

**Questions by Members to Full Council on 18 December 2019 under Procedure Rule 9.2**

**Question 1: Procedure Rule 9.2 to the Leader from Councillor Paul Millar**

Pursuant to the five supplementary questions I asked on 23rd October, whether he is aware of the precise meaning of the word 'question', the precise meaning of the word 'answer', and the need for a link between the two?

**Answer:**

Yes.

**Question 2: Procedure Rule 9.2 to the Leader from Councillor Paul Millar**

How many of his answers to questions in his premiership thus far have been directed by the Chief Executive or an officer without any changes?

**Answer:**

A discrete number.

**Question 3: Procedure Rule 9.2 to the Portfolio Holder for Sustainable Homes & Communities from Councillor Paul Millar**

Pursuant to Q 4 from the last Full Council, whether she has any strategy to prevent the use of emergency housing payments?

**Answer:**

The use of Discretionary Housing Payments is an effective tool to help individuals and families in differing circumstances and used in some instances to help prevent homelessness occurring. The Council has a number of measures in place to help individuals and families as highlighted in the Poverty report presented to Overview Committee and this is one of many areas of assistance given.

**Question 4: Procedure Rule 9.2 to the Portfolio Holder for Finance from Councillor Paul Millar**

Has he explored the potential economic benefits of investing more Council money into taking action to reduce poverty, and whether he has considered an economic case for increasing funding to Citizens Advice in pursuit of a balanced budget?

**Answer:**

The “Poverty – A Local Picture” report presented to the Overview Committee considered the funding of Citizens Advice and other money advice funding supported by Council. The conclusion of this report was that funding should be maintained at circa £120,000 per annum and that Citizen Advice should be involved in a joint review to achieve better outcomes going forward. Following this review members may be asked to consider more funding but at this stage both bodies felt a joint review was required.

**Question 5: Procedure Rule 9.2 to the Leader from Councillor Paul Millar**

Pursuant to Q 17 from the last Full Council, and with reference to a statement he made to the Exmouth Journal in November 2018 as Leader of the Opposition, will he make it his policy to exclude non-disclosure clauses from any settlement agreement the Council undertakes in the future?

**Answer:**

The Council does not intend to routinely exclude non-disclosure clauses from any settlement agreement it might wish to undertake in the future. Such a position could possibly be contrary to the wishes of some individuals entering into these agreements and against the advice of UNISON. Instead, it is considered that a more pragmatic and practical approach would be that going forward if any settlement agreements are proposed the individual will be specifically offered a choice as to whether or not they would like a non-disclosure clause included. As a matter of legal compliance, all individuals entering into settlement agreements have to confirm they have received independent legal advice and the Council would continue to contribute to this. Additionally, it would be useful for Cllr Millar to note that settlement agreements do not preclude whistle-blowing rights which always remain open to individuals.

**Question 6: Procedure Rule 9.2 to the Portfolio Holder for Sustainable Homes and Communities from Councillor Paul Millar**

Would she make it her policy to inform proposers and/or seconders of motions of substantial amendments she wishes to move in advance of meetings as (a) a matter of basic courtesy, (b) to ensure an informed debate and (c) to prevent her colleagues from drawing potentially inaccurate conclusions that she is attempting to engage in the dark art of cheap political point scoring?

**Answer:**

The Constitution permits amendments to be moved during the debate on a motion. I consider that being allowed to move amendments is an important part of the ability of the Council as a whole to progress important issues which may not otherwise be acceptable as initially proposed. If Councillor Millar would like 'basic courtesy' perhaps he should refrain from criticising other members as he has here by suggesting, albeit inferentially, that I am engaged in the 'dark art of cheap political point scoring.

**Question 7: Procedure Rule 9.2 to the Portfolio Holder for Sustainable Homes and Communities from Councillor Paul Millar**

Can she confirm for each of the last five years (a) the total cost to the Council of providing homeless people with temporary accommodation, (b) the percentage of accommodation the Council uses for providing emergency housing we own, (c) the total number of people across the District living in temporary accommodation and d) how many of these people living in temporary accommodation are i) living in overcrowded conditions, ii) families with children, and iii) families with children living in overcrowded conditions?

**Answer:**

a) Temporary accommodation costs over the last 5 years:

2014-15 £17,699

2015-16 £19,401

2016-17 £69,579

2017-18 £183,995

2018 – 19 £285, 531

b) At present we use five council properties for temporary accommodation, within this time frame the maximum number of council properties we have used is six. Using our stock number as 4,200, this would equate as a maximum of 0.1%

c) and d) We hold records on the number of households placed into temporary accommodation since 2016, this varies monthly from 10-42. The numbers of households which have children in temporary accommodation varies by month between 0-20. We have no way of distinguishing if any of these households were living in overcrowded conditions, as this is not a factor that has been requested for reporting purposes.

**Question 8: Procedure Rule 9.2 to the Portfolio Holder for Finance from Councillor Paul Millar**

What were the total amount held in the Council's reserves in each of the last ten years?

**Answer:**

	<b>General Fund Balance £000</b>	<b>Housing Revenue Account Balance £000</b>	<b>Earmarked Reserves £000</b>
<b>31/03/2010</b>	6,382	906	8,420
<b>31/03/2011</b>	5,996	511	7,419
<b>31/03/2012</b>	5,536	624	7,340
<b>31/03/2013</b>	3,810	2,970	9,706
<b>31/03/2014</b>	3,925	3,891	11,689
<b>31/03/2015</b>	4,646	4,966	12,856
<b>31/03/2016</b>	3,625	5,135	13,942
<b>31/03/2017</b>	4,197	7,070	12,486
<b>31/03/2018</b>	3,666	3,901	13,393
<b>31/03/2019</b>	3,938	3,100	13,432

**Question 9: Procedure Rule 9.2 to the Portfolio Holder for Finance from Councillor Paul Millar**

What is the current deficit?

**Answer:**

It is difficult to interpret what is meant by this question.

The Council's most recently published Medium Term Financial Plan (MTFP) estimated a budget gap in 2020/21 of £0.7m. The draft budget report for 2020/21 to be presented to Cabinet on 8<sup>th</sup> January 2020 and to be considered by Overview and Scrutiny Committees outlines proposals for the Council to address this gap and set a balanced budget.

The MTFP prior to this most recent published version predicted a gap in 2020/21 of £2.1m but because of a delay in Government reforms a large part of this deficit has now slipped to 2021/22, leaving the £0.7m in 2020/21. The latest position for 2021/22 budgets and future year deficits is also covered in the draft budget report to Cabinet.

**Question 10: Procedure Rule 9.2 to the Portfolio Holder for Sustainable Homes and Communities from Councillor Paul Millar**

Do officers in the Housing team collect statistics on the number of Section 21 eviction notices, and if so, how many Section 21s have been served by private landlords in (a) Exmouth and (b) East Devon in each of the last five years?

**Answer:**

In terms of the information sought, we only have figures available since the Homelessness Reduction Act 2017 came into effect. So since April 2018 until the present time, of the 1367 homelessness approaches recorded, 313 show the reason for the approach as '*end of private rented – assured shorthold tenancy*', which follows the service of a section 21 notice. It is not possible to say how many of these relate to Exmouth as these figures are only recorded on a district wide basis.

**Question 11: Procedure Rule 9.2 to the Leader from Councillor Paul Millar**

With reference to recent local newspaper reports on public toilets, the future of Exmouth seafront and his threats to increase council tax, the Conservative parliamentary candidate being a DJ, and his position on car parking charges, whether he considers the impact on the reputation of his office when he makes statements to the press?

**Answer:**

Yes.

**Question 12: Procedure Rule 9.2 to the Portfolio Holder for Finance from Councillor Paul Millar**

What was the total cost of administering Discretionary Housing Payments in each financial year since the benefit was introduced?

**Answer:**

	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
DHP Payments Claimed from Government	181,479	144,605	107,801	86,677	182,788	223,404
Balanced Funded by Council	5,240	-	6,590	-	-	19,072

**Question 13: Procedure Rule 9.2 to the Portfolio Holder for Sustainable Homes and Communities from Councillor Paul Millar**

Pursuant to my email of 16th November which remains unanswered, does she intend to form a Poverty Working Party so opposition Councillors can alongside her contribute to the evolution of the Council's poverty strategy?

**Answer:**

Poverty is a prominent feature of the new Council Plan. I have no plans at present to form a Poverty Working Party as we already have a wide range of actions to take forward following the Overview report, and I will use my Think Tank to monitor progress and develop aspects of the Poverty Strategy. I will of course ensure that all Council Members have an opportunity to input into the Strategy and I will also use my cross party Portfolio Team to monitor progress.

**Question 14: Procedure Rule 9.2 to the Leader from Councillor Paul Millar**

Since his comments at the last Governance Working Party meeting on 25th November, and pursuant to Q 9 at the last meeting, whether his assessment has

changed regarding the fitness for purpose of the Scrutiny Call-In Procedure Rules as set out in Part 4.5, Section 15, paragraphs 4 iii, 4 iv, 6 and 9ii?

**Answer:**

No. It is how the scrutiny function is carried out that is at issue, not the procedural rules surrounding it.

**Question 15: Procedure Rule 9.2 to the Portfolio Holder for Corporate Services from Councillor Paul Millar**

Pursuant to my email of 6th November which remains unanswered, whether she has considered the potential savings which could be made by the Council supplying its own water to LED buildings?

**Answer:**

This is better answered by the Portfolio Holder for Environment as LED would fall within his portfolio.

New legislation was brought in during 2017 which has opened up the water retail market from April 2017, by the issuing of what is known as water supply licenses. This is not currently available to domestic customers. The legislation and supply licenses is administered by OFWAT.

Up until now it has been private companies that have applied and licenses have been granted to Greene King, Whitbread, Marston's, Kellogg's, Coca Cola European Partners, BT and Heineken amongst others.

Greene King revealed last year that the switch to self-supply had enabled the company to reduce its water footprint by more than 140,000m<sup>3</sup> since April 2017. Daily, Greene King has realized daily consumption savings equivalent to 676,313 pints. Four hospitality giants (Greene King, Whitbread, Marston's and Stonegate Pub Company) have together saved 392,315m<sup>3</sup> since they switched to self-supply or the equivalent of more than 690 million pints.

Nottingham City Council's license is the first to be granted to a local authority, meaning it has spurred a wave of interest from other councils across the nation.

I am happy to ask officers to investigate and in co-operation with LED to explore what it means to have a supply license, what investment implications there are and what savings might be made both in water consumption and cost. Officers will contact OFWAT in the first instance and find out the details of a supply licence and

see how East Devon can benefit. Findings and options for further action will be considered by Cabinet.

**Question 16: Procedure Rule 9.2 to the Portfolio Holder for Finance from Councillor Paul Millar**

With reference to the Local Government First magazine's report which shows Nottingham City Council has saved £64,000 in a single year on its water bills by becoming its own water supplier, will he open discussions with Nottingham City Council, and investigate the potential for East Devon to become its own water supplier?

**Answer:**

Yes. The answer to Q15 refers.

**Question 17: Procedure Rule 9.2 to the Portfolio Holder for Finance from Councillor Paul Millar**

How much is the Chief Executive paid in his role as Returning Officer and what is the total sum of his remuneration in the last five financial years.

**Answer:**

The role of Returning Officer constitutes a separate legal employment and remuneration very much depends on how many elections and of what type are held in any one year. I am advised by the Returning Officer that for the 5 years you have referred to the average net remuneration he has received is £5,300 per year.

**Question 18: Procedure Rule 9.2 to the Portfolio Holder for Finance from Councillor Paul Millar**

With reference to the Leader's continued threats to residents over (a) car park charges and b) a hotel on Phase 3 of the Exmouth seafront regeneration, what is the estimated cost of a referendum on Council Tax rise above the maximum 5%.

**Answer:**

The estimated cost would be similar to the district elections and the cost of the last one was circa £140,000. Of course, it needs to be borne in mind that if the Council

did seek to raise Council Tax beyond 5% then any referendum is likely to be unsuccessful so it would be money 'thrown away'.

**Question 19: Procedure Rule 9.2 to the Portfolio Holder for the Environment from Councillor Paul Millar**

Is it Council policy to set targets to a) double tree cover on Council-owned land, b) grow more trees in council-owned Green Belt land and c) double tree cover across the whole local authority area.

**Answer:**

The Climate Change Action Plan coming to Cabinet in January 2020 proposes a number of actions in relation to tree planting, re-forestation, Nature Recovery Areas etc. Whilst this is an important feature of the Plan, tree planting alone will not achieve sufficient carbon offsetting to achieve carbon neutrality.

We have already planted a significant number of trees in the West End and have planted several small community orchards.

**Question 20: Procedure Rule 9.2 to the Leader from Councillor Paul Millar**

With reference to the 'Careful Choices' programme and pursuant to Q 14 at the last meeting, why is a review of executive pay among the Council's Strategic Management Team not deemed necessary when cuts to valued services the Council provide, such as public toilets, are.

**Answer:**

I'm sure you were as pleased as I was to see the recognition that our staff were accorded in the Peer Review and the acknowledgment of their hard work, commitment and expertise. I do not think it is an appropriate way of saying 'thank you' or of motivating our workforce to make them fearful of pay cuts in the New Year, irrespective of our obligations to be a responsible and legally compliant employer.

**Question 21: Procedure Rule 9.2 to the Leader from Councillor Paul Millar**

Pursuant to Q 19 at the last meeting, will he make it his Group's policy to not move substantial amendments to motions without written notice so as to ensure Members have sufficient information and time to consider the merit of arguments and so the public do not feel that policy is being made *on the hoof*.

**Answer:**

It is somewhat ironic that there is criticism of policy making on the hoof when, notwithstanding very clear advice regarding the need for legal and financial assessment as well as the fact that the matter was the subject of a detailed report going to the Overview Committee, Councillor Millar seconded and thereafter continued to second / support a motion on poverty which resulted in exactly that. As has been stated in the response to Q6 the ability to move amendments is an integral and important part of the ability of the Council to progress important issues which may not otherwise be acceptable as initially proposed.

**Question 22: Procedure Rule 9.2 to the Portfolio Holder for Asset Management from Councillor Paul Millar**

What was the total cost to the Council of the last public consultation on car parks strategy in 2018.

**Answer:**

This consultation was carried out in house and was all done online. So the only cost to the Council was the officer time involved and this is not recorded / attributed to individual consultations.

**Question 23: Procedure Rule 9.2 to the Leader from Councillor Paul Millar**

Pursuant to Q 18 of the last meeting, does he have ambitions to increase the budget for Member development in light of the findings of the recent LGA Peer Review.

**Answer:**

Yes. If only Councillor Millar had asked the relevant Portfolio Holder or Strategic Lead then this could have been confirmed as having been picked up in the budget setting process.

**Question 24: Procedure Rule 9.2 to the Leader from Councillor Cathy Gardner**

Can you confirm what steps are taken to ensure members of the public have free access to all meetings of this Council that are 'open to the public'?

**Answer:**

Blackdown House complies with the requirements of the Equality Act 2010.

There are two automatic external doors into the Reception Area – a double clamshell door which opens on the basis of PIR activation and a powered single door that requires users to operate push pads.

Each floor is laid level and without any steps across the entire surface. There is a passenger lift within the northern core that serves all floors.

The door between Reception and the north wing stair core has recently had a special stay open device incorporated. This arrangement allows access from Reception to a disabled toilet and to the lift. Should this door be closed during the day, for whatever reasons, and persons are having difficulty opening it, Reception Staff will either assist directly or ask Officers in the back of house areas to assist.

Internally the building has both public accessible areas and secured areas for Officers and Members. The Chamber and Clyst, Otter, Axe and Tale Meeting Rooms are within the Public accessible areas of the building.

Between 0830 and 1700hrs access is available into Reception and from there to the respective cores.

After 1700hrs access for Members of the Public to meetings is via the door located on the ground floor north wing stair core. Whilst normally this door is secured using an HFX maglock device, at times when there are public meetings, the security of this door can be disabled to allow free passage into and out of the building.

The council has been investigating the incorporation of a powered opening device to the out of hours access door, which in effect would, create a disabled person / wheelchair user accessible door. There are technical complications which still need to be overcome and SMT is being kept up to date on progress.

**Question 25: Procedure Rule 9.2 to the Leader from Councillor Cathy Gardner**

Does this Council employ any consultants or staff on time-limited contracts? If yes, how many people, for what services, over what time periods and at what cost?

**Answer:**

The information for consultants and agency staff is presented annually to the Audit and Governance Committee. The last report 'Expenditure on consultants and agency staff 2018/19 can be found here – [Audit and Governance 24<sup>th</sup>October 2019](#). Previous years can be found by looking back through the committee record.

Turning to employees, there are currently 42 fixed term contracts in place. They range from periods of 4 months to 5½ years, although the vast majority comprise 1 or 2 years. The total cost to date of these temporary contracts (from when they started to now) is £860,410.20. Please bear in mind at least one of these posts is part externally funded and so some of these costs have been met from other sources.

In terms of the services they work in, this is detailed below;

Countryside and Leisure	6
Elections	1
Environmental Health	1
Finance	6
Growth Point	4
Housing	12
Organisational Development	1
Planning	5
Regeneration and Property	1
Streetscene	5

If further information on historic temporary contracts is required then a date range will need to be provided and the information will have to be provided in writing due to the length of time it will take to compile. Further information on the current part funded contracts can be provided too if required.