

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Scrutiny Committee held Online via the Zoom app on 8 April 2021

Attendance list at end of document

The meeting started at 6.00 pm and ended at 8.07 pm

140 Public speaking

One member of the public had registered to speak. It was agreed that the member of the public would speak at agenda item 7, Decisions made by Cabinet (including Portfolio Holders) called in by Members for scrutiny in accordance with the Overview and Scrutiny Procedure rules [minute 145 refers].

141 Minutes of the previous meeting

Cllr Val Ranger proposed that the minutes of the previous meeting held on 4th March 2021 be amended to include the following points at minute 137 (Comments and questions raised by Committee members and responses from the Chief Executive and Mark Everden including):

- Early informal verbal intervention in the event of any suggestion of bullying should be considered
- Restorative justice as a form of mediation should be considered

The amendments were agreed and the minutes of the meeting held on 4th March 2021, as amended, were agreed as a correct record.

142 Declarations of interest

Minute 145. Decisions made by Cabinet (including Portfolio Holders) called in by Members for scrutiny in accordance with the Overview and Scrutiny Procedure Rules. Councillor Eleanor Rylance, Personal, The member is Assistant Portfolio Holder for Coast, Country & Environment and advised that she had not been involved in the Portfolio Holder decision which had been called in for scrutiny and would be discussed at agenda item 7 [minute 145].

Minute 146. Quarterly Monitoring of Performance - Quarter 3 2020 - 21. Councillor Olly Davey, Personal, Member of Exmouth Town Council.

143 Matters of urgency

There were no matters of urgency.

144 Confidential/exempt item(s)

There were no confidential / exempt items.

145 **Decisions made by Cabinet (including Portfolio Holders) called in by Members for scrutiny in accordance with the Overview and Scrutiny Procedure Rules**

The Committee considered the call-in of the decision of the Portfolio Holder for Coast, Country and Environment of 16th March 2021 (Portfolio Holder report of February 2021 refers), in accordance with paragraph 15 of part 4.5 of the Overview and Scrutiny procedure rules. The call-in related to the decision that the Council agrees to no longer provide short term lets of beach huts in Budleigh via the TIC and offer them instead as EDDC sites for long term rental.

The call-in was proposed by Councillor Alan Dent and supported by Councillors Colin Brown, Maddy Chapman, Bruce de Saram, Paul Jarvis and Tom Wright.

The member of the public, Helen Warren, a director of the Budleigh Information Centre (BIC) [note: the TIC had closed and the new entity is the BIC] and Chair of the Budleigh Chamber of Commerce, addressed the Committee and made the following points:

- The TIC had closed in March 2020 during the first Covid-19 lockdown and re-opened in August 2020 under a new model with volunteers as a more viable concern
- The TIC had closed again in November 2020 and January 2021 and was preparing to re-open on 12th April
- The TIC is self-funded with running costs of approximately £12,000 per annum and no longer receives a financial contribution from EDDC
- Renting out the beach huts had raised significant income for the TIC in previous years due to their popularity
- Beach huts have been rented out on a daily or weekly basis, often by local holiday accommodation providers and play a vital role in promoting tourism
- Plans were in place to produce a town guide and grant funding had been received to update the TIC website
- The loss of the rental income from the beach huts would significantly impact the revenue for the TIC

Ward members for Budleigh made the following points:

- Providing short term lets was an important tourism offer and supported local holiday businesses
- There had been no tourism since May 2020 and no need for the TIC during the intervening period
- EDDC had not attempted to contact the director of the TIC and had not involved the TIC in consultation
- Ward members had also not been contacted for information regarding the position of the TIC
- The Portfolio Holder for Coast, Country and Environment had not consulted ward members on the proposed changes and no stakeholder discussion had taken place
- Notifying members of the changes by way of the weekly email lacked openness and transparency
- Recovery after the Covid-19 pandemic lockdown will rely on tourism and visitor footfall
- The TIC had worked very hard to obtain external financial support and to cut costs by relying on volunteers
- Lack of local consultation was disgraceful

- The ability to offer short term lets of the beach huts had a wider impact than just generating income for the local economy

Comments from non-members of the Committee included the following points:

- There is a long waiting list for use of the beach huts which includes local people and families
- Ward members should have been consulted on this decision and should be consulted on local decisions as a matter of course

Andrew Hancock, Service Lead for Streetscene advised that the proposal had been made for practical reasons based on the understanding that the TIC was no longer operating. That understanding had now been shown to be incorrect and it was agreed that ward members should have been consulted. The beach huts had been inspected and a budget of £14,000 was needed to replace them, together with a £5,000 budget for annual dismantling and storage as there was no dry storage space available to EDDC in Budleigh.

It was noted that consideration may need to be given to a legal agreement with the TIC if the short term lets continued.

Councillor Geoff Jung, Portfolio Holder for Coast, Country and Environment apologised for the lack of consultation with ward members on this particular decision, and noted that this was not normally the case. The Portfolio Holder decision had been made on the basis of the information contained in the report with a very short timescale for signing off.

Comments from members of the Committee were made as follows:

- Long term beach hut rents are very high and short term lets at an affordable rate are very attractive to visitors
- The opportunity for the beach hut experience should be widely available to as many people as possible
- Ward member consultation had been improving and it appeared that the decision under discussion had resulted from miscommunication
- There was a case for a full review of beach hut policy and rentals across the district
- Concern was raised as to the practicality of deep cleaning the beach huts if they were let on a short term basis

The Service Lead for Streetscene advised that officers would need to check the current situation regarding the implementation of the Portfolio Holder decision and the status of the tenants for the 2021 season. The decision had been implemented for practical reasons due to the timescale involved. Any decision made by the Scrutiny Committee would not preclude the letting of the beach huts reverting back to the TIC, only the type of tenancy for the current season.

Councillor Eleanor Rylance proposed that the decision be referred back to the Portfolio Holder to reconsider his decision, to consult with ward members and to update the accuracy of the report with regard to the Budleigh TIC and to consider whether there is any more information that should be taken into account. This was seconded by Councillor Vicky Johns and was agreed.

RESOLVED that the decision of the Portfolio Holder for Coast, Country and Environment of 16 March 2021 [Portfolio Holder report of February 2021 refers] relating to the decision that the Council agrees to no longer provide short term lets in Budleigh via the TIC and

offer them as EDDC sites for long term rental, be referred back to the Portfolio Holder to reconsider his decision, to consult with ward members and to update the accuracy of the report with regard to the Budleigh TIC and to consider whether there is any more information that should be taken into account.

Ward members thanked the Committee for its consideration of this matter. The Chair thanked the public speaker, Helen Warren, for attending the meeting.

146 **Quarterly Monitoring of Performance - Quarter 3 2020 - 21**

This item had been deferred from the previous meeting and was presented by the Deputy Monitoring Officer.

Comments from the Committee members highlighted the following:

- The figure for voluntary turnover of leavers had reduced from previous years which was viewed very positively
- Officers were thanked for their work during the very difficult circumstances of the Covid-19 pandemic
- Regarding the number of working days lost due to sickness absence, the Deputy Monitoring Officer would circulate the figures after the meeting

RESOLVED:

That the Quarterly Monitoring of Performance – Quarter 3 2020 – 21 be noted.

147 **Forward Plan**

Members considered a proposal form submitted by Cllr Maddy Chapman on the production of the Local Plan 2013-31 and Goodmores Farm. Cllr Chapman introduced the proposal form and highlighted the following points:

- Issues and concerns with the development of the site had been ongoing for eight years
- There is a lack of community infrastructure on the site which comprises 16 affordable homes out of approximately 300 dwellings
- There was concern that trees and hedges are being removed from the site

Non-members of the Committee made the following points:

- It was noted that, under the Constitution, the Scrutiny Committee is not permitted to comment on planning site allocations, but that perhaps this should be reviewed
- The issue was with the public consultation process and this aspect should be scrutinised to learn lessons for the future

The Deputy Monitoring Officer confirmed that the Scrutiny Committee is precluded by law from scrutinising planning applications and queried the benefit of looking at the process for the Goodmores Farm application which had been upheld by the Planning Inspector previously.

The Service Lead for Planning advised that, in his view, the issue with the Goodmores Farm site was with the viability of the development and that this may explain why the site

does not meet the ward members' and community's expectations in terms of infrastructure delivery. The process for ensuring that development is viable and deliverable is prescribed by planning legislation and policies in the Local Plan. It was noted that, with regard to learning lessons for the future, legislation has changed since the current Local Plan was adopted and now requires greater scrutiny of the viability and deliverability of developments at the point of allocation through the Local Plan process. If the Committee was minded to proceed with the proposal, careful scoping would be needed to ensure that the Committee remained within its legal remit.

In response to a question, the Service Lead for Planning advised that open book viability appraisals are already required and that Goodmores Farm would have been subject to this requirement under the current policy framework.

Cllr Chapman recommended to the Committee to scrutinise the different steps that were taken with regard to Goodmores Farm and the subsequent issues with this development in order to understand what had gone wrong.

Cllr Olly Davey proposed that the Committee requests the Service Lead for Planning to bring a report to the Strategic Planning Committee to consider the lessons to be learned from the Goodmores Farm development, with particular reference to the role of public consultation and historic site allocations.

The Deputy Monitoring Officer advised the Committee to consider requesting the Service Lead for Planning to bring a scoping report back to Scrutiny to ensure that any work undertaken was in line with the Committee's requirements.

The Service Lead for Planning suggested that a report could scrutinise how the allocations within the Local Plan come to fruition through the planning process and how policies in the Local Plan are translated into the delivery of a development. Goodmores Farm, together with other allocations by way of examples, could be considered, rather than looking at one application in isolation. The report, to come to the Scrutiny Committee, would cover the process and how the outcomes envisaged in the Local Plan have or have not been delivered, and why.

Councillor Chapman proposed that the report as outlined above by the Service Lead for Planning be requested. This was seconded by Cllr Ranger and was agreed.

RESOLVED:

That the Service Lead for Planning brings a report to the Scrutiny Committee setting out how the allocations within the Local Plan come to fruition through the planning process and how policies in the Local Plan are translated into the delivery of a development. Site allocations would be considered by way of examples, including Goodmores Farm, rather than looking at one particular application in isolation. The report would cover the process and how the outcomes envisaged in the Local Plan have or have not been delivered, and why.

It was agreed to defer the proposal form on playing pitch strategy, submitted by Councillor Millar, to the next meeting.

Attendance List

Councillors present:

C Brown (Chair)
V Ranger (Vice-Chair)
E Rylance
M Chapman
I Chubb
A Colman
V Johns
O Davey
S Hawkins
H Parr

Councillors also present (for some or all the meeting)

P Arnott
D Bickley
K Bloxham
S Bond
B De Saram
A Dent
M Howe
P Jarvis
G Jung
P Millar
A Moulding
M Rixson
J Rowland
I Thomas
E Wragg
T Wright

Officers in attendance:

Ed Freeman, Service Lead Planning Strategy and Development Management
Andrew Hancock, Service Lead StreetScene
Wendy Harris, Democratic Services Officer
Sarah Jenkins, Democratic Services Officer
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Councillor apologies:

F King
T McCollum
B Taylor
C Wright

Chair

Date: