

EAST DEVON DISTRICT COUNCIL

Minutes of the consultative meeting of Overview Committee held at Online via the Zoom app on 18 November 2021

Attendance list at end of document

The meeting started at 6.00 pm and ended at 7.45 pm

7 Public Speaking

The Chair welcomed members of the public and Councillors to the meeting and explained that all participants were taking part remotely and the meeting was also being viewed online and recorded.

She outlined that due to concerns related to COVID risk, the Council had delegated much of its decision taking power to its Senior Officers for the period up to 17th January 2022. Consequently, the meeting was being held on a consultative basis only, and the normal procedural rules as detailed in the Council's Constitution, would continue to be closely adhered to.

However, where the meeting would have normally decided a matter, it will now make recommendation to a Senior Officer. The Officer will then take that recommendation into account, when making their decision.

The Chair welcomed Cllr Jake Bonetta as the new Vice Chair of the Committee and then started the meeting by doing a roll call of those present. She confirmed that the meeting was quorate.

During the meeting the public would be able to participate if they had pre-registered to speak. No members of the public had pre-registered to speak, but one individual, Paul Smith of Cranbrook, had emailed Cllr Millar with a brief statement they requested be read out at the meeting.

The Democratic Services Manager read out the statement which supported Cllr Millar's proposal for the creation of a publicly accessible register of Senior Council Officers Interests. It outlined Mr Smith's view that this would be in the interest of public confidence, transparency, and accountability, since Senior Officers have access and responsibility for the use and allocation of significant amounts of public finance within East Devon, and referred to the £20 million Commercial Fund and oversight of the proposed £40 million, Cranbrook Infrastructure Loan Scheme. Mr Smith went on to state that his comments were not intended to imply any past irregularity of conduct, but to ensure that any future suggestions of malfeasance could be scrutinised and where appropriate, quickly dismissed.

8 Minutes of the previous meeting

Following a vote the Chair confirmed that the minutes of the previous meeting, which was the Joint Overview & Scrutiny Committee meeting of 16th September, were noted and accepted as a true record by members of the Overview Committee.

9 Declarations of interest

No declarations of interest were given.

10 **Matters of urgency**

There were no matters of urgency.

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

There were no confidential or exempt items.

12 **Report on East Devon Digital Connectivity**

The Chair invited the Senior Economic Development Officer, Geri Panteva, to provide a summary of the report.

The report was to provide members with an update on the current status of different initiatives to improve digital connectivity in East Devon, and more specifically:

- Provide an update on the roll-out of the Connecting Devon and Somerset (CDS) programme since a new delivery contract was awarded at the end of 2020
- Provide an update on the latest developments by Jurassic Fibre
- Present a case study of an ultra-fast broadband connection supplied to a new residential and commercial development in East Devon (Winslade Park at Clyst St. Mary) and,
- Highlight an alternative way to connect hard to reach rural areas through the Starlink satellite internet service piloted in East Devon (KOR Communications case study)

The COVID-19 pandemic had affected all aspects of the economy and society, including established working models and practices, and prompted by periods of national restrictions, working from home has become a new norm, which is expected to have long-lasting impact on how businesses approach their operational models going forward. Such changes have highlighted the importance of a reliable and fast digital and broadband infrastructure and associated connectivity.

Although set in a predominantly rural environment, and whilst East Devon has many challenges in delivering such infrastructure, it is at the same time seeing one of the most significant private investments in digital infrastructure delivered by Jurassic Fibre and is benefitting from the largest public funded super-fast broadband programme in the country – Connecting Devon and Somerset (CDS).

Comments or questions during the debate on this topic included the following;

- What will Jurassic Fibre and CDS be doing to ensure they connect to every individual household rather than the general local area?
In response the officer stated that the Government's Building a Digital UK initiative was aimed at funding programmes which are unlikely to be commercially viable, for example, for the purpose of reaching hard to reach areas. In contrast, for private companies commercial success is important and they will incline towards areas with many potential customers. In this situation, there will always be people or communities who could miss out on some opportunities but the report highlights different options available.
- There is a great difference in the reality between stating that 95% of areas will be covered and connected digitally, to stating that 95% of households will be

covered. This is both confusing and suggests a much better coverage than the reality.

- There are wards in East Devon which contain areas without any broadband connectivity. Is there a strategy in place for dealing with such areas remaining unconnected?

In response the officer stated that a Plan had been developed in March by the Department of Digital Culture, Media and Sport, aimed at encouraging and supporting a range of different contractual delivery options.

The Chair thanked the officer for her report and presentation and invited members to vote to indicate whether they accepted the update received. Following a vote, she confirmed that members were happy to note and accept the report.

13 **Public toilets review**

The Chair explained that following discussions earlier this week, it was agreed to defer this item to an additional and Extraordinary meeting scheduled for Thursday 25th November at 6pm, in order to give Elected Members and members of the public more time to read the report and accompanying papers before debate.

14 **Forward Plan**

The Chair introduced this item by stating that the Committee had received three Proposal forms from Cllr Paul Millar, to be considered by Overview Committee members for possible inclusion on a future agenda. As such the items were not for immediate debate, but for members to consider whether further information is required, so that they could be included at a future meeting where they could be debated.

In relation to the CIL/S106 Participatory Budgeting Policy, the Chair invited Cllr Millar to give a brief introduction, before inviting comments from other members.

Cllr Millar said that he considered that the current policy was unclear, and that EDDC and Ward Members should assume greater control over arranging consultations and deciding which play parks, and projects, ought to go out to consultation. He went on to say that currently decisions are devolved to Town and Parish Councils, many of which meet behind closed doors when debating and deciding projects for allocations of CIL/S106 spend, and only EDDC officers are able to attend these meetings. Given that EDDC is the authority legally accountable for S106 monies, its Ward Members have very little say unless they are on the town/parish council and the relevant 'Steering Group'. This is neither transparent nor democratic, which is why he wanted to propose that whilst there can still be a role for representatives of Town/Parish Councils and Councillors in steering groups but that these should be partnership groups between the District and Town/Parish Councils.

Comments or questions during consideration of this topic included the following;

- Cllrs need information on how the system works rather than a change in policy, so perhaps an information evening could be organised.
- It would be helpful to know the criteria used by officers to make decisions about S106 funds.
- There is no problem with the system at present. The idea of an information session is a good one because discussion with officers is helpful. This happens already in Exmouth with a S106 Working Party.

- Honiton does not currently appear to have a S106 working party. Ward Cllrs would be in a good position to be involved.
- There is no universal approach across the District.
- Problems occur because not everyone understands S106 or what is in place.
- A report from the South West Audit Partnership (SWAP) was undertaken on S106 and Cil and presented to the Audit & Governance Committee on 28th January which was very helpful. Members were encouraged to read this report and consider the direction of travel outlined in it.
- Axminster Cllrs have been very involved in discussions with officers for several years on S106 and participatory funding. Ward Cllrs and the Parish Council have all been involved in the discussions.
- The current system also works well in Whimble.
- It was suggested that a report could be made available on a regular basis so that Ward Cllrs could ask officers how the money could be spent.

Cllr Ledger said that he would welcome any suggestions to the Strategic Planning Committee on these matters, and reminded Cllrs that they could approach the S106 Officer at any time in order to obtain figures relating to any ward. Such figures could be made available very quickly. The SWAP findings had been taken forward, with a new officer in place and an information system which was working well. He suggested that training could helpfully be offered to Cllrs to outline the criteria used to consider various projects and to deal with any misconceptions held about the process.

The following proposal was put forward by Cllr Millar and seconded by Cllr Woodward.

That this issue be referred to Strategic Planning Committee with a request for a report on the CIL/S106 Participatory Budgeting Policy which could come to a future Overview Committee meeting, and which could include a review of current policy and how Ward Cllrs might be further embedded in the system.

Following a vote, the Chair confirmed that the proposal above would be referred to the Strategic Planning Committee.

In relation to the proposal relating to a Review Members Allowances, the Chair invited Cllr Millar to give a brief introduction, before inviting comments from other members. Cllr Millar stated that EDDC's allowances were among the lowest in Devon and have been frozen for ten years. He went on to say that the majority of Councils regularly reviewed their allowance scheme and there were regular increases in the allowances of County Councillors and Exeter City Councillors. In addition, the new administration had created a number of new roles, and important Committees since the new pandemic, to do work which was unfairly unremunerated. Depending on the recommendations of an Independent Remuneration Panel, they could if accepted lead to an ongoing increased financial cost to the Council, but they could also increase the number, diversity and calibre of candidates who run in elections, which could lead to a reduction in costs over time.

Comments or questions during consideration of this topic included the following;

- The Leader wanted to acknowledge that whilst EDDC allowances may be lower than some other Councils within Devon, the newspaper headlines were likely to be negative in the current financial climate at the news of any increase. Whilst it might be helpful to have a report prepared on this matter, he could not envisage a point in the future when even if a report recommended an increase, that this would be possible in the foreseeable future given the financial position of EDDC.

- Cllr Loudoun said that he considered that an independent investigation into Members' allowances would be likely to recommend an increase, but that this would not be taken well by local residents and that this was not the right time to be initiating one.
- Whilst there was sympathy with the proposal, caution was to be urged. If Cllrs were regarded as inviting an Independent Remuneration Panel (IRP) to meet which then recommended an increase, it would not be received well by the press or local communities.
- Many people in local communities are suffering more hardship than EDDC Cllrs, and it was considered that the press would tear the Council to shreds if an increase in members' allowances was agreed at this point in time.
- It had been suggested that an IRP meet before the last Elections in order to attract more young people and increase diversity. This did not happen but a more diverse group of Cllrs were interested and got elected.
- All Councils are in a difficult situation but are still increasing their Members allowances. Cllrs are elected to spend time supporting local residents and often alongside jobs and should receive a modest increase which could be tied to inflation.
- The Leader pointed out the need to look at the hard reality of EDDC finances, despite being a financially well managed Council. There are hard choices to be made imminently in relation to matters such as the provision of public toilets and car parking, so some form of cutback will be necessary in order to deliver the Medium Term Financial Plan. In this context, an increase in Members allowances would be hard to justify in the forthcoming year.
- There is a need to look at how to make EDDC more diverse, which is not just about money, but about what Councils do, what Cllrs do and what is involved in the role, so there should be a wider debate beyond allowances and what would influence younger people to stand as Cllrs.
- Claims for travelling and subsistence allowances per annum between the years 2017-2020 averaged approximately £23k and were much higher than those for 2021, so it may be helpful to have a review of allowances generally, but it would be more helpful to lobby to modernise ways of doing things, such as the continued use of Zoom for running meetings since it could make future travelling irrelevant.
- Working mothers who are also Cllrs have very different lives and pressures. The sheer volume of meetings to attend would make it difficult to do if they were also holding a regular job. It is a regular occurrence to spend hours on Council work, which are not then available to earn an income or be present as a parent. Being a Cllr is a lot of pressure and a key issue is how it can co-exist with a paid job. However, it is still not a good time to be raising the issue of raising allowances until it can be part of a wider debate.

The following proposal was put forward by Cllr Millar.

That the issue of an Independent review of Member's Allowances by an Independent Remuneration Panel be referred to a future meeting of the Overview Committee.

Following a vote, the Chair confirmed that this would go forward to a future meeting of the Overview Committee.

In relation to the proposal relating to a Public Register of Senior Officer Interests, the Chair referred to the advice provided by the Monitoring Officer. Whilst it is a legal requirement for members' Register of Interests to be made publicly available, there is no such obligation in relation to employees of any level. All officers complete a register of

interest that it is held by the Council and consideration would need to be given to the legal position and human rights / data protection issues involved. It could affect the terms and conditions of employment and would need to involve discussion with the Union.

She then invited Cllr Millar to say a few words by way of introduction, before inviting comments from other members.

Cllr Millar said that many Councils published a Register for Senior Officer Interests and it was an issue about reassuring the public given that officers deal with significant amounts of public money.

Comments or questions during consideration of this topic included the following;

- It was suggested that a public register should be extended to include all Planning Officers, who could potentially be contacted by external parties in order to influence planning decisions.
- This matter should be referred to the Personnel Committee since it was a staffing matter and would require the input of Trades Unions as it related to paid staff rather than Cllrs.
- This was not a matter for the Overview Committee.

The following proposal was put forward by Cllr Millar and seconded by Cllr Bonetta.

That the issue of a Public Register of Senior Officer Interests be referred to Personnel Committee for consideration.

Following a vote, the Chair confirmed that the proposal above would be referred to the Personnel Committee.

Cllr Dan Ledger reminded committee members that in February 2021, the Service Lead for Assets & Commercialisation -Tim Childs, had presented a Policy on Drones to the Overview Committee. This had then been raised at Council in February in the form of a Motion with the request that the Drone Policy also include the banning of fireworks over 90 decibels and the releasing of Chinese lanterns over Council land. This was referred back to Cabinet in March but since it was considered difficult to include all of these issues in a single policy, referred it back to Overview Committee for full scoping. Due to COVID 19, it had not yet come back to Overview and Cllr Ledger requested that it was put onto the committee's Forward Plan. A letter had also been received in response to the letter on this matter by EDDC from the relevant Government Minister.

The following proposal was put forward from the Chair of the meeting.

That a fully scoped report on the issues previously discussed in relation to the banning of fireworks over 90 decibels and of a total ban of the releasing of Chinese lanterns over Council land, be prepared and referred to the next available meeting of the Overview Committee.

Following a vote, the Chair confirmed that the proposal above would be referred to the next available meeting of the Overview Committee.

The Chair thanked everyone for their attendance and closed the meeting at 7.45pm.

Attendance List

Councillors present:

V Johns (Chair)
D Barrow
J Bonetta (Vice-Chair)
S Gazzard
M Hartnell
B Ingham
P Millar
A Moulding
G Pook
V Ranger
T Woodward

Councillors also present (for some or all the meeting)

J Bailey
G Jung
E Rylance
J Loudoun
P Arnott
S Hawkins
R Lawrence
P Faithfull
M Chapman
D Ledger

Officers in attendance:

Andrew Wood, Service Lead - Growth Development and Prosperity
Susan Howl, Democratic Services Manager
Sarah Jenkins, Democratic Services Officer
Sarah Helman, Democratic Services Officer
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Councillor apologies:

I Hall

Chair

Date: