

EAST DEVON DISTRICT COUNCIL

Minutes of the consultative meeting of Council held at Online via the Zoom App on 8 December 2021

Attendance list at end of document

The meeting started at 6.00 pm and ended at 8.10 pm

48 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.

He 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 then started the meeting by doing a roll call of those present, and 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 at this meeting but Cllr Wragg had been asked to read a statement to the meeting from a local resident.

Cllr Wragg outlined that the individual concerned had given their name which had been verified by the police and had provided a statement which they wanted the Council to hear. The person concerned had been one of many victims of John Humphreys, and went on to explain a course of events commencing with being sent as a 14 year old by their school for work experience at Mr Humphreys' business. Thereafter followed 22 years of abuse. Key issues of this situation were that despite finally making complaints to the police, they were consistently dismissed, and it was not until after 2012 when the full extent of Jimmy Savile's abuse came to light that this person tried to make a complaint, but by then Mr Humphreys was Mayor of Exmouth. It was not until 2015 that the police then approached them directly to inform them that other victims had come forward. In 2016, Mr Humphreys was arrested but it was not until August 2021 that the case went to court and resulted in a conviction. However, it was made clear to this person over the years that due to Mr Humphreys' apparent social standing and influential connections that previous investigations had been dismissed, and without a criminal record, a DBS check would not have indicated any issues. A significant issue for the Council was that Mr Humphreys would have known that an investigation was live between 2016 to 2021, which covered the period when he was awarded the title of Honorary Alderman, and others may have known this too.

The Chair thanked Cllr Wragg and all Council members who had supported him in taking the swift action to withdraw the award from Mr Humphreys as soon as they were aware of the situation, and making a press release accordingly.

Other Cllrs also wanted to thank the Chair for his actions and Cllr Wragg, but also asked her to pass on their thanks to the person for their time in writing a statement and bravery in letting the Council know about the situation. The request was also made for the Council to examine its role in giving an award to Mr Humphreys in 2019.

49 **Minutes of the previous meeting**

The Chair asked for comments on the minutes of the consultative meeting of Council held on 20th October.

He then invited Cllrs to vote in favour, against or abstaining the receiving and noting of the minutes.

Following a vote the Chair confirmed the minutes of 20th October were received and noted.

50 **Declarations of interest**

No declarations of interest were made.

51 **Matters of urgency**

There were three matters of urgency to be dealt with under agenda items 9b, 9d, and 9l.

52 **Announcements from the Chair and Leader**

Following the statement read out by Cllr Wragg, the Leader wanted to inform members of three actions he was now proposing to take immediately.

Firstly he would be writing to the Chief Constable to ask him to refer his thoughts to the Independent Office for Police Conduct, for them to look into how the matters were handled in earlier years. He also wanted to make it clear that some congratulations were due to the CPS and officers concerned, largely led by women, who managed to close the prosecution finally. However, it is clear that past actions needed to be reviewed.

The second action would involve asking Cllr Phil Twiss to share with the Council the outcomes of the internal inquiry from the local Conservative Party into these matters. If he replied that an internal inquiry had not taken place, the Leader would ask for a commencement date for one and whether he would be prepared to share the outcomes of those enquiries, and admit evidence from other contributors.

Thirdly and in relation to what the Council could do now, the Leader thanked the Chair for his leadership on these matters to date. He stated that it appeared to be clear in 2019 that it was widely known that Mr Humphreys was under investigation, which begged the question of why he proceeded to stand as a candidate. It was the Leader's understanding that people did know what Mr Humphreys had done and yet the Honorary Alderman process was pursued.

He considered that a measure of political mischief had been pursued by the Conservative Party with deflection conduct in pursuing what they knew the Council could not do in law which was to ensure everyone had a DBS check.

He had consulted with Cllr Whibley on this matter who would now be proposing a Motion to be put to the February Council meeting about urgent Safeguarding training which would be mandatory for all Cllrs. Everyone would be expected to attend. He concluded by stating that a DBS check would not have caught Mr Humphreys and he hoped to hear the end of this from Conservative Party colleagues. However, he wanted to ensure that a safe path was created for people who have reasonable suspicions about others.

The Leader and Chair confirmed that they would support a Motion on these matters going forward to the next Council meeting.

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

There were no confidential or exempt items.

54 **To answer questions asked by Members of the Council pursuant to Procedure Rules No. 9.2 and 9.5**

Eleven questions had been received from Cllrs and all had been responded to in writing and published prior to the meeting.

All eleven questions were submitted by Cllr Millar, who confirmed that he had did not want to ask any supplementary questions at this point.

The Chair thanked him and pointed out that questions could be asked offline at any point and did not need to wait to be raised at meetings.

In relation to Q1 put by Cllr Millar, Cllr Caygill asked if there was a breakdown of where the empty houses were specifically across the district.

In response the Portfolio Holder for Sustainable Homes & Communities said that there were further details which could be made available to Cllr Caygill outside the meeting.

55 **Reports from the Cabinet and the Council's Committees and questions on those reports**

This item is to receive the minutes of Committees, and invite members to vote in favour or against recommending passing recommendations contained therein for approval to Senior Officers if appropriate, or receiving and noting them when there are none.

The Chair invited the Leader and Chairs of Committees to present their minutes.

(a) **Minutes of the Cabinet meeting held on 3 November 2021. Minute numbers 94 - 113**

Following a vote the Chair confirmed that the above minutes were received and noted and recommendations contained therein recommended for approval.

(b) **Minutes of the Cabinet meeting held on 1 December 2021. Minute numbers 114 -125**

The Chair said that this item had been added to the agenda as a matter of

urgency due to the fact that on 1st December Cabinet reversed its earlier recommendation on 3rd November in relation to the Honiton Community Governance Review and so the Council position had been revised. In addition recommendations relating to the use of the transformation fund needed to be approved as soon as possible.

Following a vote the Chair confirmed that the above minutes were received and noted and recommendations contained therein recommended for approval.

Cllr Twiss thanked Cabinet for reversing its decisions arising from the last meeting, on the basis that the proposals from the Town Council were not as prepared as they could have been and were taken too early to be considered.

DECISION:

The recommendations were approved by a Senior Officer. The Senior Officer Decision Notice is listed above under Additional Documents.

- (c) **Minutes of the Overview Committee held on 18 November 2021. Minute numbers 7 - 14**
Following a vote the Chair confirmed that the above minutes were received and noted.
- (d) **Minutes of the Overview Committee meeting held on 25 November 2021. Minute numbers 15 - 17**
This item had been added to the agenda as a matter of urgency due to the fact that on 1st December Cabinet received recommendations in relation to the Public Toilet Review debated at an Extraordinary meeting of the Overview Committee held on 25th November.

Following a vote the Chair confirmed that the above minutes were received and noted.
- (e) **Minutes of the Strategic Planning Committee held on 9 November 2021. Minute numbers 42 - 50**
Following a vote the Chair confirmed that the above minutes were received and noted.
- (f) **Minutes of the Planning Committee meeting held on 27 October 2021. Minute numbers 57 - 65**
Following a vote the Chair confirmed that the above minutes were received and noted.
- (g) **Minutes of the Planning Committee held on 24 November 2021. Minute numbers 66 - 76**
Following a vote the Chair confirmed that the above minutes were received

and noted.

(h) Minutes of the Licensing & Enforcement Committee held on 17 November 2021. Minute numbers 10 - 19

Following a vote the Chair confirmed that the above minutes were received and noted and recommendations contained therein recommended for approval.

DECISION:

The recommendation was approved by a Senior Officer. The Senior Officer Decision Notice is listed above under Additional Documents.

(i) Minutes of the Licensing & Enforcement Sub-Committee held on 24 November 2021. Minute numbers 21 - 25

Following a vote the Chair confirmed that the above minutes were received and noted.

(j) Minutes of the Audit & Governance Committee held on 18 November 2021. Minute numbers 17 - 26

Cllr Millar stated that he wished to comment on the content of these minutes, since following a debate on the matter of DBS checks, Cllr Phil Twiss had subsequently sent out a press release which was incorrect and misleading, and which had implied that a number of Cllrs who did not vote for the proposal to lobby central government for a change in legislation must have something to hide. This had been reported in the press and social media and was effectively a false report with no substance, but which was potentially damaging and unhelpful in the light of current anxiety felt by elected members about personal safety.

Cllr Twiss responded by stating that the Conservative Group would continue to lobby central government for a change in legislation to enable mandatory DBS checks for Cllrs.

Cllr Gardner stated that this was a pointless debate to have at this time since a DBS check would not have made any difference to what happened in the case of John Humphreys, and whilst the Conservative Group could continue to lobby government, she suggested that this stopped happening at Council.

The Chair pointed out that a detailed debate had taken place on this issue over six months ago, but the legal position remained unchanged.

Following a vote the Chair confirmed that the above minutes were received and noted.

(k) Minutes of the Standards Committee held on 10 November 2021. Minute numbers 7 - 13

Following a vote the Chair confirmed that the above minutes were received

and noted.

(I) Minutes of the Personnel Committee held on 30 November. Minute numbers 7 - 16

This item had been added to the agenda as a matter of urgency due to the fact that on 30th November, the Personnel Committee made a recommendation to Council needing urgent consideration regarding Apprentice Pay policy.

Following a vote the Chair confirmed that the above minutes were received and noted and recommendations contained therein recommended for approval.

56 Report: Governance arrangements

The Chair invited the Monitoring Officer to address his report, who confirmed that this was a short report which combined various items, but in summary was to seek Council's approval to changes to the Constitution to bring in revised arrangements for dealing with Code of Conduct complaints as well as the makeup of the Audit & Governance Committee. It was also necessary for Council to appoint Councillors to two positions that will be vacated.

The Monitoring Officer stated that a preference vote was required on one of the appointments, namely, the Planning Committee as it was contested, and should be dealt with first, followed by appointment to the Exmouth Queens Drive Community Interest Company, and the remaining recommendations.

The Chair invited the two Cllrs nominated to take a seat on the Planning Committee to take two minutes to tell the Council why they wanted to sit on the Committee. Cllr Bruce and Cllr Colman both addressed the Council on this topic.

The Chair then invited Council members to vote on who would take the seat on Planning Committee.

Following a vote, he confirmed that Cllr Colman was elected to be a member of the Planning Committee.

Cllr Maddy Chapman was confirmed as taking a seat on the Exmouth Queens Drive Community Interest Company.

The Chair moved the report and invited members to vote in favour or against recommending approval of the report.

Following a vote, the Chair confirmed that the report and its recommendations contained therein were recommended for approval.

RECOMMENDATION: that Senior Officers approve the report and its recommendations contained therein, as follows.

1. Agree the changes to the Constitution as detailed in red in Appendix 1 in relation to the Standards Committee and Audit & Governance Committee.
2. Agree that the new Code of Conduct Procedure will be of effect from 1st January 2022 and apply to complaints submitted after that date.

3. Agree the appointment of Cllr Colman to the Planning Committee and Cllr Chapman to the Exmouth Queens Drive Community Interest Company.

DECISION:

The recommendation was approved by a Senior Officer. The Senior Officer Decision Notice is listed above under Additional Documents.

57 **Report: Temporary continuation of virtual meetings**

The Chair introduced this item in light of the current COVID situation and the need to seek member's approval to extend the current decision making arrangements.

He then invited the Monitoring Officer to address his report, who reiterated that at the Extraordinary Council meeting of 26th July 2021, members agreed to put in place arrangements for the holding of virtual consultative meetings with decision taking delegated to Senior Officers due to concerns around the impact of COVID. The arrangements were time limited to 17th January 2022. The report sought member's approval to extend the arrangement for approximately a further four months in light of the current COVID situation, to ensure that the Council's decision making arrangements continue to be appropriate to deal with the current COVID situation

The Chair invited comments from members on the report and its recommendations, before moving to a vote.

During debate on the matter comments included the following;

- The Prime Minister had just announced that he would be recommending that those people who can, work from home again from Monday 13th December, so to do anything other than approve the recommendations in the report would be foolish.
- Cllrs are elected for the benefit of local residents and have not met in person for six months. No other Council is operating in this way and so Cllrs are not being held to account, taking their allowances whilst not attending meetings and not offering value for money. All allowances should revert to basic allowances until EDDC reverts to in person meetings again.
- The continuation of virtual meetings create financial savings and benefits for the environment.
- There are already Cllrs with long COVID, and the implication that Cllrs with special allowances are not doing a lot of work is misleading and incorrect.
- The Chair clarified that the report suggests a temporary arrangement until May 2022, and in the meantime Group Leaders will explore further options for how council meetings could operate safely.
- In the light of the Prime Minister's announcement about the Omicron situation earlier this evening, some Cllrs did not want to be regarded as advocating Hybrid meetings.
- It is necessary to approve the recommendations given how uncertain the situation is currently, and in order to take care of families, staff and the public.
- In relation to special allowances and their removal in favour of reverting to basic allowances, Cllrs who have been awarded them are working very hard and find it offensive that some colleagues are suggesting that this is not the case. Some who

have been double-jabbed and received a booster have still got COVID. Being a Cllr is not just about attending meetings in the Council offices.

- Democracy has improved with virtual meetings. There has been greater attendance by Cllrs and more engagement of the public.
- Discussion about whether the date of May 2022 be brought forward earlier.
- May 2022 is a good time for review being the start of a new civic year, with time for Cllrs and officers to look into other options, and to assess how Omicron develops.
- Virtual meetings has saved the Council money by not going into buildings, cutting heating costs, protecting the environment, and helping people to work more effectively.
- The Licensing Hearings and meetings are covered in legislation and can be dealt with in a virtual manner.
- The Chair clarified that the recommendations in the report enable flexibility to extend or review the current arrangements and there is no need for additional amendments to achieve this.
- Cllrs appear to be complacent about the impact of COVID, therefore, it should be made clear that it is necessary to protect officers who will be expected to go into the office if Cllrs have meetings there. The public Chamber is not big enough for all Cllrs to meet and be safe, which will mean that other costly venues have to be hired for the purpose.
- Working virtually has enabled more people to be Cllrs because it is easier to combine council duties and other work more than ever before, but many Cllrs have found that they have also worked harder during the pandemic.
- There is a need to keep the NHS and hospitals as available as possible for people, and to stop making dismissive comments about living with COVID.
- In previous times, Cllrs would attend meetings, sign the attendance register to ensure they obtained their allowance and then leave the meeting shortly after. They must now move on and adapt since it is clear in a virtual meeting who attends and who does not, and it is a good way of working.
- For the purposes of clarification, decisions are not being made by officers, they are implemented by officers after Cllrs have debated issues and come to conclusions about what they would like to happen.
- The Leader pointed out that as a Cllr who was regularly working more than 50 hours a week, he was not prepared to revert to a basic allowance.
- The Chair read out a statement from Cllr Val Ranger, who was unable to get a reliable connection;
 - 1) Between 2017 and 2020, Cllrs made travel claims of £90k, an average of £22k per annum. This reduced to £1,077 in 2021 when EDDC moved to remote working.
 - 2) Not needing to travel to meetings has reduced Cllrs' carbon footprint, which is a key priority for the Council in its drive for carbon neutrality.
 - 3) The cost of using Westpoint Centre for a recent Council meeting was £1,530, for a meeting which lasted about 45 minutes, aside from the extra work for officers who had to set it up to ensure it was safe.A return to face to face meetings would be a scandalous waste of public funds at a time of financial pressure, and also short-sighted with regard to the welfare of Cllrs, officers and a risk to colleagues. The Council should be pushing government to update its outdated local government legislation.

The Chair moved the report and invited members to vote in favour or against recommending approval of the report.

Following a vote, the Chair confirmed that the report and its recommendations contained therein were recommended for approval.

RECOMMENDATION: to approve the report and its recommendations contained therein, as follows,

Council agrees that;

1. Save as provided for in Recommendation 3, until 23:59 10th May 2022 (or such earlier period as may be decided by subsequent decision);
 - a. all meetings of the Council and its committees (but not sub-committees), panels and forums and the Cabinet shall be held virtually using available technology but shall be on the basis of being consultative only other than where specific legislation permits decision making at virtual meetings.
 - b. decisions (including all executive and regulatory matters) that would have been taken by those meetings if the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 had continued in force shall be delegated to the Chief Executive or relevant Senior Officer in consultation with those meetings.
 - c. in taking decisions under paragraph b, the Chief Executive or relevant Senior Officer shall have heard all of the debate having been at the consultative meeting or seen the recording of it.
2. Until 23:59 10th May 2022 (or such earlier period as may be decided by subsequent decision) the Constitution shall be treated as having been amended to give effect to the above and shall be interpreted purposively on that basis with the final decision on its interpretation to rest with the Chair of Council (having regard to the advice of the Monitoring Officer and / or Head Paid of Service) in accordance with Part 1, Article 5.1.2 of the Constitution.
3. Recommendation 1 is not intended to apply to any of the following;
 - a. The Full Council meeting of 23rd February 2022 to set the budget, which shall be held in person with arrangements to be agreed in consultation with the Chair,
 - b. any sub-committee for quasi-judicial purposes (e.g. Standards Hearing Sub Committee or Licensing Sub Committee when considering taxi licensing matters) where the Head of Paid Service or the Monitoring Officer shall give specific consideration to what are the most suitable arrangements to use at the relevant time and determine the appropriate way to hold the meeting,
 - c. decisions that legislation already permits as ones that can be made by virtual meetings (e.g. Licensing Act 2003).

DECISION:

The recommendation was approved by a Senior Officer. The Senior Officer Decision Notice is listed above under Additional Documents.

58 **Motion: Revision to wording related to Poverty in Council documents**

The Chair invited Cllr Rylance as the proposer to speak to the motion.

Cllr Rylance said that she was motivated to propose this motion after seeing the latest available figures which indicated that 13% of children were living in poverty, and in some parts of Devon this increases to 34%. 16 million households do not have one month's worth of savings to rely upon. In the current financial climate, use of the word involuntary harps back to Victorian notions of deserving and non-deserving poor, as if people would choose to be homeless or desperate. Removing the phrase 'involuntary poverty' as Council documents are revised would help to ensure that there is no gate-keeping or impediment to those who request help, or imply any judgement at all.

In the absence of Cllr Bonetta, Cllr Millar acted as seconder to the motion. He considered that phrases such as involuntary poverty are akin to others such as 'intentional homelessness' used legally, but reverts to different times and are very outdated.

Cllr Armstrong reminded Council that a similar debate was held in October 2019, but without setting out realistic or timebound recommendations.

The Chair invited Cllr Rylance to give her right of reply.

Cllr Rylance said that she was pleased to see general support for the motion and made a plea for everyone to be aware of the power of language, particularly when dealing with people on the edge of poverty who are vulnerable.

The Chair invited those present to vote on the motion.

Following a vote the motion proposed by Cllr Rylance was carried unanimously.

RECOMMENDATION; that the following recommendation from the motion be approved; This council resolves to remove the word "involuntary" from the term "involuntary poverty" from every part of its documentation, at the time each document is scheduled for revision.

DECISION;

The recommendation was approved by a Senior Officer. The Senior Officer Decision Notice is listed above under Additional Documents.

The Chair thanked everyone for their attendance and closed the meeting at 8.10pm.

Attendance List
Councillors present:

V Ranger (Vice-Chair)
M Armstrong
P Jarvis

J Rowland
J Loudoun
D Bickley

B Ingham
G Jung
H Parr

S Jackson
P Arnott
K Blakey
F Caygill
A Colman
P Millar
R Lawrence
T Woodward
N Hookway
C Wright
O Davey
J Whibley
T McCollum
V Johns

J Bailey
P Hayward
S Hawkins
A Moulding
D Key
C Gardner
D Manley
C Brown
M Chapman
A Dent
D Barrow
P Faithfull
S Gazzard
M Howe

G Pook
G Pratt
M Rixson
E Rylance
B De Saram
B Taylor
I Thomas (Chair)
P Twiss
E Wragg
T Wright
S Hughes
A Bruce
J Kemp

Officers in attendance:

Mark Williams, Chief Executive
John Golding, Strategic Lead Housing, Health and Environment
Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)
Susan Howl, Democratic Services Manager
Sarah Jenkins, Democratic Services Officer
Andrew Hopkins, Communications Consultant
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Councillor apologies:

S Chamberlain
K Bloxham
M Allen
I Chubb
I Hall
M Hartnell
P Skinner
J Bonetta

Chair

Date: