

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Scrutiny Committee held at Council Chamber, Blackdown House, Honiton on 11 July 2024

Attendance list at end of document

The meeting started at 6.00 pm and ended at 7.35 pm

10 Minutes of the previous meeting held on 13 June 2024

The minutes of the previous meeting held on 13 June 2024 were agreed and signed as a correct record.

11 Declarations of interest

Minute 17. S.106 & CIL processes and resources update.

Councillor Paul Hayward, Affects Non-registerable Interest, Member is employed by Axminster Town Council which benefits from S.106 and CIL monies.

The following declarations were made in respect of local councils which benefit from S.106 and CIL monies:

Minute 17. S.106 & CIL processes and resources update.

Councillor Andrew Toye, Affects Non-registerable Interest, Member of Exmouth Town Council.

Minute 17. S.106 & CIL processes and resources update.

Councillor Ian Barlow, Affects Non-registerable Interest, Member of Sidmouth Town Council.

Minute 17. S.106 & CIL processes and resources update.

Councillor Jenny Brown, Affects Non-registerable Interest, Member of Honiton Town Council.

Minute 17. S.106 & CIL processes and resources update.

Councillor Joe Whibley, Affects Non-registerable Interest, Member of Exmouth Town Council.

Minute 17. S.106 & CIL processes and resources update.

Councillor John Heath, Affects Non-registerable Interest, Member of Beer Parish Council.

Minute 17. S.106 & CIL processes and resources update.

Councillor Maddy Chapman, Affects Non-registerable Interest, Member of Exmouth Town Council.

Minute 17. S.106 & CIL processes and resources update.

Councillor Mike Goodman, Affects Non-registerable Interest, Member of Sidmouth Town Council.

Minute 17. S.106 & CIL processes and resources update.

Councillor Olly Davey, Affects Non-registerable Interest, Member of Exmouth Town Council.

Minute 17. S.106 & CIL processes and resources update.

Councillor Vicky Johns, Affects Non-registerable Interest, Member of Ottery St Mary Town Council.

12 **Public speaking**

The Democratic Services Officer read out a statement submitted by a member of the public, Mrs Ann Membery.

The statement referred to the meeting of the Scrutiny Committee held on 13 June 2024 and the report on improving green spaces for wildlife. The member of the public expressed concern that hedges and trees are being replaced with high wooden fences at the front of residential properties. This is both detrimental to wildlife and, in some cases, in breach of planning regulations. The member of the public had been in contact with the EDDC planning department and the Planning Enforcement Officer, and had been advised that residents could apply for retrospective planning permission for fences of more than 1m high. However, the member of the public was concerned that this could lead to more residents installing high wooden fences which would destroy wildlife and be detrimental to the street scene.

The Chair thanked the member of the public for their statement which would be forwarded to planning officers for a response.

13 **Matters of urgency**

There were no matters of urgency.

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

There were no confidential / exempt items.

15 **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 in accordance with the Overview and Scrutiny Procedure rules.

16 **East Devon Safeguarding annual review 2023/24**

The Assistant Director, Environmental Health, presented the first annual report which outlined the key deliverables that had been achieved during 2023-24 as part of East Devon District Council's safeguarding responsibilities. The report set out the general safeguarding submissions in 2023-24, details of the Safeguarding Policy which was adopted in March 2024, the safeguarding forum and training which has been delivered since 2022. The report author, the Emergency Planning and Business Continuity Officer, was present to answer questions.

Responses to questions and discussion included the following points:

- The report demonstrated a renewed and reinvigorated approach to the Council's safeguarding responsibilities.

- A job role for the Member Champion is currently being prepared to provide focus for this position.
- The Portfolio Holder for Council and Corporate Co-ordination stressed that all Members should start and complete the DBS check process. Councillors experiencing difficulties with the process should contact the Monitoring Officer for advice and were requested to copy in the Portfolio Holder, Cllr Loudoun.
- In response to a question regarding the robustness of the Council's links with partner agencies, officers confirmed that very good links with Devon County Council are in place. Officers are also developing links with children's services.
- Training for Multi Agency Safeguarding Hub (MASH) referrals for children's safeguarding is generic and does not cover the Devon process. This is being considered going forward to ensure that all staff involved are familiar with relevant processes.
- It was noted that Councillors' attendance at safeguarding training and completed DBS checks are not currently shown on the website. The Portfolio Holder for Communications and Democracy would follow this up outside the meeting.
- It was noted that self-neglect can also be caused by issues such as alcohol and drug dependency, and it was confirmed that officers still work with and offer support to residents where a safeguarding concern has been raised but has not met the threshold for a Section 42 Care Act 2014 concern with DCC Adult Social Care.
- In response to a question regarding safe-houses for domestic abuse cases, it was noted that this falls under the remit of the Community Safety Partnership, with the Anti-Social Behaviour & Community Safety Co-ordinator working closely with Devon County Council and the Police on such matters.

The Chair thanked officers for a very informative first annual report.

17 **S.106 & CIL processes and resources update**

The Planning Obligations Team Leader presented the report which updated Members on progress with addressing resourcing issues involved in S.106 obligations and CIL administration. This was further to a report to the Committee meetings held on 7 September 2023 and 4 April 2024 and subsequent resolutions from Cabinet on resourcing these key areas of work. A full team of officers is now in place and working on reviewing current systems, addressing a backlog of work and putting in place new, more efficient processes for collecting, recording and spending CIL and S.106 contributions. Short term priorities are to recover outstanding monies, undertake effective monitoring of developments, issuing of CIL liability notices and checking of exemption applications. Following that, the priority will change to spending monies.

The Planning Obligations Team leader has started the process of working more closely with town and parish councils. Every town and parish clerk has been contacted and some meetings have been attended by the officer.

An initial meeting of the CIL Member Working Group would be held in July to commence spending on key infrastructure projects, with approximately £10m available for local community projects.

Responses to questions and discussion included the following points:

- The Portfolio Holder for Strategic Planning advised that the new Planning Obligations team were making really good progress now that enough staff were in place. In light of this, the Portfolio Holder requested that the Committee re-consider the need for a Task and Finish Forum (TaFF) to scrutinise S.106 and CIL processes, and either withdraw the request or defer a review for 6 months.
- In response to a question regarding the availability of up to date information for town and parish councils, it was noted that the public facing Exacom system was not up to date and

that this was being addressed. The Infrastructure Funding Statement for 2022-23 would be published shortly and the information contained therein would be added to Exacom.

- It was noted that ward members were not copied in to emails to town and parish councils, and agreed that this would be looked at going forward.
- It was confirmed that no monies had been returned to developers and that the software system would alert officers as deadlines approached. Members were advised that where funds are allocated to a project, developers cannot usually demand repayment but this is dependent on the content of each individual S.106 agreement.
- It was noted that the decision on whether to take legal action against developers for non compliance rests with Revenue and Benefits service. The legal advice was that it was difficult to recover debts of more than six years old through the courts.
- It was suggested that a quarterly list of CIL amounts recovered and still outstanding would be helpful going forward. The Portfolio Holder for Strategic Planning would discuss this further with the Assistant Director Planning Strategy and Development Management.
- It was noted that the number of outstanding cases was falling every week. In some cases, amounts could be outstanding for reasons other than debt, eg. where a trigger point on a development had not yet been reached.
- In response to a question regarding interest, it was confirmed that all agreements have provision for indexation.
- Work was underway to set up a streamlined process for spending under S.106 agreements and training would be provided for town and parish councils when the system was in place.

The Chair thanked the Planning Obligations Team Leader for the report.

The Committee agreed not to proceed with a S.106 / CIL Resources & Processes Task and Finish Forum.

RECOMMENDATIONS TO CABINET

Recommended that:

1. Ward members be copied in to correspondence with town and parish councils on S.106 and CIL matters.
2. Better training be provided for town and parish councils on S.106 and CIL processes.
3. The Chair of the Strategic Planning Committee considers regular reporting on the recovery and spend of S.106 and CIL monies.
4. Communications with town and parish councils be improved so that local councils are better informed as to the S.106 and CIL monies available to them.
5. The link to the information on Exacom be sent to all members.

18 Work programme

The Committee discussed its work programme.

Members referenced the report to Cabinet regarding the HRA 2024-25 revised budget [minute 32 of Cabinet 10 July 2024 refers].

It was agreed that Scrutiny would like to offer to Cabinet and the Chief Executive to assist the Housing Review Board in dealing with the difficult decisions that they are facing, especially with looking back at spending over the last 12 months leading to the report to Cabinet on 10 July 2024.

The Deputy Monitoring Officer would follow up this matter.

Attendance List

Councillors present:

- I Barlow
- J Brown
- M Chapman
- O Davey
- M Goodman (Chair)
- M Hartnell
- J Heath
- V Johns
- Y Levine
- D Mackinder (Vice-Chair)
- A Toye
- J Whibley

Councillors also present (for some or all the meeting)

- A Bailey
- B Bailey
- C Brown
- R Collins
- P Faithfull
- P Hayward
- M Howe
- S Jackson
- G Jung
- J Loudoun
- T Olive

Officers in attendance:

- Jonathan Smith, Planning Obligations Team Leader
- Andrew Wood, Director of Place (interim)
- Matthew Blythe, Assistant Director Environmental Health
- Andrew Hopkins, Corporate Lead - Communications, Digital Services and Engagement
- Sarah Jenkins, Democratic Services Officer
- David Whelan, Anti-Social Behaviour & Community Safety Co-Ordinator
- Anita Williams, Principal Solicitor (Deputy Monitoring Officer)

Councillor apologies:

- A Hall
- M Hall

Chair

Date: