officers centrally held by Democratic Services presently ask officers to declare formal memberships of outside bodies, professional bodies, trade associations, and clubs in which the officer is a member or office holder.

Answer:

Included within the form are boxes covering 'Other Bodies' which requires disclosure of any personal or non-financial interests where a conflict could arise with the Authority's interest (e.g. acting as a manager or governor of a body maintained by the Authority, involvement with an organisation receiving grant aid from the Authority, involvement with an organisation or pressure group which may seek to influence the Authority's policies)) and 'Membership of Secret Societies' which requires disclosure of any membership of secret societies which are 'Any lodge, chapter, society, trust or regular gathering or meeting, which:

- (a) is not open to members of the public who are not members of that lodge, chapter, society or trust
- (b) includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, trust, gathering or meeting; and
- (c) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering or meeting.

Question 3: Procedure Rule 9.2 to the Portfolio Holder for Coast, Country and Environment from Councillor Sam Hawkins

Will the Portfolio Holder, Coast, Country and Environment commit to ensuring that Streetscene charges for public waste bin emptying will be changed to a uniform, level charge for all its town and parish council customers, in the interests of fairness and simplicity?

Answer:

EDDC is not required to provide any public litter and recycling bins, but does so as a sensible part of meeting its duties under the Environmental Protection Act 1990 and the Code of Practice for Litter.

<https://www.legislation.gov.uk/ukpga/1990/43/section/89> Section 89 sets out that we are responsible for highways land (which means once adopted) and relevant land (Land councils must keep clear - Council litter authorities are responsible for land where all of the following apply:

It's open to the air on at least one side

It's under their direct control

It's publicly accessible (with or without payment)

This is called 'relevant land'. Relevant land includes beaches (above the average high water mark).

On other land, the land owner is responsible for the litter clearing duties. On relevant land EDDC cleans, no charges are made for the provision of street litter bins (other than through council tax).

EDDC's duty to keep relevant public land free from litter and waste does not extend to public use land owned or operated by others such as Town and Parish Councils. However as EDDC has the infrastructure to make collections of bins and undertake street cleansing to meet this duty, it offers these services obligation free to Town and Parish Councils at a price which covers costs only, but provides no income to EDDC. Town and Parishes are able to seek other service providers also. We provide costs for the services requested of us on an individual basis due to the variables involved; except in the case of rural litter bins and dog bins (1), where the collection service is

provided for us by Suez as part of our Recycling & Waste Contract, and so the parameters are fixed by the contract.

It is not possible to apply a uniform charging regime to charges made for emptying public waste bins for others as this ignores the complexity of the various operational variables such as distance from depot, team size and staffing involved and whether the operation is in-house or sub contracted (for example with Suez emptying rural litter bins and dog bins, the scope of service for this is laid out within the contract we have, but where the charge Suez make to us is not covered by the income from Towns and Parishes who use the service). Across our operations we are working towards ensuring we at least cover our costs in the provision of services to others.

There are several methods of service delivery which effect the prices charged to Town and Parish customers, broadly as follows:

- 1) Suez empty rural litter bins and dog waste bins under contract for us. The frequency varies between weekly or 3 times a week depending on use and location. The cost here for Town and Parish Councils is rising to £270 p.a. in 2021/22 for a dog bin collected 3 times a week, and £94.50 per litter bin for a weekly empty, £189 for twice weekly and £283.50 for three times. The charges for dog bins and rural litter bins to Parish/Town councils doesn't cover actual costs in providing those collections through Suez. We are gradually increasing the charges annually through the PH report process to bring them to a position where they cover our costs. This service is charged uniformly to Town's or Parishes which use it.
- 2) Streetscene operations (in-house) empties a small number of Town or Parish bins on various different arrangements, such as an area including street cleaning or a recycling bin. These are individually priced depending on the actual cost to provide the service (time, distance, frequency). For example some Parishes are now requesting weekly or more frequent collections of mixed street litter bins with recycling separation. Due to resource logistics, StreetScene Operations can only make such collections when the area is close to an existing town round (hence Suez are contracted for rural litter bins).
- 3) Specific wider area contracts such as Cranbrook – when requested we provide contract costs to service distinct areas/requirements. At Cranbrook we've been requested by the TC to collect street litter bins and undertake street cleansing in areas which are not yet adopted or that belong to the Town Council (adoption is the usual trigger for EDDC becoming responsible for the service). Prices are provided on an ad-hoc basis, submitted against requirements, frequency and to cover the staffing and vehicle costs of the operation.

We understand the dissatisfaction from Cranbrook regarding the different charging regimes and have attempted to provide reasons for this. A further suggestion is made in the answer to question 5 in relation to this.

For the reasons set out above it is not possible or appropriate to offer a uniform charge in all circumstances. For regular dog bin collections or rural litter bins we have a set charging structure that allows us to apply consistency in charging and over time we will increase this charge to cover costs.

Question 4: Procedure Rule 9.2 to the Portfolio Holder for Coast, Country and Environment from Councillor Kevin Blakey

Would the Portfolio Holder, Coast, Country and Environment, please advise what the average (mean) economic break-even cost-to-serve price is for emptying public waste bins across East Devon by Streetscene?

Answer:

We do not hold a mean break even cost-to-service price as the variables are too broad and depend on service provision (as set out for question 3). To aid the understanding around the question we can make a broad estimate as follows; Our total Street Cleansing budget is £1,673,950. Broadly speaking around 1/3 of the cost of this provides the staffing and infrastructure to empty our circa 780 street litter bins. This very roughly gives a per bin service cost of £715.36 annually. Of course this by no means accounts accurately for the operational service around this, and our street cleansing operatives don't just empty bins. Based on this metric one can see the costs stated for bin emptying at Cranbrook (question 5 - £5 per empty x twice weekly (although we empty more frequently at times) x 52 weeks = £520) are still lower than what it actually costs us to service these bins. The costs charged to others for rural litter and dog waste bins are not currently covering costs (due to historical charging rates, but with an annual increment to start addressing this).

Question 5: Procedure Rule 9.2 to the Portfolio Holder for Coast, Country and Environment from Councillor Kim Bloxham

A question was raised of the Portfolio Holder, Coast, Country and Environment at Scrutiny on 4.2.2021 regarding the charging of refuse bins collections to town/parish councils. Cranbrook is charged £5 per bin per collection which we believe is more than three times the cost to other towns and parishes. The responses received by Cranbrook ward members at that meeting and in subsequent meetings with the Portfolio Holder is out of date and factually incorrect and does not directly address the issue. Will the Portfolio Holder agree to an urgent review of charges across the district as the current charging regime is discriminating against the residents of Cranbrook and is having an impact on the town's council tax.

Answer:

The issue is not sadly as straightforward as our charging regime for bin collections. As outlined in the answer to question 3 & 4, our charging regime is based upon the requirements outlined by the client or the individual circumstances of service

provision (outside of the rural litter bins and dog bin service which gives a flat rate per bin per year where Suez can cover the area).

The reasons for the different charges were explained as clearly as we were able, but the situation is indeed complex and we understand it relates to far more than bins. The costs charged to Cranbrook do indeed differ from those charged to other town and parish councils, but this is because of the nature of the service provision and the model upon which Cranbrook was founded (with regard to Town Council responsibility for the Country park and other areas of public land). The costs include street cleansing and litter picking around the bins, which are not included in the general rural litter bin cost that other Towns & Parishes may be paying under service option 1 in the answer to Question 3.

I have asked that SMT review the costs of picking up street litter bins and carrying out street cleansing in Cranbrook as the town is built out (rather than the usual trigger of adoption), so that we can consider if this is something the District can afford or help with. This would be a contrary position to our statutory duty and how we deal with other areas of new development (of which there are many). Following further discussion and engagement with the Town Council this will then need to be reported to Cabinet so that the implications in terms of additional costs in relation Cranbrook can be considered fully.

It would also seem sensible, in the context of the current short term financial support that is provided for the parish precept as the number of homes increase at Cranbrook, to consider what model of support can be brought forward to assist in the delivery of assets and services in the town over the medium to long term. Again this will need to be considered by Cabinet in conjunction with proposed investment to support the delivery of the town centre.

Question 6: Procedure Rule 9.2 to the Leader of the Council from Councillor Paul Millar

To ask the Leader, with reference to the 'Town Hall Rich List 2021' dataset report by the Taxpayers Alliance on executive pay in Councils, assuming the information within the spreadsheet accompanying the report is correct, can he a) share and place on public record the officer positions of the disclosure two 'undisclosed' salaries above £100,000, namely one officer who has been paid £152,500 in 2020-21, and another who has been paid £117,500 and b) explain why the officer positions were not disclosed publicly when the new administration's clear aspiration is to ensure greater transparency in the Council in terms of providing information which was a key issue of concern in the 2019 elections due to past misdemeanours, e.g. a wasteful £11,000 on a failed legal bid to try to restrict information emerging about the sale of The Knowle HQ, leading to Judge Brian Kennedy describing the Council as 'discourteous'.

Answer:

I would like to thank our Strategic Lead for Finance, Simon Davey, for his assistance in this answer.

This dataset has been compiled from a note contained in local authorities' accounts, and this information has been published annually in our accounts for well over 10 years. The list refers to the 2019/20 Accounts; link to our accounts here [Financial information 2019/20 - East Devon](#).

There are two officers recorded in our Accounts for 2019/20 as earning over the £100,000 (this is salary plus pension contribution); the Chief Executive and Deputy Chief Executive. The 'undisclosed' salaries of two additional officers in the Taxpayers Alliance report is not correct. The accounts contain one table with senior officers' posts and their remuneration, and then in a second table repeats the information but in salary bands (with a slightly different remuneration calculation as required by the Accounting Code).

The Taxpayers Alliance report has assumed we are reporting these as different officers in the two tables, when they are not. The highest remuneration band applicable to an EDDC officer is £115,000 to £119,999; the Taxpayers Alliance report has assumed mid-point (£117,500) and reported this as a separate undisclosed officer when it is not - it the same officer as reported and already counted in their report.

The second undisclosed officer earning £152,500 picked up by the Taxpayers Alliance was an error in the banding table (word document) which was later corrected. The dataset does state for a number of authorities that because of timing draft accounts were used.

In addition to the accounts, remuneration details of senior officers have been recorded annually on our website as public information for a number of years.

Question 7: Procedure Rule 9.2 to the Portfolio Holder for Finance from Councillor Bruce De Saram

Given that we have now reached a financial situation whereby the Queens Drive former car park has been grassed over at a cost of between £15K-£35K for alternative use and I understand that the worst case scenario envisages a loss of £19K in revenue. Has either the Finance PH or Chair of the Queens Drive Delivery Group any thoughts or comments as to how this potential £19K loss of income to the Council based on the worst case scenario can be justified to the Exmouth public?

Especially as Cllr Rowland said in March in response to the Council Tax increase “**I appreciate that any news announcing an increase in costs may be difficult to accept and understand during the current situation caused by Covid-19**”. I am concerned because I have seen that already some members of the public have taken to Social Media to complain that they are not happy with this change of use as

they have faced a rise all be it a modest one in their Council Tax. I quote from one of the actual comments made ***“Completely agree. This area was full last Summer when being used as a temporary car park. We have the beach, Queens Drive Space, and the Maer as public spaces. Would have been better being used as extra parking and raising revenue for East Devon District Council. Instead they’re spending extra money even though they put Council tax up.*** I note that the Leader himself said in the statement of Intent ***“We are encouraging a more public, participatory approach”***. So it would seem that following this approach the public wants and expects better financial management from the Council rather than vanity projects which fail to deliver a suitable revenue stream to replace what has been lost.

Answer:

The consent for the temporary car park at Queens Drive has expired and the clue is in the description i.e. “temporary”. The Queens Drive Delivery Group considered that the space should be returned for use as a community open space for leisure activities and this resulted in the recommendation made to Cabinet and agreed on 3 March.

The surface of the temporary car park was in a poor state and to turn this into a permanent car park with a suitable surface and markings would have cost in the region of £60 to £70K. The loss of car park revenue from a potential new consent is a worse case basis assuming that users would not be using alternative EDDC car parks close to this locality which, of course, would not be the case.

Question 8: Procedure Rule 9.2 to the Portfolio Holder for Economy & Assets from Councillor Mike Allen

Over-50s account for the majority of UK employment growth in the past decade, one in four have been furloughed this year and face devastating financial implications. Over 50s who fall out of the workforce are twice as likely to become long-term unemployed.

How does EDDC ensure there is strong employment support for older workers and that employers are age-friendly and inclusive. Just a 1% increase in the number of people in work aged 50-64 could increase UK GDP by around £5.7 billion per year with knock on positive effects on local economies.

Will EDDC commit to becoming an age-friendly employer leading by example and encourage employers in our area to do the same.

Are the businesses EDDC contracts with asked whether they offer flexibility for older workers or how they recruit in a way that attracts older workers.

How does EDDC ensure that local services that support unemployed people back to work reflect the needs of those aged over 50.

How can EDDC work with DCC to use commissioning powers and work with local Further Education providers to ensure specifically tailored skills training for those in

mid to later life, and develop ring-fenced funding for retraining after unemployment or redundancy for those in mid to later life. This should include sector-based training related to labour market opportunities and transferable skills.

Answer:

The reports on economic recovery that have been considered by Cabinet to date have consistently highlighted the differential impacts of the pandemic within the District in terms of sectors, places and people. For the latter this has included identifying rising unemployment rates within the 16-24 year old and 50+ age groups.

The Cabinet paper on economic response and recovery considered on the 25th November 2020 endorsed a proposal to recruit to two new Senior Economic Development Officer roles of which one was specifically to focus on employment and skills. The job description for this role specially includes developing and delivering projects that will target those groups who been most impacted, including the 50+ age group, as part of supporting economic recovery.

Recruitment of a person to this role is currently being finalised. This will provide the additional capacity required to progress a range of initiatives aimed at supporting specific groups in the District. For example this will need to include working with Exeter College in relation to the recently opened Future Skills Centre which includes a focus on adult skills. Consideration will also need to be given to the Council's own role including employment, procurement and other aspects as contained in the question.

Question 9: Procedure Rule 9.2 to the Portfolio Holder for Strategic Planning from Councillor Mike Allen

The COVID-19 pandemic has further highlighted the link between housing and health and has focused a spotlight on the condition and suitability of our homes. Whilst many rural residents have benefitted from access to outside space throughout the summer lockdown, the winter lockdown has led to a rise in fuel bills and increased demand for fuel poverty-related services.

In rural areas, because housing is typically less energy efficient, insulation is often problematic and many areas are off-grid for gas and therefore reliant on more expensive fuels. COVID-19 has highlighted the need for access and insulation for people living in non-decent homes.

In coastal communities the needs of people are similarly restricted in terms of access for the disabled and elderly,

Those living in park homes (or caravans) have been especially at risk of hypothermia.

We need Planning Policy to address the key challenges of poor access and insulation standards on health and life experienced as their occupants grow older. Homes need to be designed for our more elderly population

What specific proposals does this Council have for improving the supply of homes with insulation standards and internal accessibility for disabled and frail elderly in Rural and Coastal areas?

Answer:

In terms of Planning Policy the Council already has policies in place that seek to address these issues. Strategy 36 of the Local Plan seeks to secure accessible and adaptable homes as well as care and extra care homes to meet the needs of our elderly population and those with mobility difficulties. Strategy 38 seeks to secure higher construction standards in new homes to improve energy efficiency. These policies are however in need of review in light of what we have learnt over recent years, changes to government policy and guidance and changes in technology. These issues will be looked at by Strategic Planning Committee over the coming year as part of work on the new Local Plan. Topic papers on the issues of health and wellbeing and climate change are due to be considered at the Strategic Planning Committee meetings in September and October this year.

In terms of the existing stock we have plans to decarbonise our council housing stock to deliver affordable warmth to our tenants and reduce the use of fossil fuels. We have successfully secured government grant to install air source heat pumps and associated works, and will be rolling this out across the stock in our ownership at a pace that we can afford. We have a significant programme for adapting council homes to suit the needs of disabled tenants and those with mobility issues. Many of our sheltered properties have already been adapted.

We also operate a number of government schemes aimed at supporting home owners and private tenants improve the insulation in their homes. These are described on our website:

[Energy efficiency - East Devon](#)

We also manage Disabled Facilities Grants to assist with the cost of adaptations to private sector homes and have sufficient resources under the Better Care Fund to meet demand.

Our adopted Climate Change Strategy prioritises the decarbonisation of our housing stock as this represents one of the largest elements of our carbon footprint. The strategy and action plan also promotes 'greener' development.

[Climate Change Strategy 2020 - 2025 - East Devon](#)