

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the consultative meeting of Scrutiny Committee held Online via the Zoom app on 2 December 2021**

#### **Attendance list at end of document**

The meeting started at 6.00 pm and ended at 9.13 pm

#### **20 Public speaking**

There were no members of the public registered to speak.

#### **21 Minutes of the previous meeting**

The minutes of the previous meeting held on 7 October 2021 were received and accepted.

#### **22 Declarations of interest**

Minute 27. Local Plan Sites - Allocations to Delivery.  
Councillor Maddy Chapman, Personal, Member has had contact with various parties concerning the Goodmores Farm development.

Minute 27. Local Plan Sites - Allocations to Delivery.  
Councillor Olly Davey, Personal, Member is an Exmouth Town Councillor.

Minute 27. Local Plan Sites - Allocations to Delivery.  
Councillor Paul Millar, Personal, Part of the Goodmores Farm development is situated within the Member's ward.

Minute 27. Local Plan Sites - Allocations to Delivery.  
Councillor Tony McCollum, Personal, Member is a Honiton Town Councillor.

#### **23 Matters of urgency**

There were no matters of urgency.

#### **24 Confidential/exempt item(s)**

There were no confidential / exempt items.

#### **25 Decisions made by Cabinet called in by Members for scrutiny in accordance with the Overview and Scrutiny Procedure Rules**

There were no decisions made by Cabinet called in by Members for scrutiny.

#### **26 Portfolio Holder update on progress with the Member Development Working Group**

Cllr Sarah Jackson, Portfolio Holder for Democracy, Transparency and Communications, presented an update on progress with the Member Development Working Group. The

Group had met in November with Members who were not part of the Working Group and newly elected Members also attending. Members had considered the post-election induction training, annual top-up and refresher training for new and existing elected members, information for prospective Councillors and current and future Member development needs.

Moving forward, it was planned to create a survey and a training matrix which would set out the main training needed for Members to fulfil their roles.

Questions and discussion included the following points:

- Members should be aware that some Committees are statutory and require Members to be fully trained before participating eg. Planning and Licensing.
- Training could be provided to Group Leaders on appointing Members to Committees, particularly those which are statutory.
- Attendance at training which is mandatory could be published on the website.
- The Member Development Working Group had discussed various methods of delivering training and it was noted that it could be difficult to evidence Members' attendance if training is delivered online.

The Chair thanked the Portfolio Holder for her update. Cllr Jackson agreed to provide a report to the Committee on training strategy by autumn next year.

## 27 **Local Plan Sites - Allocations to Delivery**

Ed Freeman, Service Lead, Planning Strategy and Development Management, presented a report which followed a proposal submitted by Councillor Maddy Chapman that was considered by the Scrutiny Committee at its meeting in April 2021. The report explained how sites allocated in the adopted Local Plan have been translated from policy into planning applications focusing on the issues relating to infrastructure delivery and viability that had arisen. The report provided two examples as case studies to illustrate the issues and sought to explain how changes in government guidance should help to address the concerns raised as work on the new Local Plan progresses. Ed Freeman advised that the case studies were included for illustrative purposes only, as it is not the role of the Scrutiny Committee to consider planning applications which had been granted planning permission.

Particular attention was drawn to the production of the last Local Plan when there was generic testing of viability across different types of development and different broad locations. This approach had led to a national problem as when planning applications were made, more information would be available which might not be in line with previous assumptions about issues such as infrastructure delivery made at the site allocation stage. Sites may then not be able to deliver what was expected in planning policies or by the community.

Changes had been made to national planning policy framework which brought in site specific viability testing particularly for large scale allocations. This set a benchmark of what could be expected to be delivered, against which a planning application could then be measured. This was a key change to Government guidance which should help to address the concerns raised as the new Local Plan work progresses.

Discussion of the report and questions from Members included the following points:

- Regarding changes in the production of viability assessments, this had been shaped by case law, and the emphasis is on EDDC to obtain the necessary information at the site allocation stage.
- Viability assessments had always been required for the Local Plan process and EDDC would use a mix of staff and external consultants for this work.
- It was noted that issues such as the economic or employment circumstances could change following the allocation of sites in the Local Plan, and that EDDC had no control over such changes.
- Concern was raised regarding the loss of industrial / employment space in Honiton as a result of the Ottery Moor Lane planning application and development, which, it was felt, had only considered the site and not the wider issue of the town itself.
- Regarding the tracking, collection and distribution of S.106 and overage money, it was confirmed that the backlog which had previously been reported is reduced and the system is working well.
- Concern was expressed regarding the public consultation for the Goodmores Farm development and specifically with delivery of infrastructure such as the school.
- It was suggested that understanding how problems had arisen on development sites in East Devon could be used to inform work on the new Local Plan.
- It was noted that there is always a requirement to balance infrastructure priorities when considering planning applications.
- Going forward, there is a need to have more detailed regard to the topography of a development site in order to understand the cost implications of this for the viability of delivery.
- Progress with regard to the levelling up fund was noted.

The Deputy Monitoring Officer advised that the Monitoring Officer, Henry Gordon Lennox, had previously commented on whether it was possible to look at the matter of the Goodmores Farm planning application and the consultation process. The Deputy Monitoring Officer advised that the Scrutiny Committee asks the Monitoring Officer to comment on what he thinks is appropriate for the Scrutiny Committee to consider, before a decision is made as to whether any further reports should be brought back to the Committee.

The Committee then considered the concerns raised regarding the development of the Ottery Moor Lane site in Honiton and the loss of industrial / employment land and its implications for the economic development of the town as a whole.

Ed Freeman advised that this issue was looked at as part of the Local Plan process when all options for Honiton had been considered using a holistic approach.

### **RECOMMENDATION**

That the Monitoring Officer be asked to further advise on the ability of the Scrutiny Committee to further consider the Goodmores Farm planning application as a specific case, and the consultation process which surrounded it.

### **RECOMMENDATION TO STRATEGIC PLANNING COMMITTEE**

That a more precise and holistic economic evaluation is carried out in relation to proposed major development sites as part of the new Local Plan process.

28 **Recommendation from Strategic Planning Committee regarding potential policy approaches for sport and recreation - verbal report**

Ed Freeman advised the Committee on the background to the recommendation from the Strategic Planning Committee from its meeting on 5 October 2021. Members of Strategic Planning Committee had raised concerns regarding privately owned sports pitches being used for temporary events under permitted development rights. Open land can be used usually for up to 28 days per year. As part of the Covid -19 pandemic recovery, the Government had introduced extending the rights so that such land could be used for up to 56 days per year for temporary events, in order to promote events and the associated economic benefit.

Members had expressed concern that sports pitches could therefore be out of use for up to 56 days, sometimes at the height of the sports season, and that this could have a detrimental effect.

Ed Freeman advised that the Government had confirmed that the extended use of 56 days would not continue, and would revert back to the previous 28 days from 1 January 2022. The issue had also only arisen on sports pitches which are privately owned and the majority of sports pitches in East Devon are in public ownership.

It was proposed that a written report setting out what had been explained verbally should be brought to the Committee. Members expressed their view on the proposal and, as the votes were tied, the Chair used his casting vote against the proposal.

29 **Expenditure on Consultants and Agency staff 2020/21**

John Symes, Finance Manager, presented the annual report on agency expenditure for 2020/21 and outlined the process for collating the information from the various services.

Discussion of the report highlighted the need for comparative figures in order to better understand the expenditure compared with previous years. Members also questioned what proportion of the agency expenditure was due to either in-house staff shortages or the need to buy in specific skills. An analysis by service group would also be helpful in understanding the need for agency expenditure.

The Committee welcomed the report and was pleased to see that there is a significant decrease in this type of expenditure. The Committee would like more detail regarding the types of expenditure, what proportion of the expenditure is backfilling a shortage of permanent staff and expenditure categorised by service group. The Finance Manager confirmed that this information would be provided for a future meeting.

30 **Forward Plan**

The Committee agreed to change the published order of the proposal forms and to first consider the proposal form submitted by Cllr Bailey.

Scrutiny of the performance of South West Water by reference to (a) its sewage discharges into rivers in the district and the sea (b) processing of domestic sewage in the district.

Cllr Bailey introduced the proposal form which raised the matter of sewage discharge in East Devon's rivers and coastal waters and which proposed that South West Water be invited to address the Committee's concerns at a future meeting.

Discussion of the proposal included the following points:

- The Environment Agency could also be invited to attend at the same time as South West Water.
- Information on water quality would be beneficial on a year round basis, rather than just being provided between May to October.
- As this is a key local issue, it would be advantageous to hold an Extraordinary meeting with this as a single agenda item.
- Beach quality is a function of EDDC and it was suggested that Environmental Health should also be involved in the discussions going forward.
- Members were in support of holding a daytime meeting and, if possible, on a face to face basis.
- There are implications for planning going forward if South West Water are not able to manage increasing development.

Ed Freeman advised that this issue had been raised through Strategic Planning Committee and that Officers are committed to discussing future growth aspirations with South West Water and how that impacts on the planning process. Future implications for growth would be better addressed by Planning Officers through the Strategic Planning Committee.

Ed Freeman further advised that the current Local Plan encourages sustainable drainage systems whereby surface water is captured and held and used on site in order to relieve pressure on South West Water's infrastructure. South West Water may be able to advise on the effectiveness of on site sustainable drainage systems.

Further discussion of Cllr Bailey's proposal included the following points:

- It would be more effective for the Committee to focus its meetings separately with South West Water, the Environment Agency and other organisations.
- The primary focus should be on South West Water and East Devon's watercourses and coast.

## **RECOMMENDATION**

That the Scrutiny Committee invites South West Water to attend an Extraordinary meeting of the Committee to investigate the sewage contamination of East Devon's waterways.

## Convention on the appointments of Honorary Aldermen and Honorary Alderwomen

The Committee considered the proposal form submitted by Cllr Millar regarding the convention for appointing Honorary Aldermen and Honorary Alderwomen.

Cllr Millar introduced the proposal and expressed his concern that there is currently no written protocol for making the appointments. As this is the case, Cllr Millar also had concerns as to how the previous round of appointments was made and is of the view that it is important for the Scrutiny Committee to look in to this and that the public deserve to know. Across the country there is a variety of approaches to appointing Honorary Aldermen and Alderwoman and examples of protocols are available.

Members discussed their understanding of the basis for making the appointments in previous years, raised the issue of whether the position should continue to exist and questioned how recent appointments had come about with no written protocol in place. Should a protocol be put in place going forward, it should include a process for the removal of Honorary Aldermen and Alderwomen.

It was noted that, apart from length of service, the main criteria for the appointment is that an eminent contribution has been made by the nominee.

### **RECOMMENDATION**

That a report be provided for the Scrutiny Committee setting out the following:

- How Honorary Aldermen and Honorary Alderwomen have been selected in the past, what criteria were used and on whose recommendation,
- What does eminent or meritorious conduct include,
- A breakdown by party and qualification of those who have received the honour in the past twelve years,
- Options for the future, including processes for granting and removal of the honour,
- Referenced examples of protocols from other areas.

With the addition of the above proposals, the Forward Plan was noted.

The Scrutiny Committee thanked the Car Parking TaFF for its work which has had significant achievements with regard to camper vans, electric charging points and eco scooters. The Committee considers that there is now some urgency with regard to formulating a car parking strategy for the approval of Council and time constraints mean that this process is better served if this is now considered by Cabinet.

### **Attendance List**

#### **Councillors present:**

T Wright (Chair)  
V Ranger (Vice-Chair)  
M Allen  
A Bruce  
M Chapman  
O Davey  
C Gardner  
S Hawkins  
J Kemp  
T McCollum  
P Millar  
H Parr  
E Rylance

#### **Councillors also present (for some or all the meeting)**

P Arnott  
J Bailey  
C Brown  
P Faithfull  
S Jackson  
G Jung

J Loudoun  
D Manley  
A Moulding  
E Wragg  
N Hookway

**Officers in attendance:**

Ed Freeman, Service Lead Planning Strategy and Development Management  
Wendy Harris, Democratic Services Officer  
Sarah Jenkins, Democratic Services Officer  
John Symes, Finance Manager  
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

**Councillor apologies:**

A Colman

Chair .....

Date: .....