

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Scrutiny Committee held at Council Chamber, Blackdown House, Honiton on 6 July 2023

Attendance list at end of document

The meeting started at 6.00 pm and ended at 7.36 pm

1 Public speaking

Jack Rowland asked a question in relation to the Service Plan reports showing a variation on delivery – specifically on:

- the objective to “Develop a mitigation strategy for phosphate levels arising from development affecting the River Axe”. The report showed the reason for the variation being due to the post of District Ecologist becoming vacant, but is soon to be filled. He asked when the post would be filled, and if the previous post holder had begun work on a mitigation strategy or if the new post holder would have to start from scratch. Bearing in mind the importance of such a strategy in relation to planning applications in the area, and impact on other authorities. The timescales for delivery were requested.
- the objective “Seaton Jurassic – conclude how best to deal with the building defect issues and alongside let/sell to ensure the site is continued to use in some form or another by March 2023”. The report showed comment that discussions progressing constructively with Seaton tramway as future operator. An opening prior to Easter 2024 is looking unlikely. Cabinet decision made September 2022 on a lease, can officers confirm if current negotiations are on track without divulging commercially sensitive information. Will the centre be open by the tourism season for 2024.

Written responses to the questions had been received from officers as follows:

River Axe phosphate levels:

The post of Ecologist, following resignation and departure of the previous post holder last year, was filled in mid-April 2023 and as part of his job the new ecologist is taking the lead on River Axe mitigation matters. The previous ecologist had left handover notes with the work that had been undertaken to date, including a review of potential mitigation options, and the new ecologist has been getting up to speed with the work previously undertaken and upskilling themselves in this complex and specialised area.

The Council are also looking to secure additional ecological staff support, specifically on account of the new demands and work requirements with Development Management associated with the implementation of mandatory Biodiversity Net Gain (BNG) required under the Environment Act 2021 from November 2023. Some of this work may overlap with the River Axe mitigation work, e.g., exploring options for nutrient mitigation and stacking these with BNG environmental credits to deliver best outcomes for the environment and land managers.

The Council has taken the role of lead authority in respect of collaborative working with partners in other planning authority areas (Dorset and Somerset) and is advancing work on strategic solutions to provide appropriate mitigation in respect of addressing net increases in phosphates arising from development and adversely impacting on the River Axe. It is relevant to note, as well, that developers can identify and deliver mitigations measures themselves that would allow for new development to come forward. It is understood that a number of schemes are being investigated by developers.

The Council are working with a wide range of stakeholders and partners including industry and farming interests to identify appropriate mitigation measures and much of the work is geared around identifying and implementing actual projects, as opposed to developing or having a strategy that is not necessarily and directly linked to projects and implementation. Milestones will arise as and when projects are identified but at this stage specific schemes that can be implemented on the ground, on specifically defined sites, are still to be properly and fully identified and progressed. The theory around what will work is understood, the bigger challenge is actually developing and implementing specific projects.

Mr Rowland had a supplementary question, which was, Somerset Council have an agreed phosphate systems, so would it be worthwhile examining this system to see how it may benefit this authority.

Seaton Jurassic

A recommendation was made by Cabinet in October 2022 to progress heads of terms with Seaton Tramway. Negotiations continue and whilst the building has disappointingly remained closed for the summer 2023 season, both parties are committed to doing all they can to ensure a visitor attraction is open ready for Easter 2024 if the process can be agreed swiftly. A further report to Cabinet is planned for September with recommendations that will help to ensure that the project can be successfully concluded.

Mr Rowland did not have a supplementary question in response to the provided response, but looked forward to the report being before Cabinet in September.

He did have a further suggestion in relation to the Portfolio Holders' annual report and recommended they be given at least four weeks notice for preparation of the report, to take account of the time that the portfolio holder would need to prepare a comprehensive report alongside officers.

Questions arising from the officer responses included seeking clarification on monitoring the delivery of a mitigation strategy, in that any new strategy should go before the Overview Committee. The Chair advised that this issue would be left to the appropriate officer to deal with as required.

2 Minutes of the previous meeting

The minutes of the previous meeting held on 9 March 2023 were agreed.

3 Declarations of interest

Councillor V Johns; Other Registerable Interest: Director of OSM Community Larder that deals with Fairshare. Cllr Johns did not leave the meeting during this item.

Councillor B Collins: Other Registerable Interest: Company Director of Foodsave CIC which also deals with Fairshare. Cllr B Collins did not leave the meeting during this item.

4 Matters of urgency

None.

5 Confidential/exempt item(s)

None.

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

None.

7 Quarterly performance report - quarter 4 2022 - 2023

The Committee considered the quarterly monitoring report of the quarter January to March 2023, providing performance information and progress against the performance indicators and key objectives.

The report highlighted four indicators showing a status of concern:

- Number of households living in temporary accommodation
- Working days lost due to sickness absence
- Percentage of Stage 2 complaints responded to within stated timeframes
- Days taken to process new Housing Benefit claims and Days taken to process changes to Housing Benefit claims

Actions to mitigate those indicators were set out in the report.

The report also listed seven key service objectives showing a status of concern:

- Continue to collect and spend Community Infrastructure Levy monies to deliver the infrastructure needed to support new development
- Improve void turnaround times and review the Void Standards for properties being re-let as part of our Price Per Void contract and ensure that a suitable lettable standard is achieved for new tenants achieving “right first time”
- Review compliance procedures by an external body to drive continuous improvement
- To report on our delivery of high quality new and improved play areas, open spaces and sports pitches funded from development proposals
- Working with the neighbouring land owner to deliver a masterplan for the Hayne Lane site in Honiton December 2023
- Review of Taxi Policy to help seek to meet climate change targets, to reduce emissions and incorporating the national standards recommended by the Department of Transport
- Revising the Cemetery Regulations to ensure an updated and fit for purpose regime for burials by December 2022

Actions to mitigate those delays were set out in the report.

Discussion by the committee included:

- Lack of post holder to liaise between local councils and others to deploy s106 monies means that some money cannot be released, particularly with time sensitive linked funds, so concern that money will be lost; the issue of resourcing was still present and further enquiries will be made to try to establish what can be done to remedy the situation.
- Work signed off by contractors on housing stock where the work has not been completed. In relation to voids, clarification will be sought from the Housing service for the committee.
- Revising the cemetery regulations – are the team any nearer to completing this or is additional resource needed to get this achieved? Cllr Whibley, as Chair of Licensing, outlined the extensive increase in work for the Licensing team and the pressures for prioritising work. If there is any scope to add additional resource to the team, this would be welcomed.
- S106 money delays the delivery of parish play areas and this has been ongoing for some time and should be prioritised to avoid loss of funds. Parishes are getting frustrated and some recommendations should be made to Cabinet to either resource correctly or relax

the schemes to permit some schemes to proceed; The Chair suggested debate under their forward plan item to undertake some research into the situation before coming up with recommendations to Cabinet. A report was expected from Ed Freeman on this issue which would be taken into account.

- Manor Pavillion attendance figures and ticket sales clarification requested;
- Fly tipping incident increase clarification – was it a seasonal issue or just a general increase? In response, there had been changes to the way these are reported which may have generated the rise, but will be investigated to provide clarification to the committee; in response the Portfolio Holder commented that he kept a close eye for last eight years, overall there had been a downward trend, including Devon wide, so will look at the reporting mechanism to see how to correct to give a clear picture to the committee.

The Chair outlined how the report presented to the Committee would be reviewed, involving a small task force from the committee. Cllrs Whibley and Barlow volunteered to work with the Chair on this review.

8 **Forward Plan 2023 - 2024**

The Chair asked the committee to consider a manageable schedule of work for the them to undertake whilst maintaining some flexibility to handle any urgent matters that may come up during the year.

Waste and recycling contract

Waste contract discussion had already taken place prior to the meeting, and the Portfolio Holder for Coast, Countryside and Environment was present to discuss how Scrutiny can get involved with this work. The Portfolio Holder outlined how current work on an extension to the current contract was progressing, with three months extension almost agreed. Aside from this, consideration was needed for the next contract term, including aspects such as the vehicle fleet in respect of how they are powered and kept powered; changes in how waste streams are changing; charges for waste by manufacturers; changes to collection timings.

The Portfolio Holder informed the committee that the Waste and Recycling Team are working on reviewing options for future service provision to take account of industry changes and the best routes to continue our excellent service from this authority, bearing in mind that the Council is the number one in the country. A briefing paper will go before the Strategic Management Team and Cabinet in the late summer/early autumn of this year, to instigate commissioning the replacement of our current contract. He welcomed cross party nominations, with interest and knowledge of the service, to get involved with this process, being mindful of the sensitivities of contractual information. The Scrutiny committee would be kept informed of progress.

The Chair responded, commenting that he would like to see Scrutiny members involved and view the Cabinet report as a critical friend before the decision is taken by Cabinet to extend the current contract. The committee would have the topic added to their forward plan for Spring 2024 or earlier as required.

Other issues

Cllr Ingham suggested inclusion of a number of issues and outlined how the Scrutiny Committee should timetable such work, particularly on the Local Plan as it does not reflect the wants and needs of the local community using the current methodology. He also felt there were no significant changes visible to deal with climate change; the threat to local business for the increase in car park charges should be examined; and concern

on the contract for Housing repairs not delivering what tenants needed, and residents suffering as a result.

Debate from the committee on the topic of the Local Plan included arguments on the methodology, changes in central government advice, but the plan should not be stalled and it would only confuse the issue to examine it while it is already underway and legislation is still pending that may change it again.

The Chair outlined recent discussions with other Chairs on housing issues and work was underway to see how best to scrutinise that work, as that remit fell to the Housing Review Board as the scrutiny function for Housing. There may be a way forward working as a collective but he needed further discussion before coming back to the committee with a way forward.

The Chair commented that car park charges would be picked up after a report went to Cabinet in November.

Making access to S.106 monies easier for towns and parishes was discussed with some examples given of those difficulties in accessing the funds. Views could be sought from town and parish councils on their experiences to date. A balance on the outstanding amount will also be required.

The proposal from Mid Devon DC Scrutiny Committee regarding a joint review into the planning controls and regulatory requirements associated with the bio-energy industry within Devon, in particular anaerobic digesters, should be followed up. Links with neighbouring authorities on their scrutiny work should be developed.

Poverty working panel recently reported 60 families in temporary accommodation – should the authority be paying rent to private landlords when there is empty housing stock that could be used. Desire to move to a position of minimal to no temporary accommodation. The Chair will raise this with the Chair of HRB and the Portfolio Holder.

Progress in finding a site for travelling community was raised. In response, the Portfolio Holder suggested a meeting with Members to discuss this, but there is a report soon to be provided in confidence to Members on the issue.

Councillors discussed grass cutting and verges, alongside re-wilding.

The Portfolio Holder informed the committee:

- Of a pending Cabinet biodiversity paper;
- that review of planning policy, in particular relating to bird boxes and bee bricks, were an issue for strategic planning to review;
- Climate change on track for most of performance; awaiting DCC input to additional policies but he agreed the benefit of scrutinising delivery;
- September Cabinet paper on nature emergency, including “re-naturing” rather than “re-wilding”.

Committee members commented on complaints from the public in respect of visibility issues when grass verges were too long; and linking with Devon County Council on their policies for verges. The committee could consider the management plan for grass verges in Dorset; and check if East Devon have got cut and mulch machines which reduces amount of grass left on site and benefits the soil.

Flooding events recently; Devon County Council are reporting on this soon and the report should be considered by the Scrutiny Committee in order to consider working with resilience groups in the area to prepare for future flood events.

The Chair also had meetings planned to discuss public toilet provision but also wanted the scrutiny committee to review this.

In reviewing their work plan, the committee added:

- Making access to S.106 monies easier for towns and parishes, for the September meeting;
- Proposal from Mid Devon DC Scrutiny Committee regarding a joint review into the planning controls and regulatory requirements associated with the bio-energy industry within Devon, in particular anaerobic digesters
- South West Water report
- Review effectiveness of Blackdown House, in terms of fit for purpose for both employees and Members
- Budget scrutiny in line with the requirements prior to recommendation to Cabinet – November/December
- Climate change action plan progress - October
- Rewilding grass verges/grass cutting review – October
- Toilet provision
- Devon County Council's flood event report

The Monitoring Officer asked the committee about the adoption of a Scrutiny Protocol. This would set out what the purpose of the committee is, the four principles of scrutiny being included. It would also set out the process that would be followed in undertaking the scrutiny process, as well as lay out expectations. This would help inform both Members, officers and members of the public. The Monitoring Officer would bring forward a draft protocol for discussion at the September meeting.

The committee considered the draft Terms of Reference for annual reports by Portfolio Holders, with the intention for the annual report to be presented to Council once during a civic term. The terms of reference could also be included in the protocol.

RESOLVED

1. that the forward plan for the Scrutiny Committee be updated; and
1. that the Terms of Reference be included in the draft Scrutiny Protocol to be presented to the Scrutiny Committee at their next meeting.

Attendance List

Councillors present:

J Bailey
I Barlow
M Chapman
B Collins
R Collins
M Goodman (Chair)
A Hall
J Heath
J Kemp (Vice-Chair)
A Toye
J Whibley

Councillors also present (for some or all the meeting)

B Ingham
V Johns
G Jung

Officers in attendance:

Jo Avery, Management Information Officer
Andrew Hopkins, Communications Consultant
Sarah Jenkins, Democratic Services Officer
Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)

Committee apologies:

S Smith

Other Councillor apologies:

M Hartnell
S Richards
P Arnott

Chair

Date: